

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed June 02, 2012, 12:00 a.m. through June 15, 2012, 11:59 p.m.

Number 2012-13
July 01, 2012

Nancy L. Lancaster, Editor
Kenneth A. Hansen, Director
Kimberly K. Hood, Executive Director

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.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3764, FAX 801-537-9240. Additional rulemaking information, and electronic versions of all administrative rule publications are available at: <http://www.rules.utah.gov/>

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

Division of Administrative Rules, Salt Lake City 84114

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

Utah state bulletin.

Semimonthly.

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

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

TABLE OF CONTENTS

SPECIAL NOTICES	1
Environmental Quality	
Air Quality	
Rule R307-202, Emission Standards: General Burning -- Section 110(l) Demonstration.....	1
Health	
Health Care Financing, Coverage and Reimbursement Policy	
Notice for July 2012 Children’s Health Insurance Program (CHIP).....	3
EXECUTIVE DOCUMENTS	5
Governor	
Administration	
Governor’s Executive Order EO/004/2012: Creating the Disabilities Advisory Council.....	5
Governor’s Executive Order EO/005/2012: Automotive Idling Reduction.....	7
Governor’s Executive Order EO/006/2012: Wildland Fire Management.....	8
Governor’s Proclamation 2012/4/S: Calling the Fifty-Ninth Legislature into the Fourth Special Session.....	9
Governor’s Declaration: Concerning Fire Danger Throughout Utah.....	10
NOTICES OF PROPOSED RULES	13
Community and Culture	
Administration	
No. 36353 (New Rule): R182-2 Preservation Pro Fee.....	14
Home Energy Assistance Target (HEAT)	
No. 36313 (Repeal): R195-1 Energy Assistance: General Provisions.....	15
No. 36314 (Repeal): R195-2 Energy Assistance Programs Standards.....	17
No. 36315 (Repeal): R195-3 Energy Assistance Income Standards, Income Eligibility, and Payment Determination.....	20
No. 36316 (Repeal): R195-4 Energy Assistance: Asset Standards.....	22
No. 36317 (Repeal): R195-5 Energy Assistance: Program Benefits.....	23
No. 36318 (Repeal): R195-6 Energy Assistance: Eligibility Determination.....	24
No. 36319 (Repeal): R195-7 Energy Assistance: Records and Benefit Management.....	25
No. 36320 (Repeal): R195-8 Energy Assistance: Special State Programs.....	26
Housing and Community Development	
No. 36321 (Repeal): R199-8 Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance.....	28
No. 36322 (Repeal): R199-9 Policy Concerning Enforceability and Taxability of Bonds Purchased.....	32
No. 36323 (Repeal): R199-10 Procedures in Case of Inability to Formulate Contract for Alleviation of Impact.....	33
No. 36324 (Repeal): R199-11 Community Development Block Grants (CDBG).....	36
Housing and Community Development, Community Services	
No. 36325 (Repeal): R202-100 Community Services Block Grant Rules.....	39
No. 36326 (Repeal): R202-101 Qualified Emergency Food Agencies Fund (QEFAP).....	44
Olene Walker Housing Trust Fund	
No. 36327 (Repeal): R235-1 Olene Walker Housing Loan Fund (OWHLF).....	46
Education	
Administration	
No. 36364 (New Rule): R277-408 Grants for Online Testing.....	49
No. 36366 (Amendment): R277-467 Distribution of Funds Appropriated for Library Books and Electronic Resources.....	51
No. 36367 (Amendment): R277-470 Charter Schools - General Provisions.....	52
No. 36368 (Amendment): R277-482 Charter School Timelines and Approval Processes.....	54
No. 36370 (Amendment): R277-488 Critical Languages Program.....	58
No. 36373 (Amendment): R277-489 Optional Extended Day Kindergarten - Responsibilities, Timelines, and Funding.....	61
No. 36374 (New Rule): R277-618 Educator Peer Assistance and Review Pilot Program (PAR Program).....	63

TABLE OF CONTENTS

Health	
Health Care Financing, Coverage and Reimbursement Policy	
No. 36375 (Amendment): R414-1 Utah Medicaid Program.....	65
No. 36377 (Amendment): R414-49 Dental Services.....	68
No. 36378 (Amendment): R414-50 Dental, Oral and Maxillofacial Surgeons.....	69
No. 36379 (Amendment): R414-510 Intermediate Care Facility for Individuals with Mental Retardation Transition Program.....	70
Natural Resources	
Wildlife Resources	
No. 36363 (New Rule): R657-64 Predator Control Incentives.....	72
Public Safety	
Driver License	
No. 36331 (Amendment): R708-10 Classified License System.....	75
No. 36332 (New Rule): R708-47 Emergency Contact Database.....	77
Tax Commission	
Administration	
No. 36361 (Amendment): R861-1A-26 Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63G-4-204 through 63G-4-209.....	78
Auditing	
No. 36362 (Amendment): R865-21U-6 Liability of Purchasers and Receipt For Payment to Retailers Pursuant to Utah Code Ann. Section 59-12-107.....	80
Transportation	
Operations, Maintenance	
No. 36345 (New Rule): R918-6 Maintenance Responsibility at Intersections, Overcrossings, and Interchanges Between Class A Roads and Class B or Class C Roads.....	81
NOTICES OF CHANGES IN PROPOSED RULES.....	87
Administrative Services	
Facilities Construction and Management	
No. 36020: R23-1-40 Acceptable Bid Security; Performance and Payment Bonds.....	88
Environmental Quality	
Air Quality	
No. 35865: R307-107 General Requirements: Unavoidable Breakdown.....	89
No. 35923: R307-202 Emission Standards: General Burning.....	91
NOTICES 120-DAY (EMERGENCY) RULES.....	95
Public Safety	
Driver License	
No. 36330: R708-10 Classified License System.....	95
FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION.....	97
Capitol Preservation Board (State)	
Administration	
No. 36359: R131-3 Use of Magnetometers on Capitol Hill.....	97
Commerce	
Administration	
No. 36329: R151-35 Powersport Vehicle Franchise Act Rule.....	97
Consumer Protection	
No. 36360: R152-34 Postsecondary Proprietary School Act Rules.....	98
Community and Culture	
Library	
No. 36328: R223-1 Adjudicative Procedures.....	98
Corrections	
Administration	
No. 36312: R251-401 Supervision Fees.....	99

Education	
Administration	
No. 36365: R277-467 Distribution of Funds Appropriated for Library Books and Electronic Resources.....	99
No. 36369: R277-488 Critical Languages Program.....	100
No. 36372: R277-489 Optional Extended-Day Kindergarten - Responsibilities, Timelines, and Funding.....	100
Environmental Quality	
Air Quality	
No. 36333: R307-105 General Requirements: Emergency Controls.....	101
No. 36334: R307-401 Permit: New and Modified Sources.....	101
No. 36335: R307-403 Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas.....	102
No. 36336: R307-406 Visibility.....	102
No. 36337: R307-410 Permits: Emissions Impact Analysis.....	103
No. 36338: R307-414 Permits: Fees for Approval Orders.....	104
No. 36339: R307-415 Permits: Operating Permit Requirements.....	104
No. 36340: R307-417 Permits: Acid Rain Sources.....	105
No. 36341: R307-420 Permits: Ozone Offset Requirements in Davis and Salt Lake Counties.....	106
No. 36342: R307-421 Permits: PM10 Offset Requirements in Salt Lake County and Utah County.....	106
Health	
Health Care Financing, Coverage and Reimbursement Policy	
No. 36309: R414-310 Medicaid Primary Care Network Demonstration Waiver.....	107
Human Services	
Substance Abuse and Mental Health	
No. 36310: R523-20 Division Rules of Administration.....	107
Recovery Services	
No. 36346: R527-3 Definitions.....	108
No. 36347: R527-37 Closure Criteria for Support Cases.....	108
No. 36348: R527-253 Collection of Child Support Judgments.....	109
No. 36349: R527-255 Substantial Change in Circumstances.....	109
No. 36350: R527-258 Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program.....	110
No. 36351: R527-330 Posting Priority of Payments Received.....	111
Insurance	
Administration	
No. 36344: R590-240 Procedure to Obtain Exemption of Student Health Programs From Insurance Code.....	111
Natural Resources	
Water Rights	
No. 36376: R655-1 Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah.....	112
No. 36380: R655-2 Procedure for Administrative Proceedings Before the Division of Water Rights Commenced Prior to January 1, 1988.....	112
No. 36381: R655-6 Administrative Procedures for Informal Proceedings Before the Division of Water Rights.....	113
No. 36382: R655-15 Administrative Procedures for Distribution Systems and Water Commissioners.....	113
Public Safety	
Fire Marshal	
No. 36343: R710-9 Rules Pursuant to the Utah Fire Prevention and Safety Act.....	114
Public Service Commission	
Administration	
No. 36358: R746-400 Public Utility Reports.....	114

TABLE OF CONTENTS

Workforce Services

Administration

No. 36354: R982-101 Americans with Disabilities Complaint Procedure..... 115
No. 36355: R982-201 Government Records Access and Management Act..... 115
No. 36356: R982-301 Councils..... 116
No. 36357: R982-601 Provider Code of Conduct..... 116

NOTICES OF RULE EFFECTIVE DATES..... 119

RULES INDEX

BY AGENCY (CODE NUMBER)

AND

BY KEYWORD (SUBJECT)..... 121

SPECIAL NOTICES

Environmental Quality Air Quality

Rule R307-202, Emission Standards: General Burning -- Section 110(I) Demonstration

(The Division of Air Quality (DAQ) is proposing the repeal and reenactment of Air Quality Rule R307-202, Emission Standards: Open Burning (DAR No. 35923, published in the 04/01/2012 Bulletin; and an additional CPR, DAR No. 35923 published in this issue, 07/01/2012, of the Bulletin), which is part of Utah's PM10 state implementation plan (SIP). Section 110(I) of the Clean Air Act (CAA) states that EPA cannot approve a SIP revision if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirements of the CAA. Therefore, a state must make a demonstration that a revision to a SIP shall not cause adverse conditions. This document, which is available for public review until 07/31/2012 shows that the proposed repeal and reenactment of Rule R307-202 will not cause adverse conditions. It demonstrates that in southern Utah, PM 2.5 levels are extremely low, even though that portion of the state experiences frequent wildfires and prescribed burning and that modifying the burning season in southern Utah will not adversely impact air quality. It also shows that PM2.5 levels in northern counties are well below the ambient standard during the proposed burning season. Comparing PM2.5 data from areas where previous fall open burning windows were allowed and areas where they were not indicates that open burning under this rule does not have substantial impact on air quality, see the following .)

Memo to File: R307-202 Emissions Standards: General Burning Amendment

Re: Demonstration - Air Quality Impact of Proposed Burning Window Shifts Statewide

Date: May 2012

Prepared by: Joel Karmazyn

The Air Quality Board amended the rule in 2004 to adjust the 30-day burning window between March 1- May 30, statewide. Local county fire marshals establish the 30-day window during this period. The Air Quality Board is now proposing rule amendments to establish separate burn windows for southern and northern counties and to permit burning during the entire period (eliminate the 30-day window), so long as the clearing index is 500 or greater.

Current Burning Windows	Changed Burning Windows
March 1 - May 30 statewide	Southern counties March 1 - May 30
Sept. 15 - Oct. 30 attainment counties	Southern counties Sept 15 - Nov. 30

Item 1 Demonstration – Southern Counties Window Shift

Data from the IMPROVE monitoring at Bryce, Canyonlands and Zion National Parks represents southern Utah regional air quality. IMPROVE data do not include flags to exclude exceptional events, such as high winds and natural fires, thus this data represents worst case air quality. The following table presents the arithmetic mean of PM2.5 values from 2004-2010, which are extremely low and include emissions from past years of open burning starting on March 1. The maximum values are likely indicators of wildfire and prescribed burning.

2007 values were influenced by one of the worst southern California wildfire years.

	Mean PM2.5 2004 Ug/m ³	Mean PM2.5 2005 Ug/m ³	Mean PM2.5 2006 Ug/m ³	Mean PM2.5 2007 Ug/m ³	Mean PM2.5 2008 Ug/m ³	Mean PM2.5 2009 Ug/m ³	Mean PM2.5 2010 Ug/m ³	Maximum Value from 2004-2010 Ug/m ³
Bryce Canyon National Park, Garfield County	2.34	2.38	2.47	3.02	2.83	2.89	2.04	18.3

SPECIAL NOTICES

Canyonlands National Park San Juan County	2.47	2.48	2.62	3.08	2.97	2.94	2.52	22.8
Zion National Park, Washington County	2.71	2.89	3.29	3.90	3.54	3.02	2.52	18.6

The following table presents the acreage burned by large wildfires from 2004-2010. Large fires are defined as fires of 100+ acres of forest or 300+ acres of grassland (smaller fires also existed). This data does not include prescribed fires conducted by the Forest Service. A very large wildfire occurred near the Zion National Park monitoring station in 2006 that explains the increase in PM2.5 that year.

County	Large Fires in Acres						
	2004	2005	2006	2007	2008	2009	2010
Garfield	0	435	0	2,392	3,733	6,067	966
San Juan	0	973	0	0	0	2,631	0
Washington	65,818	149,780	132,628	10,633	0	15,699	966

Emissions allowed under R307-202 are minimal in comparison to wildfires and prescribed burns and because current conditions do not threaten nonattainment areas that are separated by many miles and mountain ranges, it is concluded that shifting the open burning windows for southern counties and allowing burning throughout the burn season will not cause adverse conditions.

Item 2 Demonstration - Northern Counties Window Shift

The following table provides maximum PM2.5 values from monitoring data from September 15 to October 30. The monitoring stations represent southern, mid and northern stations within this portion of the state.

County	Maximum PM2.5 Values in Ug/m ³						
	2004	2005	2006	2007	2008	2009	2010
Hawthorne	15.4	14.4	13.2	19.3	16.6	14	10.7
Ogden	26	11	11	16.7	11.9	17.2	11.2
Logan	18.8	12	12.1	16.6	11.2	14.4	15.8

The Hawthorne and Ogden locations did not have past fall burn windows, the Logan location has. Comparison between the Ogden station where burning did not occur and the Logan station where it has in the past, indicates that the newly proposed burning window should not result in adverse air quality conditions.

The following table presents the number of acres burned from large wildfires and prescribed fires during the proposed fall burn window.

County	Large Wildfires and Prescribed Fires in Acres from September 15 to October 30						
	2004	2005	2006	2007	2008	2009	2010
Salt Lake			860				4,326
Weber	45	900/640		300	300		
Cache				100			1,520

Large wildfires in **bold**, prescribed fires in black

The fire data indicates that there was minimal, if any, substantial air quality impact between when fires occurred and no fires. Therefore, it is concluded that the proposed fall open burning season will not cause adverse conditions.

Health
Health Care Financing, Coverage and Reimbursement Policy
Notice for July 2012 Children's Health Insurance Program (CHIP)

The Utah Department of Health has submitted an amendment to the Children's Health Insurance Program (CHIP) State Plan. This Amendment, #12, implements the benefit plan changes for Medical and Dental services for 07/01/2012 through 06/30/2013. It contains modifications to cost sharing for physician visits, vision and hearing screening, surgeon and anesthesiologist, as well as emergency room visits for Medical. For Dental, orthodontic care is only covered if medically necessary and requires prior authorization. Changes are posted to the web and can be viewed at <http://health.utah.gov/chip/>.

The proposed changes are subject to Centers for Medicare and Medicaid Services approval. For questions regarding this notice, please contact Leigha Rodak at 801-538-6806, or lrodak@utah.gov.

End of the Special Notices Section

EXECUTIVE DOCUMENTS

As part of his or her constitutional duties, the Governor periodically issues **EXECUTIVE DOCUMENTS** comprised of Executive Orders, Proclamations, and Declarations. "Executive Orders" set policy for the Executive Branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. "Proclamations" call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. "Declarations" designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Division of Administrative Rules for publication and distribution. All orders issued by the Governor not in conflict with existing laws have the full force and effect of law during a state of emergency when a copy of the order is filed with the Division of Administrative Rules. (See Section 63K-4-401).

Governor's Executive Order EO/004/2012: Creating the Disabilities Advisory Council

EXECUTIVE ORDER

Creating the Disabilities Advisory Council

WHEREAS, the mission of the Division of Services for People with Disabilities is to promote opportunities and provide support for persons with disabilities to lead self-determined lives;

WHEREAS, in accordance with 62A-5-102, the Division of Services for People with Disabilities would like to enhance the support it provides by encouraging regular input, review and evaluation of its services and policies by stakeholders in the disability system;

WHEREAS, the full array of services is critical to effectively serving individuals and families with disabilities;

WHEREAS, the Division of Services for People with Disabilities would like to build relationships and partnerships to promote activities that mutually benefit stakeholders within the community and institutions;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of power vested in me by the Constitution and the Laws of the State hereby:

(1) Create a Council to be known as the Disabilities Advisory Council that shall be comprised of the following members:

- (a) the Director of the Division of Services for People with Disabilities;
- (b) the Director of the Department of Health, Bureau of Authorization and Community Based Services or designee;
- (c) two individuals with disabilities receiving Division of Services for People with Disabilities services in the community;
- (d) two family members of individuals with disabilities receiving Division of Services for People with Disabilities services in the community;
- (e) one individual or family member waiting for services from the Division of Services for People with Disabilities;
- (f) one individual or family member receiving services from the Utah State Developmental Center or private ICF/ID;
- (g) two home or community based providers of the Division of Services for People with Disabilities services from the private sector;

(h) two support coordinators of the Division of Services for People with Disabilities services from the private sector.

(2) Members specified in (1) (with the exception of those listed in (1)(a) and (b)) will be selected by the Executive Director of the Department of Human Services from applications made by eligible stakeholders. These members shall be appointed for a term of three years and may be reappointed for one additional three year term.

(3) The first round of appointments shall be staggered so the Council does not have all new membership in the following years. Beginning 2012, one individual from (1)(c), (d), (g) and (h) shall serve an added year (for a total of 4 years) before their first term ends.

(4) All members serve at the pleasure of the Executive Director of the Department of Human Services and may be removed at any time without cause.

(5) Members specified in (1)(a) and (b) shall serve on the Council as long as he/she occupies the indicated position in state government.

(6) Members of the Council shall serve without compensation.

(7) The Council members shall appoint a Chairperson and Vice-Chairperson of the Council from among its members. All members of the council are eligible for appointment as chair and vice-chair person. The Division of Services for People with Disabilities will provide staff support for record keeping, distribution of minutes and meeting arrangements.

(8) Each Council member shall have one vote, with the exception of the Division of Services for People with Disabilities Director, who will vote only in the event of a tie.

(9) The Council shall meet at least quarterly; additional meetings may be held based on the call of the chairperson or by request by a majority of the members of the council.

(10) Annually, the Council shall hold a public hearing to gather input regarding the Division supports and services from all interested public.

IT IS FURTHER ORDERED that the primary functions of the Council shall be as follows:

(1) To increase meaningful stakeholder input and technical assistance regarding the efficiency and effectiveness of the Division of Services for People with Disabilities supports and services;

(2) To review and evaluate current and future policies, procedures, standards, guidelines and regulations to ensure efficiency and effectiveness;

(3) To encourage positive relationships among stakeholders, the Division of Services for Disabilities, the Department of Human Services and the Department of Health;

(4) To offer recommendations to the Division of Services for People with Disabilities that would improve the supports and services it provides;

(5) To serve as a resource to the Division of Services for People with Disabilities for new ideas, future projects and best practices;

(6) To promote partnerships between the Division of Services for People with Disabilities and other agencies and organizations offering supports to persons with disabilities and their families;

(7) To solicit input from other stakeholders in the disability system regarding the Division of Services for People with Disabilities supports and services.

IN WITNESS, WHEREOF, I have hereunto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 14th day of May, 2012.

(State Seal)

Gary R. Herbert
Governor

Attest:

Greg Bell
Lieutenant Governor

EO/004/2012

Governor's Executive Order EO/005/2012: Automotive Idling Reduction

EXECUTIVE ORDER

Automotive Idling Reduction

WHEREAS, air quality is an issue of great concern to Utah residents;

WHEREAS, air quality impacts many aspects of life in Utah, including health, quality of life and economic development;

WHEREAS, vehicle exhaust contributes to air pollution by emitting Nitrogen Oxides, Volatile Organic Compounds, Particulate Matter, Carbon Monoxide and Carbon Dioxide into the atmosphere;

WHEREAS, an idling engine may produce more exhaust emissions than an engine in motion;

WHEREAS, areas where there are many idling vehicles can create pockets of concentrated exhaust pollution;

WHEREAS, simply turning off a vehicle when it is idling will reduce emissions and promote better air quality;

WHEREAS, a reduction in idling reduces fuel use and promotes cost savings;

WHEREAS, the State of Utah's fleet currently has 7,300 vehicles that travel more than 78,000,000 miles a year;

WHEREAS, the Utah Clean Air Partnership (U-CAIR) initiative calls on all Utah residents to take affirmative action to reduce their contribution to air pollution and recognizes that the State of Utah must lead by example;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by the authority vested in me by the laws and constitution of the State, do hereby order that:

1. Every driver of a State of Utah fleet vehicle shall turn off the vehicle's engine when the vehicle will be stopped for more than 30 seconds.

2. The requirement that a vehicle's engine be turned off shall not apply:

- (a) when the vehicle is stopped in traffic, such as at a red light;
- (b) when idling is necessary to promote the safety or well-being of vehicle occupants or others;
- (c) when idling is necessary to operate vehicle equipment, such as lift equipment for people with disabilities or warning lights on Utah Highway Patrol and Utah Department of Transportation vehicles;
- (d) when idling is necessary to inspect or service the vehicle;

- (e) when manufacturers recommend that an engine be permitted to idle for a certain period of time prior to shutdown;
- (f) in emergency situations.

3. Each agency of the State of Utah shall develop a policy consistent with this Executive Order that requires compliance with this Order for drivers of State-owned fleet vehicles and encourages compliance in privately-owned vehicles. These policies may permit the agency to recognize and/or reward employees for compliance.

4. Each agency shall ensure that each of its employees is aware of its idling policy.

5. On or before July 1, 2012, the Department of Administrative Services shall develop and implement a six-month pilot project that tests the effectiveness of agency anti-idling policies by using telematic equipment to measure the influence on reducing idling in state vehicles.

6. Within 15 days of the conclusion of the pilot project, the Department of Administrative Services shall prepare a report that details the efficacy of agency idle-reduction policies as measured by telematic equipment in the reduction of idling and any cost savings attributable to a decline in engine idling.

IN WITNESS, WHEREOF, I have hereunto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 31st day of May, 2012.

(State Seal)

Gary R. Herbert
Governor

Attest:

Greg Bell
Lieutenant Governor

EO/005/2012

Governor's Executive Order EO/006/2012: Wildland Fire Management

EXECUTIVE ORDER

Wildland Fire Management

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

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

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

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

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

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of June 10, 2012 requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 10th day of June 2012

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Lieutenant Governor
Greg Bell

EO/006/2012

Governor's Proclamation 2012/4/S: Calling the Fifty-Ninth Legislature into the Fourth Special Session

PROCLAMATION

WHEREAS, since the adjournment of the 2012 General Session of the Fifty-Ninth 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, Gary R. Herbert, 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, call the Fifty-Ninth Legislature of the State of Utah into a Fourth Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 20th day of June 2012, at 3:00 p.m. solely for the following purposes:

1. to consider modifying the 2012-2013 public education budget and related statutory provisions;
2. to consider changes related to retail licenses and enforcement provisions under the Alcohol Beverage Control Act, and to make appropriations related to those changes;
3. to consider enacting provisions related to the retention of outside counsel, expert witnesses and litigation support services by the attorney general's office;
4. to consider removing the opinion question from the 2012 ballot that the Legislature authorized by passing House Joint Resolution 13 in the 2012 General Session and to make modifications to related statutory provisions;

5. to consider modifying the accreditation requirements for nursing education programs; and
6. for the Senate to consent to appointments made by the Governor.

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 Utah State Capitol in Salt Lake City, Utah, this 18th day of June, 2012.

Gary R. Herbert
Governor

ATTEST:

Greg Bell
Lieutenant Governor

2012/4/S

Governor's Declaration: Concerning Fire Danger Throughout Utah

DECLARATION

Concerning Fire Danger Throughout Utah

WHEREAS, due to dry conditions, high temperatures, low humidity, winds, and other factors, the danger of fires is extremely high throughout the State of Utah;

WHEREAS, fires have burned and continue to burn in Utah and present serious threats to life, public safety, property, natural resources, and the environment;

WHEREAS, fires are very costly to federal, state, and local governments as well as to private citizens;

WHEREAS, many of Utah's cities and counties have urban wildland interface areas that are more susceptible to the dangers of wildland fires;

WHEREAS, many private residences, public and private infrastructure, critical watershed, and grazing and wildlife habitat are located in the urban wildland interface areas;

WHEREAS, due to the dangerous fire conditions, the Utah Division of Forestry, Fire and State Lands, and various federal agencies, have already implemented fire restrictions on all state, federal, and unincorporated private lands;

WHEREAS, use of private fireworks, inappropriate open fires, use of matches or cigarettes near dry areas and wildlands, and other similar circumstances increase the risks of fire;

WHEREAS, prudent and immediate action is required to suppress fires and reduce the danger of additional fires in order to protect life, public safety, property, natural resources, and the environment;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, on this 22nd day of June, 2012, do hereby call upon local governments to take appropriate actions to reduce the risks of additional fires, including regulating private fireworks to the extent permitted by law; and,

ADDITIONALLY, I encourage all residents of the State of Utah to reduce the risks of fire, abide by current restrictions, and take sensible and appropriate action.

Gary R. Herbert
Governor

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between June 02, 2012, 12:00 a.m., and June 15, 2012, 11:59 p.m. are included in this, the July 01, 2012 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 July 31, 2012. The agency may accept comment beyond this date and will indicate 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 hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through October 29, 2012, 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 OF A CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** 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; 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

Community and Culture, Administration
R182-2
 Preservation Pro Fee

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36353

FILED: 06/12/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish the procedure regarding user fees for the Preservation Pro tool that is maintained online by the Division of State History within the new Department of Heritage and Arts.

SUMMARY OF THE RULE OR CHANGE: The department is committed to maintaining Preservation Pro in order to streamline the cultural resource management processes. Therefore, the user fees collected will contribute, along with ongoing digitization funds, to the ongoing operation, maintenance, and improvement of the application. This fee is necessary in order to grant the department authority to use its discretion in assessing the fee to different users.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 9-8-203

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The department intends to continue to develop the Preservation Pro tool in the coming years. The revenue from the user fee will be dedicated to the tool's operation and maintenance costs. Both of these amounts will change based on development and usage rates.
- ◆ **LOCAL GOVERNMENTS:** No impact--The components of the Preservation Pro tool that are available to the public are provided at no cost. This fee is targeted to the users of protected information.
- ◆ **SMALL BUSINESSES:** The primary users of the antiquities section of Preservation Pro are consulting firms specializing in cultural resources. Within the current constraints, the department has done its best to decrease the fee as much as possible in hopes of maintaining a consistent user base. This will continue to be an evolving process as the department looks to future fiscal years. The intent of this rule is to establish a process whereby the department can adjust user fees to better match usage rates, etc.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No impact--The components of the Preservation Pro tool that are available to the public are provided at no cost. This fee is targeted to the users of protected information.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Preservation Pro fee structure for Fiscal Year 2013 is as

follows: 1 user, 30 consecutive days: \$100; 1 or 2 users, July 1 through June 30: \$200 total; 3 users, July 1 through June 30: \$300; 4 users, July 1 through June 30: \$400; and Unlimited users: \$500.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Most of the capability of this tool is not available to the general public. The primary users of this tool are small businesses that benefit from reduced transaction costs and increased access to cultural resource information. The Preservation Pro initiative is an iterative process. As the value of the tool increases, the fee should evolve as well. The Division has conducted workshops and surveys of users on the best way to assess the fee, and is responding to those comments.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Michael Hansen by phone at 801-245-7204, by FAX at 801-521-4727, or by Internet E-mail at mhansen1@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

R182. Community and Culture, Administration.

R182-2. Preservation Pro Fee.

R182-2-1. Purpose.

The purpose of this rule is to establish the procedure regarding user fees for the Preservation Pro tool that is maintained online by the Division of State History within the Department of Heritage and Arts.

The department is committed to maintaining Preservation Pro in order to streamline the cultural resource management processes. Therefore, the fees collected will contribute, along with ongoing digitization funds, to the ongoing operation, maintenance, and improvement of the application.

R182-2-2. Authority.

The department may make, amend, or repeal rules for the conduct of its business in accordance with Subsection 63G-3-201(2), Utah Administrative Rulemaking Act.

R182-2-3. Definitions.

(1) "Preservation Pro" is an online tool intended to help stakeholders manage Utah's cultural resources data. It contains both public and protected information. Access to protected information will be governed according to 63G-2, Government Records Access and Management Act.

(2) "Department" is the Utah Department of Heritage and Arts.

(3) "Executive Director" is the director of the Department of Heritage and Arts.

(4) "Division" is the Utah Division of State History in the Department of Heritage and Arts.

(5) "Director" is the director of the Division of State History.

R182-2-4. Fee.

(1) The Preservation Pro fee will be established annually through the legislative appropriations process.

(2) Fees can be remitted to the Department of Heritage and Arts, Director of Finance, 300 S. Rio Grande, SLC, UT, 84101. Other payment options may be available. Contact the Director for details.

(3) Fees are assessed annually, and are due on the first day of July. Only entities that have paid their fee or received a fee waiver from the department will be allowed access to Preservation Pro.

(4) The annual fee will be prorated by month for entities who request access mid-year.

R182-2-5. Fee Waiver Process.

(1) Organizations that provide grants or data to maintain and improve the application and the database may receive full or partial waivers.

(2) Other requests for fee waivers may also be considered.

(a) A waiver request application is available from the division.

(b) Individuals or organizations seeking a fee waiver should submit their application to the Director, 300 S. Rio Grande, SLC, UT, 84101.

(c) Each request shall include justification for the waiver.

(d) The Director shall review and determine all fee waivers. In doing so, the Director shall convene a committee that consists of the department's Finance Director, as well as representatives from the division and the Department of Technology Services.

(i) This committee will review all waiver requests, and the Director will make the final determination.

(ii) The division will then notify the applicant of the decision within 10 business days.

(iii) Appeals of decisions shall be made to the Department of Heritage and Arts, Executive Director, 300 S. Rio Grande, SLC, UT, 84101.

KEY: archaeology, preservation pro, user fee, cultural resources

**Date of Enactment or Last Substantive Amendment: 2012
Authorizing, and Implemented or Interpreted Law: 9-1-201**

Community and Culture, Home Energy Assistance Target (HEAT) **R195-1** Energy Assistance: General Provisions

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36313

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Home Energy Assistance Target (HEAT) program to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R982-401 published in the June 1, 2012, issue of the Bulletin under DAR No. 36193.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

♦ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

♦ SMALL BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

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

COMMUNITY AND CULTURE
HOME ENERGY ASSISTANCE TARGET (HEAT)
ROOM 500
324 S STATE ST
SALT LAKE CITY, UT 84111-2388
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Susan Kolthoff by phone at 801-526-9303756, by FAX at 801-526-9292, or by Internet E-mail at skolthoff@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~**R195. Community and Culture, Home Energy Assistance Target (HEAT).**~~

~~**R195-1. Energy Assistance: General Provisions.**~~

~~**R195-1-1. Purpose.**~~

~~The Home Energy Assistance Target (HEAT) program serves to provide assistance in meeting home energy costs for certain low-income families and individuals.~~

~~**R195-1-2. Authority.**~~

~~The department shall require compliance with Title 9, Chapter 12.~~

~~**R195-1-3. Definitions.**~~

~~1. The following definitions apply to R195-1 through R195-8:~~

~~a. "Applicant" means any person requesting assistance under the program discussed.~~

~~b. "Assistance" means payments made to individuals under the program discussed.~~

~~c. "Assistance unit" or "household" means any individual or group of individuals who are living together as one economic unit and for whom residential heating is customarily purchased in common or who make payments for heat in the form of rent.~~

~~d. "Department" means the Department of Community and Culture.~~

~~e. "Recipient" or "client" means any individual receiving assistance under the program discussed.~~

~~f. "Confidential information" means information that has limited access as provided in Section 63G-2.~~

~~g. "HEAT" means Home Energy Assistance Target program.~~

~~h. "IRS" means Internal Revenue Service.~~

~~i. "Moratorium" means a period of time in which involuntary termination for nonpayment by residential customers of essential utility bills is prohibited.~~

~~j. "Vulnerability" means having to pay a home heating cost.~~

~~**R195-1-4. Client Rights and Responsibilities.**~~

~~1. Any client may apply or reapply at any time for the HEAT program by completing and signing an application and turning it in at the correct office.~~

~~2. If the client needs help to apply, help will be given by the local HEAT office staff.~~

~~3. HEAT workers will identify themselves.~~

~~4. The client will be treated with courtesy, dignity and respect.~~

~~5. Verification and information will be requested clearly and courteously.~~

~~6. If the client must be visited after working hours, an appointment will be made.~~

~~7. The client's home will not be entered without permission.~~

~~8. Clients may have an agency conference to talk about their case.~~

~~9. Clients may look at information concerning their case except confidential information.~~

~~10. Anyone may look at a copy of the program manuals located at any local HEAT office or the State energy Assistance Lifeline web site.~~

~~11. The client must give complete and correct information and verification.~~

~~12. The client must immediately report any address change while under the protection of the moratorium.~~

~~13. The client is responsible for repaying any overpayments of assistance.~~

~~**R195-1-5. Information.**~~

~~The department shall require compliance with 63G-2.~~

~~1. Client may review and copy anything in their case record unless it is confidential:~~

~~a. The Client requests for release of information shall be in writing and include:~~

~~i. the date;~~

~~ii. the name of the person receiving the information;~~

~~iii. the time period covered by the information.~~

~~b. Information classified as confidential shall not be used in a hearing.~~

~~c. Information classified as confidential shall not be used to close, deny or reduce benefits.~~

~~d. Clients may copy information from their file. Up to ten pages are free. If the client wants more than ten copies, the client must pay the cost of making the extra copies.~~

~~e. The client cannot take the case record from the office.~~

~~2. Releasing information to sources other than the client:~~

~~a. Information will not be released when it is to be used for a commercial or political purpose.~~

~~b. The client's permission will be obtained before sharing any information regarding their case record.~~

~~i. Information may be released without the client's permission if the outside source making the request has comparable rules for safeguarding information.~~

~~ii. Information may be released in an emergency. The director or designee will decide what constitutes an emergency.~~

~~3. Information released without the client's permission:~~

~~a. Information, with the exception of confidential information, may be released without the clients permission when that information is to be used in:~~

~~i. The administration of any federal or state means-tested program.~~

~~ii. Any audit or review of expenditures in connection with the HEAT or Moratorium program.~~

~~iii. Any investigation, prosecution, criminal or civil proceeding connected with the administration of the HEAT or Moratorium programs.~~

~~4. If a case file is subpoenaed by an outside source, the State HEAT Program Manager is contacted immediately. The State Program manager will consult with the legal counsel for the Department of Community and Culture.~~

R195-1-6. Complaints and Conciliation.

~~1. Complaints~~

~~a. The client may make a complaint in person, by phone, or in writing to the local HEAT office.~~

~~b. Complaints shall be resolved as quickly as possible.~~

~~c. Responses to complaints shall be made in person, by phone or in writing.~~

~~2. Conciliation~~

~~a. The agency conference will be the conciliation mechanism.~~

~~b. Some or all of the following steps may be involved in the agency conference:~~

~~i. Contacting the client to identify the issue and barriers which may be preventing client progress.~~

~~ii. Reviewing and explaining rules which apply to the issues. These include rules about client rights and responsibilities.~~

~~iii. Exploring any alternative actions which may resolve the issues.~~

~~c. If the client fails to respond, or chooses not to cooperate in this process, documentation in the case file of attempts made to follow these steps will be considered as compliance with the requirement to attempt conciliation.~~

R195-1-7. Hearings.

~~The department shall require compliance with Title 63G-4.~~

~~1. Current Departmental Practices:~~

~~a. The department conducts hearings informally.~~

~~b. Hearings are held before a state agency.~~

~~c. Hearings may be conducted by telephone when the applicant or recipient agrees to the procedure.~~

~~d. Requests for a hearing must be in writing. Only a clear expression by the claimant to the effect that they want an opportunity to present their case is required.~~

~~e. The applicant or recipient has the option of appealing a hearing decision to either the director of the Department or to the District Court.~~

~~f. Final administrative action shall be taken within 90 days from the request for the hearing unless the client asks for a postponement of a scheduled hearing. The period of postponement can be added to the 90 days.~~

~~**KEY: client rights, hearings, confidentiality of information**~~

~~**Date of Enactment or Last Substantive Amendment: March 26, 2012**~~

~~**Notice of Continuation: September 9, 2011**~~

~~**Authorizing, and Implemented or Interpreted Law: 9-12-10]**~~

Community and Culture, Home Energy Assistance Target (HEAT) R195-2 Energy Assistance Programs Standards

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36314

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Home Energy Assistance Target (HEAT) program to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R982-402 published in the June 1, 2012, issue of the Bulletin under DAR No. 36194.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ **SMALL BUSINESSES:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

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

COMMUNITY AND CULTURE
HOME ENERGY ASSISTANCE TARGET (HEAT)
ROOM 500
324 S STATE ST
SALT LAKE CITY, UT 84111-2388
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Susan Kolthoff by phone at 801-526-9303756, by FAX at 801-526-9292, or by Internet E-mail at skolthoff@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~[R195. Community and Culture, Home Energy Assistance Target (HEAT):~~

~~R195-2. Energy Assistance Programs Standards.~~

~~R195-2-1. Opening and Closing Dates for HEAT Program.~~

~~1. Each November 1, or the first working day thereafter, the HEAT Program opens for the general population.~~

~~2. The HEAT Program closes the following April 30, or the last business day of the month, or when federal LIHEAP funds are exhausted, whichever comes first. If federal LIHEAP funds are yet available, the program may be extended beyond April 30 and through to September 30 with the approval of the State HEAT Program Manager. Applications taken on or before the program closing date may be processed after the program closing date. If funds are exhausted before all applications are processed, notice of~~

~~non-payment will be sent to the remaining unprocessed applications:~~

~~**R195-2-2. U.S. Residence:**~~

~~1. To be eligible for HEAT assistance, a person must meet at least one of the criteria for US residence listed below:~~

~~a. Be a US born or naturalized citizen as evidenced by any document verifying the individual was born in the US or naturalization papers;~~

~~b. Be lawfully admitted into the US for permanent residence as evidenced by an Immigration and Naturalization Service (INS) form I-151 or I-551;~~

~~c. Be lawfully admitted into the US as a Refugee as evidenced by an INS form I-94 stamped "Admitted under the Refugee Act of 1980";~~

~~d. Be lawfully admitted into the US as a conditional entrant as evidenced by an INS form I-94 stamped "Conditional Entrant";~~

~~e. Be lawfully admitted into the US as a special agricultural worker as evidenced by a green-colored INS form I-688 stamped PL 99-603 Sec. 210;~~

~~2. Persons not eligible to participate in the HEAT program are:~~

~~a. Persons who hold INS I-94 who are admitted as temporary entrants;~~

~~b. Persons who hold an INS I-688 Sec. 210A (RAWS);~~

~~c. Persons who hold an INS I-688 Sec. 245A (AMNESTY);~~

~~d. Persons who hold an INS I-688A Sec. 210, 210A, or 245A (SAWS, RAWS, and AMNESTY);~~

~~e. Persons who have no registration card.~~

~~**R195-2-3. Utah Residence:**~~

~~There is no length of residency requirement. Individuals must be living in Utah voluntarily and not for a temporary purpose.~~

~~**R195-2-4. Local Residence:**~~

~~1. A household's completed HEAT application must be maintained in the office in the area where they reside.~~

~~2. Native American Residents of Daggett, Duchesne, and Uintah Counties who are enrolled in any federally recognized Indian Tribe have a choice of applying for utility assistance through the state HEAT program or through the Ute Tribal LIHEAP Program. Clients cannot receive assistance from both programs in the same program year.~~

~~3. Native American Residents of Washington, Iron, Millard, and Sevier Counties have a choice of receiving utility assistance through the state HEAT program or through the Paiute Tribal LIHEAP Program. Clients cannot receive assistance from both programs in the same program year.~~

~~4. Residents living on the Navajo Indian Reservation in San Juan county may apply for utility assistance through the Navajo Tribe or through the State HEAT Program. They cannot receive assistance through both programs in the same program year.~~

~~**R195-2-5. Vulnerability:**~~

~~1. An eligible household must be vulnerable to home heating costs.~~

~~_____ a. The following households are considered responsible for home heating costs:~~

~~_____ i. Households who are presently paying heating costs directly to energy suppliers on currently active accounts;~~

~~_____ ii. Households who are currently paying energy costs indirectly through rent;~~

~~_____ 2. Residents in the following households are not considered responsible for home heating costs and are not eligible for HEAT assistance:~~

~~_____ a. Nursing homes;~~

~~_____ b. Hospitals;~~

~~_____ c. Prisons and jails;~~

~~_____ d. Institutions;~~

~~_____ e. Alcoholism and drug treatment centers;~~

~~_____ f. Group homes administered under a contract with a government agency or administered by a government agency;~~

~~_____ g. Households not connected to a heat source;~~

~~_____ h. Households whose utility bills are paid regularly by an outside party;~~

R195-2-6. Subsidized Housing - Roomers And Boarders.

~~_____ Eligibility for HEAT assistance: a household living in a federal, state, or local subsidized housing or anyone renting a room in a private house or apartment must pay an identifiable surcharge for heat in addition to their rent or they must pay a utility bill for heating costs directly to a utility provider.~~

R195-2-7. Social Security Numbers.

~~_____ 1. Adults who apply for HEAT assistance must provide verification of their Social Security Numbers (SSN) or apply for SSN cards. Verification of Social Security Numbers are required for all household members.~~

~~_____ a. There are four ways to provide a correct SSN. The client can submit one of these three documents:~~

~~_____ i. An official SSN card~~

~~_____ ii. Official documents from Social Security Administration including award letters, benefit checks or a Medicare card~~

~~_____ iii. An SSA receipt form 5028 or 2880.~~

~~_____ iv. Official document from another government agency.~~

R195-2-8. Eligible HEAT Household.

~~_____ 1. Household members need not be related.~~

~~_____ 2. Multiple dwellings including duplexes and apartment buildings, are considered separate households.~~

R195-2-9. Age and Emancipation.

~~_____ Household members 18 years of age or older or emancipated are considered adults. A child can be emancipated by age, marriage or court order.~~

R195-2-10. Weatherization Referrals.

~~_____ Participation in the weatherization program is not a condition of eligibility for HEAT.~~

R195-2-11. Energy Crisis Intervention.

~~_____ 1. A crisis is any weather-related emergency, any supply shortage emergency, or any other household energy-related emergency as approved by the region or state office.~~

~~_____ a. Examples of household energy-related emergencies may include energy costs above 25% of the client's gross income, arrearages when the client has demonstrated a good faith attempt to resolve the problem or repairs to prevent loss of energy from a dwelling.~~

~~_____ b. Examples of household energy-related non-emergencies may include payments that will create a credit balance on a utility account, payments on utility accounts previously sent to a collection agency or capital improvements to rental property.~~

~~_____ 2. To be eligible for energy crisis intervention, a household must be eligible for HEAT during the same HEAT program year.~~

~~_____ a. If the local office determines that a household is eligible to receive energy crisis intervention benefits and is in a life threatening situation, energy crisis intervention benefits will be provided within 18 hours. Regular energy crisis intervention benefits will be provided within 48 hours of eligibility determination.~~

~~_____ b. The director or HEAT supervisor must approve all crisis intervention expenditures.~~

~~_____ c. HEAT payments are issued to the vendor. In emergencies a check may be issued to the client.~~

~~_____ d. Energy crisis intervention payments are limited to a maximum of \$500 per household per utility (e.g. gas and electric) per HEAT program year unless prior approval for an amount larger than \$500 per utility is obtained from the supervisor or state office.~~

R195-2-12. Supplemental Programs.

~~_____ Household who qualify for HEAT assistance may also receive supplemental payments from other utility programs, such as "Reach", "Lend-A-Hand", and Catholic Community Services utility fund.~~

R195-2-13. Security Deposits.

~~_____ 1. Public Service Commission (PSC) Regulated Utilities~~

~~_____ a. A PSC regulated utility is required to waive the security deposit requirement for all Heat and Moratorium clients during the period of the Moratorium.~~

~~_____ b. Monies received by a regulated utility from third-party sources, including monies provided by HEAT, REACH, CONCERN or similar programs, shall not be applied to the security deposit.~~

~~_____ 2. Non-Regulated Utilities~~

~~_____ a. If the company has signed a HEAT contract, the company has agreed not to charge a security deposit to a HEAT client from November 15th through March 15th. This does not apply to the service initiation fees that are routinely charged as a condition of service.~~

R195-2-14. Consumer Complaints.

~~_____ 1. Public Service Commission (PSC) Regulated Utilities~~

~~_____ a. Consumer complaints against a PSC regulated utility should be referred to the Public Service Commission.~~

~~_____ 2. Non-Regulated Utilities~~

~~_____ a. Consumer complaints against a non regulated utility should be referred directly to the individual utility company.~~

R195-2-15. Credit Balances on Utility Accounts.

~~_____ 1. If the household discontinues service with their utility supplier, and the household so elects, the disconnecting supplier~~

~~will forward any HEAT credit balance remaining on the account to the household's new utility company. The new utility company must operate in Utah. The household must furnish, to the disconnecting utility supplier, the name and address of the new utility company within 30 days after termination of service.~~

~~2. If the household elects to have the HEAT credit balance refunded directly to them, the disconnecting utility supplier will do so if the household still resides in Utah. The household must furnish, to the disconnecting utility supplier, their new address within 30 days after termination of service. Otherwise, the credit balance shall be refunded to the HEAT Program.~~

~~3. In no case shall HEAT credit balances be forwarded to utility companies not operating in Utah or to clients no longer residing in Utah.~~

~~4. If the client fails to give the disconnecting utility company the information for either option one or option two listed above, the utility company can hold the credit balance for an additional 30 days. If reconnection with the same utility has not occurred, any remaining credit balance must be refunded to the HEAT program.~~

~~5. Once credit balances are refunded to the HEAT program they become part of the general HEAT budget and are redistributed in the form of benefits to additional eligible households.~~

~~**KEY:** energy assistance, residency requirements, opening and closing dates, HEAT~~

~~**Date of Enactment or Last Substantive Amendment:** October 1, 2011~~

~~**Notice of Continuation:** June 22, 2007~~

~~**Authorizing, and Implemented or Interpreted Law:** 9-12-10]~~

Community and Culture, Home Energy
Assistance Target (HEAT)
R195-3
Energy Assistance Income Standards,
Income Eligibility, and Payment
Determination

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36315

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Home Energy Assistance Target (HEAT) program to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR

NOTE: The proposed new rule is R982-403 published in the June 1, 2012, issue of the Bulletin under DAR No. 36196.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

♦ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

♦ SMALL BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

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

COMMUNITY AND CULTURE
HOME ENERGY ASSISTANCE TARGET (HEAT)
ROOM 500
324 S STATE ST
SALT LAKE CITY, UT 84111-2388
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Susan Kolthoff by phone at 801-526-9303756, by FAX at 801-526-9292, or by Internet E-mail at skolthoff@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~**R195-3-1. Community and Culture, Home Energy Assistance Target (HEAT):**~~

~~**R195-3. Energy Assistance Income Standards, Income Eligibility, and Payment Determination:**~~

~~**R195-3-1. Energy Assistance Income Standards:**~~

~~For HEAT assistance cases, the local HEAT office shall determine the countable income of the household.~~

~~**R195-3-2. Countable Income:**~~

~~Countable income is gross income minus exclusions, disregards, and deductions.~~

~~**R195-3-3. Unearned Income:**~~

~~1. Countable unearned income is cash received by an individual for which no service is performed.~~

~~2. Sources of unearned income include the following:~~

~~a. Pensions and annuities including Railroad Retirement, Social Security, Supplemental Security Income, Veteran's benefits and Civil Service retirement benefits;~~

~~b. Disability benefits including Industrial Compensation, sick pay, mortgage insurance and paycheck insurance;~~

~~c. Unemployment Compensation;~~

~~d. Strike or union benefits;~~

~~e. Veteran's benefits;~~

~~f. Child support and alimony;~~

~~g. Veteran's Educational Assistance intended for family members;~~

~~h. Trust payments;~~

~~i. Tribal fund gratuities unless excluded by law.~~

~~j. Money from sales contracts and mortgages;~~

~~k. Personal injury settlements;~~

~~l. Financial payments made by the Department of Workforce Services;~~

~~m. Income from Rental Property. If the client also manages the property, the income is earned.~~

~~n. Temporary Assistance to Needy Families (TANF)~~

~~o. Emergency Work Program (EWP)~~

~~p. Work allowances, included WHAT~~

~~q. Foster Care Payments~~

~~r. Severance pay paid out weekly.~~

~~**R195-3-4. Earned Income:**~~

~~1. Earned income is income in cash or in kind received by an individual for which a service is performed.~~

~~2. Sources of earned income include the following:~~

~~a. Wages, including military base pay;~~

~~b. Salaries;~~

~~c. Commissions;~~

~~d. Rent amount, when client works in return for rent;~~

~~e. Monies from self-employment including baby-sitting;~~

~~f. Tips;~~

~~g. Sale of livestock and poultry;~~

~~h. Work Study;~~

~~i. University Year for Action;~~

~~j. Military payments to cover Basic Allowance for Quarters and Basic Allowance for Substance;~~

~~k. Money the employee chooses to have withheld for benefit plans including Flex Plans and Cafeteria Plans.~~

~~**R195-3-5. Income Exclusions:**~~

~~1. The following definitions apply to this section:~~

~~a. "Bona fide loan" means a loan which has been contracted in good faith without fraud or deceit and genuinely endorsed in writing for repayment.~~

~~b. "JTPA" means Jobs Training Partnership Act.~~

~~2. The income listed below is not counted:~~

~~a. Earned income of an unemancipated household member.~~

~~b. Cash over which the household has no control.~~

~~c. Reimbursements for expenses directly related to employment, training, schooling, and volunteer activities.~~

~~d. Reimbursements for incurred medical expenses.~~

~~e. Bona fide loans.~~

~~f. Compensation paid to individual volunteers under the Retired Senior Volunteers Program, Green Thumb and the Foster Grandparent Program.~~

~~g. Incentive and training expenses paid by the HEAT Self Sufficiency program.~~

~~h. Earned Income Tax Credit.~~

~~i. Financial payments from JTPA.~~

~~j. Value of Food Stamp Coupons, Food Stamp Cash Out checks, and surplus commodities donated by the U.S. Department of Agriculture.~~

~~k. Educational loans, grants, scholarships or college work study with the exception of Veterans Educational Assistance intended for the family members of the student. The student's portion is exempt.~~

~~l. Interest or Dividend Income.~~

~~m. Compensation or reimbursement paid to Volunteers In Service To America, Senior Health Aides, Senior Core of Retired Executives, Senior Companions and ACE.~~

~~n. Church cash assistance and voluntary cash contributions by others unless received on a regular basis.~~

~~o. Rental subsidies and relocation assistance.~~

~~p. Utility subsidies.~~

~~q. Any funds, payments, or tribal benefits required by Public Law 98-64, Public Law 93-134(7), Public Law 92-254, Public Law 94-540, Public Law 94-114 and Public Law 96-240(9).~~

~~r. Payments required by Public Law 92-203.~~

~~s. Payments required by Public Law 101-201 or Public Law 101-239(10405).~~

~~t. Payments required by Public Law 100-383.~~

~~u. Payments required by Public Law 101-426.~~

~~v. Payments required by Public Law 100-707.~~

~~**R195-3-6. Income Disregard:**~~

~~1. The following definition applies to this section:~~

~~a. "Disregard" means a portion of income that is not counted.~~

~~2. 20% of earned income, including self-employment earned income, will be disregarded.~~

~~3. For self-employed households the cost of doing business will be deducted. The 20% disregard will be applied to the remainder.~~

R195-3-7. Income Deductions.

1. Medical

A deduction for payments on uncompensated medical bills will be allowed when those payments are actually made by a member of the household during the same time period as the income being counted.

 - a. The client must verify the payment was made directly to a medical provider in the month prior to the month of application and that they will not be reimbursed by a third party.
 - b. Health and accident insurance payments, dental insurance payments, and Medical Assistance Only (MAO) payments are considered medical expenses.
2. Child Support and Alimony

A deduction for child support and alimony payments will be allowed when those payments were actually made by a member of the household during the same time period as the income being counted.

 - a. A deduction for child support and alimony payments will be allowed when those payments were actually made by a member of the household during the same time period as the income being counted.
 - b. The client must verify the payment was actually made directly to the custodial adult or through the court.
 - c. Payments in lieu of child support and alimony, including car payments or mortgage payments, are deductible.

R195-3-8. Self-Employment Income.

1. A self-employed person actively earns income directly from their own business, trade, or profession.
2. Self-employment income will be determined by using the previous year's tax return or as follows:
 - a. All gross self-employment income is counted.
 - i. Capital gains will be included.
 - ii. The proceeds from the sale of capital goods or equipment will be calculated in the same way as a capital gain for Federal income tax purposes. Even if only part of the proceeds from the sale of capital goods or equipment is taxed, the full amount of the capital gain will be counted as income for HEAT program purposes.
 - b. The cost of doing business will be deducted.
 - i. Allowable business costs include:
 - A. labor;
 - B. stock;
 - C. raw materials;
 - D. seed and fertilizer;
 - E. interest paid toward the purchase of income producing property;
 - F. insurance premiums;
 - G. taxes paid on income producing property;
 - ii. Transportation costs will be allowed only if the person must move from place to place in the course of business.
 - iii. The following items will not be allowed as business expenses:
 - A. Payments on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery and other durable goods.
 - B. Net losses from previous periods.
 - C. Federal, state and local income taxes, money set aside for retirement purposes, and other work related personal expenses.
 - D. Depreciation.

R195-3-9. HEAT Financial Eligibility and Payment Determination.

1. All countable income received in the previous calendar month for the current applicant household will be used to determine eligibility. Terminated income received in the previous calendar month or the month of application is exempt if no new source of income is identified. Failure to provide verification of income will result in the HEAT application being denied.

Verification of countable income includes preceding or current month's SSI or SSA checks, divorce decrees, award letters, or current check stubs if the income is stable and the amount is the same as the actual income received in the previous calendar month.

KEY: energy assistance, self-employment income, income eligibility, payment determination

Date of Enactment or Last Substantive Amendment: March 26, 2012

Notice of Continuation: June 22, 2007

Authorizing, and Implemented or Interpreted Law: 9-12-10]

Community and Culture, Home Energy Assistance Target (HEAT)

R195-4

Energy Assistance: Asset Standards

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36316

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Home Energy Assistance Target (HEAT) program to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R982-404 published in the June 1, 2012, issue of the Bulletin under DAR No. 36197.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

- ◆ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ SMALL BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMUNITY AND CULTURE
 HOME ENERGY ASSISTANCE TARGET (HEAT)
 ROOM 500
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2388
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Susan Kolthoff by phone at 801-526-9303756, by FAX at 801-526-9292, or by Internet E-mail at skolthoff@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~[R195. Community and Culture, Home Energy Assistance Target (HEAT):~~

~~R195-4. Energy Assistance: Asset Standards:~~

~~R195-4-1. Resource Limits:~~

~~—————The value of any household assets, either real or personal property, will not be counted when determining eligibility for the HEAT program.~~

~~KEY: energy assistance, financial disclosures
 Date of Enactment or Last Substantive Amendment: 1987
 Notice of Continuation: June 22, 2007
 Authorizing, and Implemented or Interpreted Law: 9-12-10]~~

Community and Culture, Home Energy Assistance Target (HEAT)
R195-5
 Energy Assistance: Program Benefits

NOTICE OF PROPOSED RULE
 (Repeal)

DAR FILE NO.: 36317
 FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Home Energy Assistance Target (HEAT) program to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R982-405 published in the June 1, 2012, issue of the Bulletin under DAR No. 36207.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ SMALL BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMUNITY AND CULTURE
 HOME ENERGY ASSISTANCE TARGET (HEAT)
 ROOM 500
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2388
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Susan Kolthoff by phone at 801-526-9303756, by FAX at 801-526-9292, or by Internet E-mail at skolthoff@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~**R195-5-1. Community and Culture, Home Energy Assistance Target (HEAT).**~~

~~**R195-5. Energy Assistance: Program Benefits.**~~

~~**R195-5-1. Program Benefits.**~~

~~Each household may apply for HEAT Crisis assistance up to a maximum of \$500 per utility (two separate utilities) per program year - October 1 through September 30. Any amount that adds up over \$500, whether it is made through a combination of HEAT Crisis payments, or one crisis payment throughout the year must get prior approval from the State.~~

~~**R195-5-2. Standard Payment Levels.**~~

~~The energy assistance benefit payment level is based on a household's income and energy burden (energy burden is the proportion of a household's income used to pay for home heating). For example, households with the lowest income and the highest energy burden will receive the highest energy assistance benefit payment available. Households with children under age six years, the elderly (age 60 plus years), and/or disabled people may receive an additional energy assistance benefit amount.~~

~~**R195-5-3. Benefit Payments.**~~

~~1. Direct client payments will be made only when a contract with the primary heat source cannot be obtained or if the primary heat source is the landlord.~~

~~**R195-5-4. Split Payments.**~~

~~1. If the primary heat source's payment account is current, up to 50% of the HEAT payment may be made to the client. Payment disbursements may be split only in the percentages listed below:~~

~~_____ a. 100%~~

~~_____ b. 50%/50%~~

~~_____ c. 75%/25%~~

~~**KEY: energy assistance, benefits**~~

~~**Date of Enactment or Last Substantive Amendment: March 26, 2012**~~

~~**Notice of Continuation: June 22, 2007**~~

~~**Authorizing, and Implemented or Interpreted Law: 9-12-10]**~~

Community and Culture, Home Energy Assistance Target (HEAT)

R195-6

Energy Assistance: Eligibility Determination

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36318

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Home Energy Assistance Target (HEAT) program to the Department of Workforce Services (DWS). The purpose of this repeal is to reflect the new name of the department. (DAR NOTE: The proposed new rule is R982-406 published in the June 1, 2012, issue of the Bulletin under DAR No. 36209.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

♦ **SMALL BUSINESSES:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMUNITY AND CULTURE
 HOME ENERGY ASSISTANCE TARGET (HEAT)
 ROOM 500
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2388
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Susan Kolthoff by phone at 801-526-9303756, by FAX at 801-526-9292, or by Internet E-mail at skolthoff@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~[R195. Community and Culture, Home Energy Assistance Target (HEAT):~~

~~R195-6. Energy Assistance: Eligibility Determination.~~

~~R195-6-1. Eligibility Determination.~~

~~_____The local HEAT Office shall determine a household's eligibility for HEAT by applying the program and income standards to the household's circumstances, and by establishing the validity and accuracy of the information given by the applicant household.~~

~~R195-6-2. Acceptable Verification:~~

- ~~_____1. All factors of eligibility must be verified.
 _____2. It is the applicant's responsibility to obtain acceptable verification.~~

~~_____3. If the household refuses to obtain the required verification and refuses to assist the HEAT Office in obtaining the verification, the application will be denied.~~

~~R195-6-3. Determination of The Primary Fuel Type.~~

~~_____The primary fuel type is the type of fuel for which the house is designed. If the household is actually using a less expensive fuel type as the primary heat source, the fuel type is the type of heat the household is actually using.~~

~~R195-6-4. Date of Application:~~

~~_____The date of application is the date the application is accepted at the correct HEAT office.~~

~~R195-6-5. Date of Approval or Denial:~~

~~_____The date of approval or denial is the action date of the application including applications forwarded by Outreach workers.~~

~~R195-6-6. Date of Payment:~~

~~_____The payment date is the date the HEAT check is actually issued.~~

~~KEY: energy assistance~~

~~Date of Enactment or Last Substantive Amendment: March 26, 2012~~

~~Notice of Continuation: June 25, 2007~~

~~Authorizing, and Implemented or Interpreted Law: 9-12-10]~~

Community and Culture, Home Energy Assistance Target (HEAT)

R195-7

Energy Assistance: Records and Benefit Management

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36319

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Home Energy Assistance Target (HEAT) program to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R982-407 published in the June 1, 2012, issue of the Bulletin under DAR No. 36210.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ SMALL BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMUNITY AND CULTURE
 HOME ENERGY ASSISTANCE TARGET (HEAT)
 ROOM 500
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2388
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Susan Kolthoff by phone at 801-526-9303756, by FAX at 801-526-9292, or by Internet E-mail at skolthoff@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~[R195.— Community and Culture, Home Energy Assistance Target (HEAT):~~

~~R195-7. Energy Assistance: Records and Benefit Management.
 R195-7-1. Records Management.~~

~~1. Documentation of the eligibility decision and amount of HEAT assistance is kept in the household's HEAT folder in the local HEAT office. Every person who completes an application shall have a case record.~~

~~2. HEAT case records shall not be removed from the local HEAT Office except by subpoena or request of the State HEAT Office (SHO) or in accordance with the Archives Schedule.~~

~~R195-7-2. Notification:~~

~~1. The local HEAT office shall provide all HEAT applicants with a written notice of any action that affects the amount, form, or requirements of the assistance.~~

~~2. Written notice shall include an explanation of the action, the reason for the action, and the effective date of the action. The notice shall also include an explanation of the applicant's hearing rights and how to file a hearing if the applicant is not satisfied with the decision on the case.~~

~~R195-7-3. Checks:~~

~~1. All HEAT payments to clients or vendors are issued by check.~~

~~2. If the payee dies before endorsing the check, the local Heat Office director or designee may authorize another person to endorse the check to use it on behalf of the payee or other person in the case.~~

~~3. Lost or stolen HEAT checks:~~

~~a. The client must report a lost or stolen check within 29 days of the issuance date. A check that is reported lost or stolen 30 days or more after the issuance date will not be replaced.~~

~~b. The client may report this by telephone or in person.~~

~~c. When a report is received, the HEAT worker or supervisor should review all office information (payroll, energy screens, case file, etc) to verify the information.~~

~~d. A replacement HEAT check which is lost or stolen after the payee receives it will not be issued.~~

~~KEY: energy assistance, benefits, government documents, state HEAT office records~~

~~Date of Enactment or Last Substantive Amendment: March 26, 2012~~

~~Notice of Continuation: June 25, 2007~~

~~Authorizing, and Implemented or Interpreted Law: 9-12-10]~~

Community and Culture, Home Energy Assistance Target (HEAT)

R195-8

Energy Assistance: Special State Programs

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36320

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Home Energy Assistance Target (HEAT) program to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R982-408 published in the June 1, 2012, issue of the Bulletin under DAR No. 36212.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ SMALL BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMUNITY AND CULTURE
 HOME ENERGY ASSISTANCE TARGET (HEAT)
 ROOM 500
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2388
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Susan Kolthoff by phone at 801-526-9303756, by FAX at 801-526-9292, or by Internet E-mail at skolthoff@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~[R195.— Community and Culture, Home Energy Assistance Target (HEAT).~~

~~R195-8. Energy Assistance: Special State Programs.~~

~~R195-8-1. Moratorium.~~

~~_____The department shall require compliance with Section 9-12-201.~~

~~_____1. The moratorium program protects eligible persons from winter utility shut offs.~~

~~_____2. A household can apply for moratorium protection only one time per utility per program year.~~

~~_____3. The protection of the Moratorium lasts from November 15 through the following March 15.~~

~~_____The Department has the option of beginning The Moratorium program earlier or extending it later when severe weather conditions warrant such action.~~

~~_____4. The moratorium applicant must:~~

~~_____a. Be the adult residential account holder, or the adult resident applying for service. A residential utility customer is any adult person who has an account with a utility or any adult who is applying for residential utility service;~~

~~_____b. Be living at the address where Moratorium protection is needed;~~

~~_____c. Have a termination notice from the utility company or have been refused service if the utility is not active;~~

~~_____d. Have applied for HEAT~~

~~_____e. Have applied for assistance through the American Red Cross~~

~~_____f. Have made a good faith effort to pay their utility bill on a consistent basis during the moratorium~~

~~_____5. In addition they must indicate that the client meets at least one of the following criteria:~~

~~_____A. Gross household income in the month of or the month prior to the month of the moratorium application must be less than 125% of the federal poverty limit.~~

~~_____ B. have suffered a medical or other emergency in either the month of application or the month prior to the month of application.~~

~~_____ C. loss of employment in either the month of application or the month prior to the month of application.~~

~~_____ D. 50% drop in income in either the month of application or the month prior to the month of application.~~

~~_____ 5. Required Verification~~

~~_____ a. All factors of eligibility must be verified.~~

~~_____ b. It is the applicant's responsibility to obtain acceptable verification.~~

~~_____ c. If the household refuses to obtain the required verification and refuses to assist the local HEAT office in obtaining the verification, the moratorium application will be denied.~~

~~_____ 6. Good Faith Payment Effort~~

~~_____ a. Each month during the moratorium the household must pay the utility company at least 5% of the gross income received in the month prior to the month of the moratorium application, unless the home is heated by electricity.~~

~~_____ b. If the home is heated by electricity the household must pay the utility company at least 10% of the gross income received in the month prior to the month of application.~~

~~_____ c. The minimum allowed monthly payment is \$5.00 even if the client has no income in the month prior to the month of application.~~

~~_____ 7. In order to activate the moratorium, including the restoration of service to those households which are shut off, the first good faith payment is due at the time of application. Payments for subsequent months are due on or before the last day of each month.~~

~~_____ 8. For clients who defaulted during a previous Moratorium season the default payment is due before the client is eligible for protection under the current moratorium.~~

~~_____ a. When a client defaults on a moratorium application, the client is not eligible for moratorium protection on that particular utility for the remainder of that moratorium season.~~

~~_____ b. The client must pay the amount of any previous defaulted payment before they are eligible for the moratorium.~~

~~_____ c. When a utility company notifies the HEAT office of a client default, the HEAT office will notify the client that of the default.~~

~~_____ 9. Regulated companies operating in Utah are subject to the Moratorium with the exception of the Mexican Hat Association.~~

~~**KEY: energy assistance, energy industries**~~

~~**Date of Enactment or Last Substantive Amendment: March 26, 2012**~~

~~**Notice of Continuation: June 25, 2007**~~

~~**Authorizing, and Implemented or Interpreted Law: 9-12-10]**~~

Community and Culture, Housing and Community Development

R199-8

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

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36321

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Home and Community Development program to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R990-8 published in the June 1, 2012, issue of the Bulletin under DAR No. 36216.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ SMALL BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMUNITY AND CULTURE
 HOUSING AND COMMUNITY DEVELOPMENT
 ROOM 500
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2388
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Keith Burnett by phone at 801-538-8725, by FAX at 801-538-8888, or by Internet E-mail at kjburnett@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~**[R199. Community and Culture, Housing and Community Development.**~~

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

~~**R199-8-1. Purpose.**~~

~~The Permanent Community Impact Fund Board (the Board) provides loans and/or grants to State agencies and subdivisions of the State which are or may be socially or economically impacted, directly or indirectly, by mineral resource development. Authorization for the Board is contained in Section 9-4-301 et seq.~~

~~**R199-8-2. Eligibility.**~~

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

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

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

~~**R199-8-3. Application Requirements.**~~

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

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

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

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

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

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

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

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

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

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

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

~~H. Section 9-8-404 requires all state agencies before they expend any state funds or approves any undertaking to take into account the effect of the undertaking on any district, site, building, structure or specimen that is included in or eligible for inclusion in~~

the National Register of Historic Places or the State Register and to allow the state historic preservation officer (SHPO) a reasonable opportunity to comment on the undertaking or expenditure. In order to comply with that duty, the Board requires all applicants provide the Board's staff with a detailed description of the proposed project attached to the application. The Board's staff will provide SHPO with descriptions of applications which may have potential historic preservation concerns for SHPO's review and comment in compliance with the CIB/SHPO Programmatic Agreement. SHPO comments on individual applications will be provided to the Board as part of the review process outline in R199-8-4. Additionally the Board requires that if during the construction of the project the applicant discovers any cultural/paleontological resources, the applicant shall cease project activities which may affect or impact the cultural/paleontological resource, notify the Board and SHPO of the discovery, allow the Board to take into account the effects of the project on cultural/paleontological resources, and not proceed until further approval is given by the Board.

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

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

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

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

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

R199-8-4. Board Review Procedures.

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

each "Trimester" are "Project Review Meetings". The final meeting of each "Trimester" is the "Project Funding Meeting". Board meetings shall be held monthly on the 1st Thursday of each month, unless rescheduled or cancelled by the chairman or by formal motion of the board. The Trimesters shall be as follows:

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

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

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

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

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

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

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

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

a. deny the application;

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

c. place the application on the "Priority List" for consideration at the next "Project Funding Meeting".

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

1. deny the application;

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

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

E. Applications for funding assistance which have been placed on the "Priority List" will be considered at the "Project Funding Meeting" for that Trimester. At the "Project Funding Meeting" the Board may either:

1. deny the application;

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

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

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

R199-8-5. Local Capital Improvement Lists.

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

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

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

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

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

F. If the consolidated list from a county area does not contain the information required in R199-8-5-C, or is not in the uniform format required in R199-8-5-E, all applications from the affected county area will be held by the Board's staff until a future Trimester pending submission of the required information in the uniform format.

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

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

I. The regional Association of Governments are the compilers of the capital improvement lists. The AOG cannot simply add additional applications to any given list without the applicant meeting the process requirements outlined in Subsection C.

J. Notwithstanding Subsection I, allowing an applicant to add a project to the capital improvement list just prior to the application deadline subverts the intent of the capital improvement list process. Such applications will be held by the Board's staff until the next Trimester.

R199-8-6. Modification or Alteration of Approved Projects.

A recipient of PCIFB grant funds may not, for a period of ten years from the approval of funding by the Board, change or alter the use, intended use, ownership or scope of a project without the prior approval of the Board. A recipient of PCIFB loan funds may not, for the term of the loan, change or alter the use, intended use, ownership or scope of a project without the prior approval of the Board. The recipient shall submit a written request for such approval and provide such information as requested by the Board or its staff, including at a minimum a description of the modified project sufficient for the Board to determine whether the modified project is an eligible use of PCIFB funds.

The Board may place such conditions on the proposed modifications or modified project as it deems appropriate, including but not limited to modifying or changing the financial terms, requiring additional project actions or participants, or requiring purchase or other satisfaction of all or a portion of the Board's interests in the approved project. Approval shall only be granted if the modified project, use or ownership is also an eligible use of PCIFB funds, unless the recipient purchases or otherwise satisfies in full the Board's interest in the previously approved or the proposed project.

R199-8-7. Procedures for Electronic Meetings.

A. These provisions govern any meeting at which one or more members of the Board or one or more applicant agencies appear telephonically or electronically pursuant to Section 52-4-7.8.

B. If one or more members of the Board or one or more applicant agencies may participate electronically or telephonically, public notices of the meeting shall so indicate. In addition, the notice shall specify the anchor location where the members of the Board not participating electronically or telephonically will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

C. Notice of the meeting and the agenda shall be posted at the anchor location. Written or electronic notice shall also be provided to at least one newspaper of general circulation within the state and to a local media correspondent. These notices shall be provided at least 24 hours before the meetings.

D. Notice of the possibility of an electronic meeting shall be given to the members of the Board and applicant agencies at least 24 hours before the meeting. In addition, the notice shall describe how the members of the Board and applicant agencies may participate in the meeting electronically or telephonically.

E. When notice is given of the possibility of a member of the Board appearing electronically or telephonically, any member of the Board 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. At the commencement of the meeting, or at such time as any member of the Board initially appears electronically or telephonically, the Chair shall identify for the record all those who are appearing telephonically or electronically. Votes by members of the Board who are not at the physical location of the meeting shall be confirmed by the Chair.

F. The anchor location shall be designated in the notice. The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. In addition, the anchor location has space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

KEY: grants

Date of Enactment or Last Substantive Amendment: January 13, 2011

Notice of Continuation: September 13, 2007

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

**Community and Culture, Housing and
Community Development
R199-9
Policy Concerning Enforceability and
Taxability of Bonds Purchased**

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36322

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Housing and Community Development program to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R990-9 published in the June 1, 2012, issue of the Bulletin under DAR No. 36217.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ SMALL BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Keith Burnett by phone at 801-538-8725, by FAX at 801-538-8888, or by Internet E-mail at kjburnett@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~**[R199.— Community and Culture, Housing and Community Development.**~~

~~**R199-9.— Policy Concerning Enforceability and Taxability of Bonds Purchased.**~~

~~**R199-9-1.— Enforceability.**~~

~~————— In providing any financial assistance in the form of a loan, the (Board/Committee) representing the State of Utah (the "State") may purchase Bonds or other legal obligations (the "Bonds") of various political subdivisions (interchangeably, as appropriate, the "Issuer" or "Sponsor") of the State only if the Bonds are accompanied by a legal opinion of recognized municipal bond counsel to the effect that the Bonds are legal and binding under applicable Utah law.~~

~~**R199-9-2.— Tax-Exempt Bonds.**~~

~~————— In providing any financial assistance in the form of a loan, the (Board/Committee) may purchase either taxable or tax-exempt Bonds; provided that it shall be the general policy of the (Board/Committee) to purchase Bonds of the Issuer only if the Bonds are tax-exempt and are accompanied by a legal opinion of recognized municipal bond counsel to the effect that interest on the Bonds is exempt from federal income taxation. This does not apply for Bonds carrying a zero percent interest taxation. This tax opinion must be provided by the Issuer in the following circumstances:~~

~~————— a. When Bonds are issued and sold to the State to finance a project which will also be financed in part at any time by the proceeds of other Bonds, the interest on which is exempt from federal income taxation.~~

~~b. When (i) Bonds are issued which are no subject to the arbitrage rebate provision of Section 148 of the Internal Revenue Code of 1986 (or any successor provisions of similar intent) (the "Code"), including, without limitation, Bonds covered by the "small governmental units" exemption contained in Section 148 (f) (4) (e) of the Code, and (ii) when Bonds are issued which are not subject to arbitrage rebate because the gross proceeds from the loan will be completely expended within six months after the issuance of the Bonds.~~

~~Notwithstanding the above, the (Board/Committee) may purchase taxable Bonds if it determines, after evaluating all relevant circumstances including the Issuer's ability to pay, that the purchase of the taxable Bonds is in the best interests of the State and the Issuer.~~

R199-9-3. Parity Bonds.

~~In addition to the policy stated above, it is the general policy of the (Board/Committee) that Bonds purchased by the (Board/Committee) shall be full parity Bonds with other outstanding Bonds of the Issuer. Exceptions to this parity requirement may be authorized by the (Board/Committee) if the (Board/Committee) makes a determination that~~

~~(i) the revenues or other resources pledged as security for the repayment of the Bonds are adequate (in excess of 100% coverage) to secure all future payments on the Bonds and all debt having a lien superior to that of the Bonds and~~

~~(ii) the Issuer has covenanted not to issue additional Bonds having a lien superior to the Bonds owned by the (Board/Committee) without the prior written consent of the (Board/Committee), and~~

~~(iii) requiring the Issuer to issue parity bonds would cause undue stress on the financial feasibility of the project.~~

KEY: grants

Date of Enactment or Last Substantive Amendment: 1987

Notice of Continuation: September 13, 2007

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

**Community and Culture, Housing and
Community Development**

R199-10

**Procedures in Case of Inability to
Formulate Contract for Alleviation of
Impact**

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36323

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General

session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Housing and Community Development program to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R990-10 published in the June 1, 2012, issue of the Bulletin under DAR No. 36218.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ SMALL BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Keith Burnett by phone at 801-538-8725, by FAX at 801-538-8888, or by Internet E-mail at kjburnett@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~**[R199.— Community and Culture, Housing and Community Development.**~~

~~**R199-10.— Procedures in Case of Inability to Formulate Contract for Alleviation of Impact.**~~

~~**R199-10-1. Purpose.**~~

~~A. The following procedures are promulgated and adopted by the Permanent Community Impact Fund Board ("Board") of the Department of Community and Culture of the State of Utah pursuant to Section 9-4-306(4), UCA 1953 as amended.~~

~~B. In the event a project entity or a candidate ("Complainant") submits a request for determination to the Board under Section 11-13-306, UCA 1953 as amended, the Board shall hold a hearing on the questions presented. These proceedings shall be conducted informally, in accordance with the requirements of the Utah Administrative Procedure Act ("Act"), Section 63G-4-202(1), UCA 1953 as amended, unless the Board at its discretion converts the proceeding to a formal proceeding, in accordance with Section 63G-4-202(3) UCA 1953 as amended, if such action is deemed to be in the public interest and does not unfairly prejudice the rights of any party.~~

~~C. The only grounds available for relief are those set forth in Section 11-13-306, UCA 1953 as amended, or those reasonably inferred therefrom.~~

~~**R199-10-2.— Commencement of the Procedure Requesting a Determination.**~~

~~A. Commencement of the procedure to request a determination from the Board shall be conducted in conformity with Section 63G-4-201(3):~~

~~1. A complainant requesting a determination from the Board must submit such a request:~~

- ~~a. In writing;~~
- ~~b. Signed by the person invoking the jurisdiction of the Board or by that person's representative; and~~
- ~~c. Including the following information:~~

~~1. The names and addresses of all parties to whom a copy of the request for a hearing is being sent;~~

~~2. The Board's file number or other reference number;~~

~~3. The name of the adjudicative proceeding, if known;~~

~~4. The date the request for the hearing was mailed;~~

~~5. A statement of the legal authority and jurisdiction under which action by the Board is requested;~~

~~6. A statement of relief sought from the Board; and~~

~~7. A statement of facts and reasons forming the basis for relief.~~

~~B. The Complainant shall file the request for a determination with the Board and at the same time, shall serve a copy of the request upon the party complained against (the "Respondent"). The Complainant shall also mail a copy of the~~

~~request to each person known to have a direct interest in the request for a determination by the Board.~~

~~C. The Respondent shall serve a response within fifteen (15) days after the request is served upon the Respondent. The Respondent may admit, deny or explain the point of view of Respondent as to each allegation in the request. Not to respond to any allegation is to admit that allegation. The Respondent may pose a counteroffer to Complainant's request for relief. Any counteroffer must be supported by reasons. Requests and responses may be directed at multiple parties.~~

~~**R199-10-3. Notification of Parties.**~~

~~A. The Board shall promptly give notice by mail to all parties that the hearing will be held, stating the following:~~

~~1. The Board's file number or other reference number;~~

~~2. The name of the proceedings;~~

~~3. Designate that the proceeding is to be conducted informally according to the provisions or rules enacted under Section 63G-4-202 and Section 63G-4-202, UCA 1953 as amended, with citation to Section 63G-4-202 authorizing the designation;~~

~~4. State the time and place of the scheduled hearing, the purpose for which the hearing is to be held, and that a party who fails to attend or participate may be held in default; and~~

~~5. Give the name, title, mailing address and telephone number of the presiding officer for the hearing.~~

~~B. At any time twenty (20) or more days before the hearing begins, either party may serve upon the adverse party an offer to agree to specific terms and payments. If, within ten (10) days after the service of the offer, the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance, together with proof of service thereof, and the Board shall enter a corresponding order. An offer not accepted shall be deemed withdrawn and evidence concerning it is not admissible except in a proceeding to determine costs. If the order finally obtained from the offeree is not more favorable than the offer, the offeree shall pay the costs incurred after the making of the offer, including a reasonable attorney's fee. The fact that an offer is made but not accepted does not preclude a subsequent offer.~~

~~**R199-10-4. Informal Hearing Procedures.**~~

~~A. Within forty (40) days after receiving a request for determination, the Board shall hold a public hearing on the questions at issue.~~

~~B. The Board may appoint an administrative law judge to preside in its stead at the hearing and to hear such preliminary motions and manage such ancillary matters as the Board deems necessary and appropriate.~~

~~C. In the hearing, the parties named in the request for determination shall be permitted to testify, present evidence, comment on the issues and bring forth witnesses who may be examined and cross-examined. The hearing may be adjourned from time to time in the interest of a full and fair investigation of the facts and the law.~~

~~D. Discovery is prohibited, and the Board may not issue subpoenas or other discovery orders.~~

~~E. All parties shall have access to information contained in the Board's files and to all materials and information gathered by any investigation to the extent permitted by the law.~~

~~F. Any intervention is prohibited.~~
~~G. All hearings shall be open to all parties.~~
~~H. Within twenty (20) days after the close of the hearing, the Board or the administrative law judge shall issue a signed order in writing that states:~~
~~1. The decision;~~
~~2. The reasons for the decision;~~
~~3. A notice of any right for administrative or judicial review available to the parties; and~~
~~4. The time limits for filing a request for reconsideration or judicial review.~~
~~I. The order issued by the Board or by the administrative law judge shall be based on the facts appearing in the Board's files and on the facts presented in evidence at the hearing.~~
~~J. Any determination order issued by the Board or by the administrative law judge shall specify:~~
~~1. The direct impacts, if any, or methods determining the direct impacts to be covered; and~~
~~2. The amounts, or methods of computing the amounts, of the alleviation payments, if any, or the means to provide for impact alleviation, provisions assuring the timely completion of the facilities and the furnishing of the service, if any; and~~
~~3. Other pertinent matters.~~
~~K. A copy of the Board's or the administrative law judge's order shall be promptly sent to all parties.~~
~~L. All hearings shall be recorded at the Board's expense. Any party, at his own expense, may have a reporter approved by the Board prepare a transcript from the Board's record of the hearing.~~

R199-10-5. Formal Hearing Procedures.

~~A. At any time prior to issuance of the final order, the Board at its discretion may convert the informal adjudicative hearing into a formal adjudicative hearing, as allowed in Section 63G-4-202(3). The procedures to be followed in such a formal adjudicative hearing are given below.~~
~~B. The Board may appoint an administrative law judge to preside in its stead at the hearing and to hear such preliminary motions and manage such ancillary matters as the Board deems necessary and appropriate.~~
~~C. A party may be represented by an officer or the party or by legal counsel.~~
~~D. In the hearing, the parties named in the request for determination shall be permitted to testify, present evidence, comment on the issues and bring forth witnesses who may be examined and cross-examined. The hearing may be adjourned from time to time in the interest of a full and fair investigation of the facts and the law.~~
~~E. Utah Rules of Evidence shall be in effect; however,~~
~~1. Copies of original documents may be introduced into evidence unless objected to for reasons of illegibility or tampering.~~
~~2. Hearsay will be considered for its weight but will not be conclusive in and of itself as to any matter subject to proof.~~
~~F. Discovery in formal proceedings shall be limited. Because negotiation between the parties shall have been proceeding prior to a request for determination being submitted, the Board or the administrative law judge shall assume that discovery is complete when a request is submitted. However, upon motion and sufficient cause shown, the Board or the administrative law judge may extend the period of discovery.~~

~~G. All parties shall have access to information contained in the Board's files and to all materials and information gathered by any investigation to the extent permitted by the law.~~
~~H. The Board or the administrative law judge may give a person not a party to the proceeding the opportunity to present oral or written statements at the hearing.~~
~~I. All testimony presented at the hearing, if offered as evidence to be considered in reaching a decision on the merits, shall be given under oath.~~
~~J. All hearings shall be open to all parties.~~
~~K. Intervention into the formal hearing will be allowed on the following basis:~~
~~1. Any person not a party may file a signed, written petition to intervene in a formal adjudicative hearing with the Board. The person who wishes to intervene shall mail a copy of the petition to each party. The petition shall include:~~
~~a. The Board's file number or other reference number;~~
~~b. The name of the proceeding;~~
~~c. A statement of facts demonstrating that the petitioner's legal rights or interests are substantially affected by the formal adjudicative hearing, or that the petitioner qualifies as an intervenor under any provision of law; and~~
~~d. A statement of the relief the petitioner seeks from the Board.~~
~~2. The Board or the administrative law judge shall grant a petition for intervention if it determines that:~~
~~a. The petitioner's legal interests may be substantially affected by the formal adjudicative hearing; and~~
~~b. The interests of justice and the orderly and prompt conduct of the adjudicative hearing will not be materially impaired by allowing the intervention.~~
~~3. Any order granting or denying a petition to intervene shall be in writing and sent by mail to the petitioner and each party.~~
~~4. An order permitting intervention may impose conditions on the intervenor's participation in the adjudicative hearing that are necessary for a just, orderly, and prompt conduct of that hearing. Such conditions may be imposed by the Board or the administrative law judge at any time after the intervention.~~
~~L. Within twenty (20) days after the close of the hearing, the Board or the administrative law judge shall issue a signed order in writing that states:~~
~~1. The decision based upon findings of fact and conclusions of law;~~
~~2. The reasons for the decision;~~
~~3. A notice of any right for administrative or judicial review available to the parties; and~~
~~4. The time limits for filing a request for reconsideration or judicial review.~~
~~M. The order issued by the Board or by the administrative law judge shall be based on the facts appearing in the Board's files and on the facts presented in evidence at the hearing.~~
~~N. Any determination order issued by the Board or by the administrative law judge shall specify:~~
~~1. The direct impacts, if any, or methods determining the direct impacts to be covered; and~~
~~2. The amounts, or methods of computing the amounts, of the alleviation payments, if any, or the means to provide for impact alleviation, provisions assuring the timely completion of the facilities and the furnishing of the service, if any; and~~

~~3. Other pertinent matters.
 O. A copy of the Board's or the administrative law judge's order shall be promptly sent to all parties.
 P. All hearings shall be recorded at the Board's expense. Any party, at his own expense, may have a reporter approved by the Board prepare a transcript from the Board's record of the hearing.~~

R199-10-6. Default.

~~A. The Board or the administrative law judge may enter an order of default against a party if that party fails to participate in the adjudicative proceedings.
 B. The order shall include a statement of the grounds for default and shall be mailed to all parties.
 C. A defaulted party may seek to have the Board set aside the default order according to procedures outlined in the Utah Rules of Civil Procedure.
 D. After issuing the order of default, the Board or the administrative law judge shall conduct any further proceedings necessary to complete the adjudicative proceeding without the participation of the party in default and shall determine all issues in the adjudicative proceeding, including those affecting the defaulted party.~~

R199-10-7. Reconsideration by the Board.

~~Within ten (10) days after the date that a final order is issued by the Board or the administrative law judge, any party may file a written request for reconsideration in accordance with the provisions of Section 63G-4-302, UCA 1953 as amended. Upon receipt of the request, the disposition by the Board of that written request shall be in accordance with Section 63G-4-302(3), UCA 1953 as amended. With the exception of reconsideration, all orders issued by the Board or the administrative law judge shall be final. There shall be no other review except for judicial review as provided below.~~

R199-10-8. Judicial Review.

~~An aggrieved party may also obtain judicial review of final orders issued by the Board or by the administrative law judge by filing a petition for judicial review of that order in compliance with the provisions and requirements of Section 63G-4-401 and Section 63G-4-402, UCA 1953 as amended.~~

KEY: impacted area programs

~~Date of Enactment or Last Substantive Amendment: 1988~~

~~Notice of Continuation: September 13, 2007~~

~~Authorizing, and Implemented or Interpreted Law: 9-4-305; 11-13-29]~~

Community and Culture, Housing and
 Community Development
R199-11
 Community Development Block Grants
 (CDBG)

NOTICE OF PROPOSED RULE
 (Repeal)

DAR FILE NO.: 36324
 FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Housing and Community Services program to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R990-11 published in the June 1, 2012, issue of the Bulletin under DAR No. 36219.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ **LOCAL GOVERNMENTS:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ **SMALL BUSINESSES:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMUNITY AND CULTURE
 HOUSING AND COMMUNITY DEVELOPMENT
 ROOM 500
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2388
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Keith Heaton by phone at 801-538-8732, by FAX at 801-538-8888, or by Internet E-mail at kheaton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~**R199- Community and Culture, Housing and Community Development.**~~

~~**R199-11- Community Development Block Grants (CDBG).**~~

~~**R199-11-1- Purpose and Authority.**~~

~~This rule incorporates by reference 24 CFR 570 (1996) as authorized by Section 9-4-202.~~

~~**R199-11-2- State and Regional Funding Processes.**~~

~~(1) CDBG funds are to be distributed based on regional prioritization of projects by utilizing a rating and ranking system developed and applied by the regional review committees (RRC). The role of each RRC is to receive, review and to prioritize the CDBG applications in its region.~~

~~(2) The RRC shall develop a rating and ranking system prior to the receipt of grant application. Upon completion of the rating and ranking process, each RRC shall present to the state a list of:~~

- ~~(a) all projects submitted to them for ranking;~~
- ~~(b) copies of ranking result sheets;~~
- ~~(c) the rationale for not ranking any submitted projects; and~~
- ~~(d) a summary of all final ranking results.~~

~~**R199-11-3- Eligible Grant Applicants, National Objectives and Eligible Projects.**~~

~~(1) Eligible applicants for the State CDBG Program are:~~

- ~~(a) incorporated cities and towns with populations of less than 50,000, except Clearfield and jurisdictions located in Salt Lake County;~~
- ~~(b) all of Utah's counties except Salt Lake County;~~
- ~~(c) units of local government recognized by the Secretary of The Department of Housing and Urban Development (HUD).~~

~~(2) National Objective Compliance Pursuant to 24 CFR 570.208.~~

~~(a) The national objective may be met in three possible ways:~~

~~(i) activities that benefit low and moderate income individuals, families and communities.~~

~~(ii) activities aiding in the prevention or elimination of slums or blight.~~

~~(iii) activities that address urgent health and welfare needs.~~

~~(3) Inclusive Federal Compliance Requirements.~~

~~(a) applicants shall comply with all regulations in 24 CFR part 570 and all applicable federal and state regulations, laws and overlay statutes.~~

~~(b) additional federal overlay statutes and regulations may apply to the state program if directed by HUD and Congress.~~

~~(4) Eligible activities are those defined by Section 105 of the Housing and Community Development Act of 1974, as amended.~~

~~**R199-11-4- Responsibilities of Grantee, Regions and State.**~~

~~(1) Grantee Responsibilities~~

~~(a) Grantees are allowed to take up to 10% of the contract amount for administration purposes. Administrative cost must be broken out from the rest of the project costs when the application and contract budget are prepared.~~

~~(b) The formal contract with the state must include an environmental review, federal labor standards and civil rights.~~

~~(2) Regional Responsibilities.~~

~~(a) Prioritization - Each RRC shall rate and rank all applications based on a set of criteria available to the public for comment.~~

~~(b) Public participation - Each RRC is required to hold at least one public hearing yearly to assist applicants and obtain comments and suggestions regarding the CDBG process.~~

~~(c) Application completion - Each RRC has the responsibility to assure that applications are completed in full prior to submission to the state.~~

~~(d) Administrative Capacity - The RRC will assess the ability of each applicant to administer a CDBG grant.~~

~~(3) State Responsibilities.~~

~~(a) Public Participation - The state is required to hold at least one public hearing yearly to notify the public, explain the community development program and to receive comments.~~

~~(b) Review of Applications - Upon receipt of the CDBG prioritized applications from the regions, the state staff shall begin a review process.~~

~~(c) Timely Distribution of Funds - The state is required by HUD to ensure that CDBG funds are allocated and distributed in a timely manner.~~

~~(i) Application - Each applicant shall make their final application decision prior to submitting it to the RRC.~~

~~(A) Contracts will be sent out in April and Grantees will have until June 1, to sign and return all copies of the contract to DCC (The Department of Community and Culture);~~

~~(B) On a case by case basis, RRCs may allow a one-month extension to grantees experiencing unavoidable delays. Grantees must notify their RRC prior to the deadline;~~

~~(C) Funds from all contracts not returned to DCC by July 1, will be returned to the appropriate RRC for reallocation;~~

~~(D) Any funds not reallocated by the RRC by August 1, will be returned to the State. The State will reallocate the funds to an approved project;~~

Grantees may not delay the processing of the current application based on the possibility of receiving an allocation in the following year.

(d) ~~Five Percent Withholding~~ - The state reserves the right to withhold five percent of the CDBG grant amount pending a satisfactory final programmatic financial monitoring review of all projects.

(e) ~~Cost Overruns~~ - The state may authorize the funding of project cost overruns requested by the RRC.

(f) ~~Fund Leveraging~~ - One of the state's roles in the CDBG funding process is to provide assistance to grantees in leveraging other available financial resources.

(g) ~~Program Monitoring~~ - During the course of each CDBG contract the state must monitor all grantees.

(h) ~~Grant Close Out~~ - A grant close out packet will be submitted to the state at the completion of each CDBG-funded activity.

R199-11-5. Threshold Requirements.

Minimum threshold requirements are those defined by Section 105(e) of the Housing and Community Development Act of 1974, as amended and as stipulated in section 4 of the State CDBG Application Guide available from DCC.

(1) The determination of eligibility for recipients and activities shall be made by the RRC and State CDBG staff under state and federal criteria and regulations contained in 24 CFR part 500 and the State CDBG Application Guide available by contacting DCC at 324 S. State Street, Salt Lake City, UT 84111 or calling (801)538-8700.

(2) Each grant application must clearly demonstrate that the project will meet one of the three National Objectives identified in R199-1-3.

(3) Each grant applicant must demonstrate consistency with the Consolidated Plan, available from the Department of Community and Culture, Division of Housing and Community Development, 324 S. State Street, Salt Lake City, UT 84114.

(4) Each grant application may contain more than one activity addressing identified needs; however, these activities must be interrelated.

(5) All costs incorporated with the grant must be realistic given the nature and type of activities to be performed.

(6) Program income generated as a result of CDBG activities may be retained by the grantee when income is applied to continue the activity from which the income was derived, or when used for other community development projects eligible under Section 105 of the Housing and Community Development Act of 1974, as amended, and after the preparation of a plan, approved by the state, specifying the proposed activity and stating the method that will be employed for its use.

R199-11-6. Length of Contract and Type of Grants.

(1) All grantees shall have 18 months depending upon contract execution, or until October 31, of the following year to complete their project.

(2) There are two types of grants: Single year and multi-year.

R199-11-7. Adjudicative Proceedings to Appeal Decisions of RRC.

(1) ~~Classification of Actions.~~ Adjudicative proceeding to appeal decisions of RRC by CDBG applicant agencies shall be conducted in accordance with section 63G-4-203.

(2) ~~Commencement of Appeals Procedure.~~ An applicant agency requesting an appeal hearing from DCC, DHCD (The Division of Housing and Community Development), shall submit a request:

(a) in writing;

(b) signed by the chief elected official; and

(c) include the following information:

(i) the names and addresses of all persons to whom a copy of the request for a hearing is being sent;

(ii) the RRC file number;

(iii) the name of the adjudicative proceeding;

(iv) the date the request for an appeals hearing was mailed;

(v) a statement of the legal authority and jurisdiction under which CDBG action is requested;

(vi) a statement of relief sought from DHCD; and

(vii) a statement of facts and reasons forming the basis for relief.

(d) The request for an appeals hearing must be submitted within ten days following the notice of decision by the RRC. At this point it shall be necessary for DHCD to place a hold on processing any contracts from the region in which the dispute has occurred until the matter is settled.

(3) ~~Notification of interested parties.~~

(a) The CDBG applicant agency that requests an appeals hearing shall file the request with the Director of DHCD and shall send a copy by mail to each person known to have a direct interest in the requested hearing.

(b) The Director of DHCD, or a hearing officer appointed by the Director of DHCD, will within five working days after the appeals request, set the time and date for an appeals hearing. The Director of DHCD or the hearing officer shall promptly give notice by mail to all parties, stating the following:

(i) DHCD and RRC file number;

(ii) the name of the proceeding;

(iii) a statement indicating that the proceeding is to be conducted informally and according to the provisions of rules enacted under Sections 63G-4-203 authorizing informal proceedings;

(iv) the time and place of the scheduled appeals hearing, the purpose of the hearing, and that a party may be held in default if failing to attend or participate in the hearing.

(v) the name, title, mailing address and telephone number of the director of DHCD or the hearing officer.

(vi) Hearing Procedures

(a) hearing shall be held only after notice to interested parties is given in conformance with R199-7-1C;

(b) no answer or other pleading responsive to the request for a hearing need be filed;

(c) the following issues shall be reviewed at the appeals hearing:

~~(i) whether reasonable and equitable criteria are established for reviewing CDBG applications by the RRC~~

~~(ii) whether the priority ranking process is fair to all applicants;~~

~~(iii) whether the criteria and process were applied equitably and consistently to all applicants;~~

~~(d) in the appeals hearing, the parties named in the request for a hearing shall be permitted to testify, present evidence, and comment on the issues;~~

~~(e) discovery is prohibited, and DHCD may not issue subpoenas or other discovery orders;~~

~~(f) all parties shall have access to information contained in DHCD's files and to all materials and information gathered by any investigation to the extent permitted by law;~~

~~(g) any intervention is prohibited;~~

~~(h) all hearings shall be open to all parties;~~

~~(i) within 21 days after the close of the hearing, the Director of DHCD shall issue a signed order in writing that states:~~

~~(i) the decision;~~

~~(ii) the reason for the decision;~~

~~(iii) a notice of any right for administrative or judicial review available to the parties; and~~

~~(iv) the time limits for filing a request for reconsideration or judicial review;~~

~~(j) the Director of DHCD's order shall be based on the facts appearing in DHCD's files and on the facts presented in evidence at the appeals hearing;~~

~~(k) a copy of the Director of DHCD's order shall be promptly mailed to the parties.~~

~~(l) all hearings shall be recorded at the expense of DHCD. Any party, at his own expense, may have a reporter approved by DHCD prepare a transcript from DHCD's record of the hearing;~~

~~(5) Default~~

~~(a) the Director of DHCD may enter an order of default against a party if a party fails to participate in the adjudicative proceeding;~~

~~(b) the order shall include a statement of the grounds of default and shall be mailed to all parties;~~

~~(c) a defaulted party may seek to have DHCD set aside the default order according to procedures outlined in the Utah Rules of Civil Procedure;~~

~~(d) after issuing the order of default, the Director of DHCD will conduct any further proceedings necessary to complete the adjudicative proceeding without the participation of the party in default and will determine all issues in the adjudicative proceeding, including those affecting the defaulted party;~~

~~(6) Reconsideration by DHCD. Within ten days after the date that a final order is issued by the Director of DHCD, any party may file a written request for reconsideration in accordance with the provisions of the Administrative Procedures Act, Section 63G-4-302. Upon receipt of the request, the disposition by the Director of DHCD of that written request shall be in accordance with Section 63G-4-302. With the exception of reconsideration, all orders issued by the Director of DHCD shall be final. There shall be no other review except for judicial review as provided below;~~

~~(7) Judicial Review. An aggrieved party may also obtain judicial review of final DHCD orders by filing a petition for judicial review of that order in compliance with the provisions and~~

requirements of the Utah Administrative Procedures Act, Sections 63G-4-401 and 63G-4-402.

~~KEY: community development, grants~~

~~Date of Enactment or Last Substantive Amendment: July 25, 2006~~

~~Notice of Continuation: December 21, 2010~~

~~Authorizing, and Implemented or Interpreted Law: 9-4-202(2) et seq.]~~

Community and Culture, Housing and Community Development, Community Services **R202-100**

Community Services Block Grant Rules

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36325

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Housing and Community Development, Community Services Division to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R990-100 published in the June 1, 2012, issue of the Bulletin under DAR No. 36221.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ SMALL BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMUNITY AND CULTURE
 HOUSING AND COMMUNITY DEVELOPMENT,
 COMMUNITY SERVICES
 ROOM 500
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2388
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Jonathan Hardy by phone at 801-538-8650, by FAX at 801-538-8888, or by Internet E-mail at jhardy@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~[R202. Community and Culture, Housing and Community Development, Community Services.~~

~~R202-100. Community Services Block Grant Rules.~~

~~R202-100-1. Authority.~~

~~————— This rule is authorized under Section 9-4-202, U.C.A. 1953, which allows the Department of Community and Culture (DCC) to receive funds for and to administer federal aid programs.~~

~~R202-100-2. Purpose.~~

~~————— The purpose of this rule is to establish standards and procedures for the Community Services Block Grant (CSBG) authorized under the Omnibus Reconciliation Act of 1981 (Title XVII, Chapter 2, Sections 671 through 683), contracted to eligible entities (counties or combinations of counties and Community Action Programs) to provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the local communities.~~

~~R202-100-3. Eligible Grantees for CSBG Programs and Projects.~~

~~————— A. Utah shall distribute at least 90 percent of available funds as pass-through grants to eligible entities (hereinafter referred to as local grantees) for them to administer directly or, at their option, to sub-contract (hereinafter referred to as local sub-grantees) for the performance of eligible activities. Eligibility for the 5 percent discretionary funds will be established by the state plan each fiscal year.~~

~~————— B. Whenever a public grantee chooses to sub-contract all program operations to a private entity rather than administer them directly, the private entity must be a non-profit organization directed by a board whose composition complies with Section 675 (e)(3) of the Community Services Block Grant Act.~~

~~R202-100-4. Assurances Required by CSBG Act.~~

~~————— All grantees shall be required to submit a certification of assurances based on CSBG programmatic, administrative and financial requirements of the Act as outlined by Community Services Block Grant Program Directives prepared by the State Community Services Office (SCSO).~~

~~R202-100-5. Compliance.~~

~~————— Local grantees must maintain their eligibility to receive CSBG funds by being in compliance with applicable laws, regulations, and contractual agreements. The state reserves the right to examine all aspects of CSBG funded activities to ensure that this is the case.~~

~~R202-100-6. Qualifications.~~

~~————— Local grantees must demonstrate that they have in place, or shall have in place prior to undertaking CSBG funded program activities, management systems adequate to ensure that CSBG funds shall be spent efficiently and effectively. When activities are sub-contracted, the local grantee must have in place a system and assume the responsibility for monitoring and evaluating sub-contracts. Files must be retained containing such monitoring and evaluation results. In no case shall the state provide funds to a grantee if available evidence suggests that the grantee cannot fulfill its obligations under the terms of the assurances required by the CSBG Act and the state plan for the use of CSBG funds.~~

~~R202-100-7. Program Participant Eligibility.~~

~~————— Income eligibility for program participation shall be based on the Office of Management and Budget official poverty guidelines as described in Section 673 of the CSBG Act.~~

~~R202-100-8. Funds Allocation.~~

~~————— A. CSBG funds shall be allocated on the basis of federal fiscal years beginning October 1 to local agencies by the following formula:~~

~~————— (1) All agencies selected for funding shall be awarded an equal, minimum base amount.~~

~~————— (2) The amount remaining after subtraction of the sum of the minimum base amount shall be allocated among the local grantees based on the census counts (or updates) of low-income residents and other related criteria such as long-term unemployment.~~

R202-100-9. Approval Process.

Criteria shall be used to review applications for CSBG funds and shall be distributed to eligible grantees as a SCSO Community Services Block Grant Program Directives. A panel will screen and give a numerical rating to every application submitted by an eligible grantee based on the criteria outlined. The Community Services Office will compile these ratings and will make a final determination as to proposals that will receive funding and as to the level of funding that will be provided. Proposals must score a minimum number of points to be considered eligible. Prospective CSBG grantees shall be notified of application status 60 days or less after the closing date of application submissions. Any application found to be incomplete or inadequate will be returned to the local grantee for appropriate changes. The Community Services Office will provide technical assistance to any eligible agency scoring below the minimum.

R202-100-10. Award Procedures.

The state shall enter into a contract with local grantees October 1 contingent upon Federal authorization and appropriation for CSBG. Once signed, this contract shall be binding on both parties.

R202-100-11. Fiscal Operations Procedures.

A. Each local grantee shall have an acceptable procedure describing functions of its fiscal office and including at a minimum:

- (1) Purchasing procedure
- (2) System of cash control
- (3) Payroll system
- (4) Internal and external reporting systems

B. Fiscal procedures shall be in compliance with applicable state and federal regulations and conform with generally accepted accounting procedures.

R202-100-12. Financial Reports and Reimbursements.

Financial reports (Form CSBG 611-D) are to be submitted on a monthly basis, no later than twenty (20) days following the end of each month. Local grantees shall receive reimbursement based on a monthly financial status report and certification of work program activities. All reports must have an authorized signature, i.e., the contract signatory or someone designated by the signatory, with a letter of designation filed with the state.

R202-100-13. Administrative Cost.

Administrative costs include allowable expenditures incurred to administer the CSBG through an indirect cost plan, approved by a cognizant Federal Agency or a cost allocation plan approved by the SCSO. Such costs should not exceed 10%.

R202-100-14. Travel and Per Diem.

Travel, per diem and allowances for staff and board members shall be determined by approved local agency guidelines which establish rates of reimbursement.

R202-100-15. Purchasing, Receiving and Accounts Payable.

A. Grantee agencies shall develop and have approved procedures for handling purchasing, receiving, and accounts payable. (In the absence of a local procedure, the state procedure shall be followed.) These procedures should include:

- (1) Pre-numbered purchase orders and/or vouchers for all items of cost and expense;
 - (2) Procedures to insure procurement at competitive prices;
 - (3) Receiving reports to control the receipt of merchandise;
 - (4) Effective review following prescribed procedures for program coding, pricing and extending vendors' invoices;
 - (5) Invoices matched with purchase orders and receiving reports;
 - (6) The local grantee must have adequate controls, such as checklists for statement - closing procedures to insure that open invoices and uninvolved amounts for goods and services are properly accrued or recorded in the books or controlled through worksheet entries;
 - (7) Adequate segregation of duties in that different individuals are responsible for:
 - (a) Purchase;
 - (b) Receipt of merchandise or services; and
 - (c) Voucher approval
- B. A list of anticipated equipment purchases must accompany the application for funding. Purchases over \$1,000 must receive written state approval.

R202-100-16. Property and Equipment.

A. Each local grantee shall develop procedures for control of property and equipment. These procedures should include, but are not limited to:

- (1) An effective system of authorization and approval of equipment purchase;
- (2) Accounting practices for recording assets;
- (3) Detailed records of individual assets which are maintained and periodically balanced with the general ledger accounts;
- (4) Effective procedures for authorizing and accounting for equipment disposal; and
- (5) Secure storage of property and equipment.

R202-100-17. Purchase or Improvement of Land or Buildings.

Funds shall not be used for purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility except as this prohibition may be waived under conditions described in Section 680 (b) of the CSBG act.

R202-100-18. Personnel Policies.

- A. Each local grantee shall maintain written personnel policies, available for review, which should include:
- (1) Classification and pay plan;
 - (2) Policies governing selection and appointment;
 - (3) Conditions of employment and employee performance;
 - (4) Employee benefits;
 - (5) Employee management relations including procedures for filing and handling grievances, complaints and rights of appeal;
 - (6) Personnel records and payroll procedures;
 - (7) Job description for all positions;

~~(8) Drug Free Work Place Policy.~~**R202-100-19. Civil Rights.**

~~A. All CSBG funded programs shall comply with the nondiscrimination provisions contained in Section 677 of the Community Services Act.~~

~~B. Local grantees shall be required to have on file an affirmative action plan that describes what they will do to ensure that current and prospective employees and program participants are treated in a non-discriminatory manner. This plan shall also include a grievance procedure to deal with allegations of discrimination on the part of prospective and current staff members or program participants.~~

~~C. The provisions of this section shall apply to any and all grantees and sub-grantees, except where special conditions apply, i.e., Indians, migrants, or seasonal farm workers.~~

R202-100-20. Prohibition of Political Activities.

~~Each CSBG grantee shall be responsible for assuring adherence to political activity prohibitions contained in Sec. 675 (e) (7) of the CSBG Act. Monitoring of sub-grantees shall be required as a part of administrative responsibilities. A description of this process is to be available for state review during monitoring visits or upon request. Violations of the prohibitions are to be reported to the state CSO immediately along with reports of measures taken by the grantee to restore compliance.~~

R202-100-21. Audits and Inspection.

~~Each local grantee shall have performed by an independent certified public accounting firm an annual audit that conforms with the provisions and requirements of OMB Circular A-128, A-122 and A-133. The audit shall be due no later than one year following the end of the grantee's fiscal year.~~

R202-100-22. Suspension or Termination of Funds.

~~A. DCC may suspend funding to a local grantee if monitoring reports or independent audit reports indicate continuing, substantial non-compliance with contract requirements, accounting procedures, or fiscal control requirements. If problems identified are not corrected within a reasonable length of time, but not to exceed 60 days, DCC may terminate its contract with local grantee and make the remaining funds available to other eligible entities. Action to suspend or terminate funding will not be taken, however, unless timely and reasonable communication with the local grantee fails to produce corrective action to DCC's satisfaction. The local grantee shall not be relieved of liability to the state for funds expended for improper purpose or federal audit exceptions sustained by the state by virtue of any breach of the contract by the agency, and the state may withhold or recover any payments to the grantee for the purpose of setoff until such time as the exact amount of damage due the state from the grantee is determined.~~

~~B. Pursuant to the provisions of the contract between the state and local grantee, delegation of funds and activities to others may not be made without prior approval of DCC, SCSO.~~

R202-100-23. Transfer of Funds.

~~Because of the limited funds anticipated to be made available, DCC shall not transfer any of the CSBG to eligible entities under the Older Americans Act of 1965, Head Start, or~~

~~Low-income Home Energy Assistance, nor consider a grantee in compliance if such transfers are made locally.~~

R202-100-24. Amendments/Waivers.

~~A. Prior approval for budget changes is required in the following instances:~~

~~(1) The dollar amount of transfers among budget categories exceeds or is expected to exceed \$10,000 or five percent of the grant budget, whichever is greater, for grants of \$100,000 or larger.~~

~~(2) For grants under \$100,000, approval is required if transfers exceed or are expected to exceed five percent of the grant budget.~~

~~(3) Limited flexibility in budget adjustments will be allowed as follows (submit informational copies of adjusted CSBG forms to SCSO):~~

~~(a) Rebudgeted funds within the Personnel Services portion of their CSBG budget;~~

~~(b) Rebudgeted funds within the Supportive Services portion of their CSBG budget;~~

~~(c) On a one-time basis, allowable transfers from the Personnel Services budget to Supportive Services;~~

~~(d) On a one-time basis, allowable transfers from the Supportive Services budget to Personnel Services;~~

~~B. Program goals may be amended by submitting changes for approval on appropriate CSBG forms. At any point during the program year it appears that a goal may be achieved at less than 90%, a program and budget amendment must be submitted for approval.~~

~~C. Grantees may also request contract period end dates be extended for up to sixty (60) days in order to spend program or project carryover funds amounting to less than ten (10) percent, or an amount approved by the state, of the total contract amount.~~

R202-100-25. Project Monitoring and Evaluations.

~~A. Monitoring will be accomplished through review of the fiscal and progress reports and on-site. On-site visits shall automatically be initiated in response to a written complaint of financial or programmatic non-compliance.~~

~~B. Evaluation of CSBG funded programs shall be conducted either by the state or by the local CSBG grantees and shall be distinct from both compliance monitoring and the state's examination of CSBG grantees to ensure that they are eligible to receive CSBG funds and that they are in compliance with all CSBG related obligations. Monitoring will relate to grantee compliance with federal assurances and state requirements in program management and operation. Evaluation will involve an attempt to measure program performance project results, and to determine the impact a grantee's efforts have had on the causes of a problem being addressed and on the problem itself.~~

~~C. For the most part, CSBG evaluations will be a joint state/local effort, but the state does reserve the right to conduct evaluations of CSBG programs at any time for purposes it deems appropriate. In such cases, reasonable efforts will be made to accommodate the concerns of any local grantee that is involved.~~

R202-100-26. Program Reporting Requirements.

~~Local grantees shall be required to maintain client profile sheets on individual clients, households or groups of clients, if~~

appropriate. A compiled report of the number and characteristics of clients served, by category, shall be submitted to SCSO on the prescribed CSBG Form thirty (30) days after the end of each quarter of the program period. The program progress report is also due at the same time.

R202-100-27. Appeals Procedure.

A. Grantees identified in the state plan as eligible to receive funding from the Community Services Block Grant can use the following procedure to appeal decisions made by the State Community Services Office in regards to program and funding.

B. Any substantive decision of SCSO which a local grantee believes to be unfair or unreasonable and having a major adverse impact on the local program, may be appealed by the grantee. The appeal process is as follows:

(1) Within fifteen (15) days of receipt of a SCSO decision that is believed to be unfair or unreasonable, the grantee believing itself to be aggrieved must submit a letter to the executive director of DCC, approved and signed by its elected officials, setting forth:

- (a) The decision that is being questioned;
- (b) The date on which the grantee received notice of the decision;
- (c) The rationale of the grantee for considering the decision to be substantial and unfair or unreasonable to the grantee;
- (d) A request for a hearing, including a statement as to the desired outcome of such a hearing.

(2) Within ten (10) working days of the receipt of the grantee's request for a hearing, the executive director shall name a hearing officer, who shall schedule a hearing date no later than two (2) weeks after being so named and will notify the appellant grantee. The hearing officer will be independent of DCC.

(3) Prior to the scheduled hearing, the SCSO staff shall contact the Board of Directors of the appellant grantee:

- (a) To obtain additional information pertinent to the issue;
- (b) To clarify any misunderstanding of fact or policy;
- (c) To explore possible alternatives that would eliminate the necessity for a hearing;
- (d) To obtain a written withdrawal of the request for a hearing if the issue is resolved through negotiation.

(4) The hearing, should there be one, shall be conducted by the hearing officer. The appellant grantee may be represented by whomever it chooses at the hearing, but must notify DCC at least five (5) working days prior to the hearing who that person will be.

(5) The hearing officer shall review all testimony and evidence presented at the hearing and recommend a decision to the DCC Executive Director. The DCC Executive Director shall issue a written decision on the appeal within 10 working days after receipt of the hearing officer's recommendations.

(6) The decision resulting from the hearing shall be final. Any necessary hearings shall be held in Salt Lake City or at a site more convenient to the appellant agency, at the discretion of the Executive Director of DCC.

R202-100-28. Citizen Participation.

A. The state requires citizen participation and supports maximum participation of all interested persons and groups in the development and implementation of the CSBG programs at the state and local level, in advisory or administering capacity.

1. Tripartite boards are required for governing boards of private, non-profit organizations and for the administering/advisory boards of public agencies and shall conform to the requirements outlined in Sec. 675 (c) (3).

a. A minimum of one third of the board is to represent low income. A description of the democratic selection process for representatives of the poor is to be available for review.

b. One third of the members of the board are to be elected public officials, currently holding office, or their representatives, except if not enough public officials are willing or available, appointed public officials may serve. Minutes of meetings or letters of appointment must be on file for review.

c. The remainder of the members are to be officials or members of business, industry, labor, religious, welfare, education or other major groups in the community. A description of the process used for selection of private sector representatives is to be available for review. The description should include a process for interested private sector groups to petition for membership and how the petition will be considered.

B. As a part of the problem assessment portion of the planning phase (conducted every three years), each local agency shall conduct public forums for low income residents of the areas. These forums are to allow a discussion and listing of problems as viewed by the low income and their suggestions for solutions.

R202-100-29. Federal Program Regulations.

The CSBG is subject to regulations periodically published in the Federal Register.

R202-100-30. Required Documentation and Forms.

The required application, budget and reporting forms shall be designated through SCSO Community Services Block Grant Program Directives.

R202-100-31. Application Process and Submission Timetable.

A. The grant application phase of CSBG for local grantees involves:

(1) A local poverty problem identification process developed under prescribed criteria outlined in a Community Services Block Grant Program Directives, problem analysis, resource analysis, service delivery system description, prioritization process and coordination policy process with appropriate documentation submitted to SCSO by May 15 every three (3) years, starting in 1998;

(2) The development of a work program for addressing problems identified and prioritized includes:

- (a) Community review of draft work program;
- (b) Approval of final plan by local boards or by local officials;
- (c) Submission to state office by June 30 of each year.

(3) As part of the application package, the applicant must submit an administrative budget separate from the program operation budget.

R202-100-32. Budget Estimate.

By May 1, the state shall make available to eligible applicants, an estimate of funding amounts for each geographical area, based on the formula contained in the State Plan.

R202-100-33. Public Review and Comment.

~~_____ A. After the work program has been prepared, but before Board approval, the applicant must provide ample opportunity for its review by low-income residents, the community as a whole, and relevant community organizations and agencies. Notice of the availability of the application for citizen review and comment shall also be given by providing written notice to organizations and agencies, to the local media, and posting of notice in public places convenient to low-income residents. The grantee must submit all of the comments of persons and organizations choosing to respond with the application to the State Office of Community Services.~~

R202-100-34. Senate Bill 50 -- Sales Tax Refund on Donated Food.

~~_____ A. The State Community Services Office shall:~~

~~_____ (1) Provide definitions for certification and decertification of eligible agencies to receive the sales tax refund;~~

~~_____ (2) Provide criteria for an organization to apply for recognition as a qualified emergency food agency;~~

~~_____ (3) Provide procedures to be used in the certifying and decertifying of agencies for Rules and Procedure infractions;~~

~~_____ (4) Provide standards for determining and verifying the amount of the donated food;~~

~~_____ (5) Certify organizations to receive the Sales Tax Refund to the State Tax Commission;~~

~~_____ (6) Provide monitoring to insure certified agencies maintain required weighing capabilities and inventory records;~~

~~_____ (7) Develop other procedures necessary to implement Senate Bill 50 in consultation with the State Tax Commission.~~

~~**KEY:** antipoverty programs, grants, community action programs, food sales tax refunds~~

~~**Date of Enactment or Last Substantive Amendment:** January 15, 1998~~

~~**Notice of Continuation:** November 7, 2007~~

~~**Authorizing, and Implemented or Interpreted Law:** 9-4-202]~~

Community and Culture, Housing and
Community Development, Community
Services
R202-101
Qualified Emergency Food Agencies
Fund (QEFAP)

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36326

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General

session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Housing and Community Development, Community Services Division to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R990-101 published in the June 1, 2012, issue of the Bulletin under DAR No. 36220.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ LOCAL GOVERNMENTS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ SMALL BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jonathan Hardy by phone at 801-538-8650, by FAX at 801-538-8888, or by Internet E-mail at jhardy@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~[R202. Community and Culture, Housing and Community Development, Community Services:~~

~~**R202-101. Qualified Emergency Food Agencies Fund (QEFAP).**~~

~~**R202-101-1. Designation as a Qualified Emergency Food Fund Agency.**~~

~~_____ A. A qualified emergency food agency is an organization that is: a) exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code; or b) an association of governments which, as part of its activities operates a program that has as the program's primary purpose to i) warehouse and distribute food to other agencies and organizations providing food and food ingredients to low-income persons; or ii) provide food and food ingredients directly to low-income persons. For initial designation, an organization shall file an application with the State Community Services Office (SCSO) and must be approved as a qualified emergency food agency before receiving distributions under Utah Code Section 9-4-1409. The application form and instructions are available on the SCSO Website at <http://housing.utah.gov/seso/qefaf.html>~~

~~_____ B. After initial designation as a qualified emergency food agency, a non-profit 501(c)(3) organization must maintain a current Charitable Solicitations Permit issued by the Utah Department of Commerce, Division of Consumer Protection per Utah Code Section 13-22-6 or be exempt under Utah Code Section 13-22-8. An association of governments must continue to operate a program which has, as the program's primary purpose to i) warehouse and distribute food to other agencies and organizations providing food and food ingredients to low-income persons; or ii) provide food and food ingredients directly to low-income persons.~~

~~_____ C. All organizations shall submit a current Board Roster and contact information for the individual primarily responsible for maintaining the organization's financial records. This information should be submitted with the signed copies of the Memorandum of Understanding each year.~~

~~**R202-101-2. Use of Funds.**~~

~~_____ Funds received from the Qualified Emergency Food Agency Fund must be expended by the Qualified Agency only for purposes related to: a) warehousing and distributing food and food ingredients to other agencies and organizations providing food and food ingredients to low-income persons; or b) providing food and food ingredients directly to low-income persons.~~

~~**R202-101-3. Allowable Expenditures.**~~

~~_____ A. Warehousing — Expenditures directly related to receiving, sorting, weighing, handling, and storing of food and food~~

~~ingredients, including direct staff costs for warehousing activities, scales, fork lifts, pallet jacks, shelving, refrigeration equipment, supplies for food storage, and space costs associated with the warehousing activity such as utilities, insurance, cleaning supplies, pest control, and minor repairs and maintenance.~~

~~_____ B. Distributing — Expenditures directly related to packaging and transporting food and food ingredients to other agencies and organizations which provide food and food ingredients to qualified low-income individuals and households, including direct staff costs, transportation equipment costs such as refrigeration units, insurance on vehicles used exclusively to pick up and drop off food and food ingredients, fuel, licensing, repairs and maintenance.~~

~~_____ C. Providing — Expenditures directly related to providing food and food ingredients directly to low-income individuals and households, including direct staff costs for client intake, case management, meal preparation and/or delivery of meals to home-bound clients or congregate meal sites; operational expenditures, including telephones, computer systems used to track client eligibility, food intake and distribution; staff and volunteer training costs such as food safety training; food handler's permits; and other direct costs which are reasonable and necessary.~~

~~_____ D. Direct staff costs — is defined as salaries and wages, employer's payroll taxes, and fringe benefits for staff directly involved in collecting, transporting, receiving, weighing, sorting, handling, and packaging food and food ingredients; dispensing food and food ingredients directly to eligible clients; preparing, serving and/or delivering meals to eligible clients; and providing case management services directly to eligible food bank clients. Personnel costs for staff who also work in non-QEFAP supported activities must be supported by time and activity reports.~~

~~_____ E. Food and food ingredients — reasonable and necessary purchases of food and food ingredients that are warehoused, distributed, and/or provided directly to eligible low-income individuals and households is allowable.~~

~~_____ F. Administrative Expenditures — QEFAP funds expended for administrative costs shall not exceed 5% of the total distributions received under the QEFAP program for any fiscal year. Any QEFAP funds unexpended as of the end of Qualifying Agency's fiscal year should be clearly identified and treated as temporarily restricted funds.~~

~~**R202-101-4. Non-Allowable Expenditures.**~~

~~_____ Expenditures that do not directly pertain to warehousing, distributing, or providing food and food ingredients to low-income persons, other than the maximum 5% administrative costs mentioned above, are not allowed. Specifically, expenditures associated with soliciting or promoting cash or food donations, recognizing donors and volunteers, and transportation costs other than picking up and delivering food and food ingredients are not allowed. Any other expenditure not specifically listed under the sections above not allowed.~~

~~**R202-101-5. Submission of Claims.**~~

~~_____ A. Claims shall be submitted no more frequent than monthly. Claims must be submitted by the Qualified Agency online using the Web Grants system at the following website address: <http://www.webgrants.community.utah.gov>~~

~~_____ B. Claims shall be based on the eligible pounds of food donated to Qualified Agency during the fiscal year beginning July 1, 2009 and ending June 30, 2010 valued at the rate of \$0.12 per pound.~~

~~**R202-101-6. Limited Funds Available.**~~

~~_____ Funds available under the Qualified Emergency Food Agency Fund are limited. In the event funds deposited into the Qualified Emergency Food Agency Fund are insufficient to meet the claims for distribution received, the State Community Services Office (SCSO) shall make distributions to Qualified Agencies in the order that SCSO receives the claims. The time submitted as recorded in the Web Grants system shall be used to determine the order in which claims are received by SCSO.~~

~~**R202-101-7. Eligible Pounds.**~~

~~_____ Eligible pounds shall mean the aggregate number of pounds of food and food ingredients, as defined in Utah Code Section 59-12-102 that are a) donated to Qualified Agency on or after July 1, 2009; and b) for which Utah sales or use tax was paid by the person donating the food or food ingredients.~~

~~**R202-101-8. Recordkeeping Requirements.**~~

~~_____ A. Qualified Agency agrees to maintain receipts and other original records for donations of food and food ingredients, including schedules and work papers supporting claims made under the Qualified Emergency Food Agency Fund program. Such records must be maintained for a period of three years following the date of the last refund for fiscal year ending June 30, 2010.~~

~~_____ B. Qualified Agency agrees to maintain a financial management system that provides accurate, current, and complete disclosure of the receipt and disbursements of all QEFAP funds, including accounting records that are supported by source documentation sufficient to determine that QEFAP funds were expended only for purposes as stated in Utah Code 9-4-1409 and the Use of Funds section above.~~

~~_____ C. Qualified Agency agrees to maintain effective control and accountability for all QEFAP funds and all property, equipment, and other assets acquired with QEFAP funds. Qualified Agency agrees to adequately safeguard all such assets and assure they are used solely for authorized purposes. Such records must be maintained by Qualified Agency for a period of five years following the date of the last refund for fiscal year ending June 30, 2010.~~

~~**R202-101-9. Monitoring.**~~

~~_____ SCSO will monitor Qualified Agency's claims and may conduct one or more site visits to inspect records supporting the pounds of food and food ingredients claimed. SCSO may also review financial records to determine that distributions received are expended in accordance with Utah Code Section 9-4-1409(8). Qualified Agency agrees to provide all information needed by SCSO in performing this monitoring responsibility and will make such records available, upon reasonable notice, for said monitoring.~~

~~**R202-101-10. Overpayment Recoupment.**~~

~~_____ A. Amounts claimed by Qualified Agency under this agreement that are determined by audit to be ineligible for reimbursement because a) such claims were based on ineligible food or food ingredient donations; or b) lack of adequate~~

~~documentation to support the total poundage of food or food ingredient donations claimed shall be immediately returned to the State.~~

~~_____ B. Expenditures of QEFAP funds determined by audit to be unallowable because 1) funds were used for purposes not specified above under Use of Funds; or 2) expenditures not supported by adequate source documentation shall be a) immediately returned to the State; or b) properly segregated in the Qualified Agency's accounting records and identified as temporarily restricted until such time as those funds are used for the purposed specified under Use of Funds above.~~

~~**R202-101-11. Training and Technical Assistance.**~~

~~_____ SCSO agrees to provide training and technical assistance to Qualified Agency in regards to accessing and submitting a claim online using the Web Grants system. Qualified Agency is responsible for ensuring that its staff receives such training and assistance.~~

~~**KEY: Qualified Emergency Food Agencies Fund, QEFAP, antipoverty programs, community action programs**~~

~~**Date of Enactment or Last Substantive Amendment: February 22, 2010**~~

~~**Authorizing, and Implemented or Interpreted Law: 9-4-1409]**~~

**Community and Culture, Olene Walker
Housing Trust Fund
R235-1
Olene Walker Housing Loan Fund
(OWHLF)**

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36327

FILED: 06/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 139 (Department of Community and Culture Amendments) passed in the 2012 Legislative General session. The intent of this bill was to restructure the Department of Community and Culture into the new Department of Heritage and Arts, and to move the Olene Walker Housing Trust Fund to the Department of Workforce Services (DWS). The purpose of this repeal is to remove this rule as the content is now under DWS. (DAR NOTE: The proposed new rule is R982-501 published in the June 1, 2012, issue of the Bulletin under DAR No. 36213.)

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ **LOCAL GOVERNMENTS:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ **SMALL BUSINESSES:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings associated with this proposed repeal. Responsibility for this program has been transferred to DWS which has filed a new replacement rule identical to this one.

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

COMMUNITY AND CULTURE
 OLENE WALKER HOUSING TRUST FUND
 ROOM 500
 324 S STATE ST
 SALT LAKE CITY, UT 84111
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Shelli Goble by phone at 801-538-8653, by FAX at 801-538-8888, or by Internet E-mail at shgoble@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

~~**R235. Community and Culture, Olene Walker Housing Loan Fund:**~~

~~**R235-1. Olene Walker Housing Loan Fund (OWHLF):**~~

~~**R235-1-1. Authority:**~~

~~(1) Pursuant to Section 9-4-701 et seq., Utah Code, the Olene Walker Housing Loan Fund Board (OWHLF) determines how federal and state monies deposited to the fund shall be allocated and distributed.~~

~~(2) The Program Guidance and Rules govern the allocation and distribution of funds. The Program Guidance and Rules may be amended from time to time as new guidelines and regulations are issued or as the Board deems necessary to carry out the goals of the OWHLF.~~

~~**R235-1-2. Purpose:**~~

~~(1) Pursuant to Subsection 9-4-702(1)(a), the Division of Housing and Community Development (DHCD) shall administer the OWHLF as the designee of the executive director of the Department of Community and Culture (DCC).~~

~~(2) The objective of the OWHLF is to rehabilitate or develop housing that is affordable to very low, low and moderate-income persons through a fair and competitive process.~~

~~(3) In administering this fund, this rule incorporates by reference 24 CFR 84.85 as authorized under Utah Code Annotated Section 9-4-703 through 708.~~

~~**R235-1-3. Definitions:**~~

~~In addition to terms defined in Section 9-4-701:~~

~~(1) "Application" means the form provided and required by DHCD to be submitted to request funds from the OWHLF.~~

~~(2) "Board" means the Olene Walker Housing Loan Fund Board.~~

~~(3) "BRC" means a Board Review Committee(s), consisting of members selected by the Board.~~

~~(4) "Consolidated Plan" means a plan of up to five years in length that describes community needs, resources, priorities and proposed activities to be undertaken under certain HUD programs, including Community Development Block Grant (CDBG), HOME, Emergency Shelter Grant Housing Opportunities for Persons with AIDS (HOPWA), and other partner funding sources.~~

~~(5) "Subsidy layering" means an evaluation of the project conducted by DHCD staff to ensure that the lowest amount of HOME and other funds necessary to provide affordable housing are invested in the project.~~

~~(6) "HOME, CDBG, or HOPWA" means HUD programs that provide funds for housing and community needs.~~

~~(7) "Affordable Housing" means assisting persons at or below 80% of area median income (as defined by HUD) to find decent, and safe housing at a reasonable cost.~~

~~(8) "Loan" means funds provided with the requirement of repayment of principal and interest over a fixed period of time.~~

~~(9) "Grant" means funds provided with no requirement or expectation of repayment.~~

~~(10) "Local Agency" means public housing authorities, counties, cities, towns, and association of governments.~~

~~_____ (11) "Funding Cycle" means period of time in which OWHLF funds are allocated.~~

~~_____ (12) "Allocation Plan" means an annual plan that describes housing needs, priorities, funding sources, and the process and policies to request funds from the OWHLF.~~

~~_____ (13) "Other Funding Sources" means funds from other federal programs and community partners (including CRA funds).~~

R235-1-4. Applicant and Project Eligibility.

~~_____ (1) The Board shall consider for funding, only those applications submitted by an eligible applicant as defined in Section 9-4-706, Utah Code.~~

~~_____ (2) The Board shall consider for funding only those eligible projects as defined in Section 9-4-705, Utah Code and meet one or more of the following priorities established by the Board:~~

~~_____ (a) Efficiently utilize funds, through cost containment and resource leveraging;~~

~~_____ (b) Provide that largest numbers of units shall charge the lowest monthly rental amount at levels that are attainable over the longest periods of time;~~

~~_____ (c) Provide the most equitable geographic distribution of resources;~~

~~_____ (d) Provide housing for special needs populations including: (i) transitional housing, (ii) elderly and frail elderly housing, and (iii) housing for physically and mentally disabled persons;~~

~~_____ (e) Strengthen and expand the abilities of local governments, non-profits organizations and for-profit organizations to provide and preserve affordable housing;~~

~~_____ (f) Assist various Community Housing Development Organizations (CHDO) in designing and implementing strategies to create affordable housing, and~~

~~_____ (g) Promote partnerships among local government, non-profit and for-profit organizations, and CHDO.~~

~~_____ (h) Meet the goals of the Utah Consolidated Plan and any local area plans regarding affordable housing.~~

R235-1-5. Application Requirements.

~~_____ (1) OWHLF funds shall be distributed in accordance with an application process defined in this rule. Funds shall be issued during a scheduled funding cycle. The Board conducts four cycles during a calendar year.~~

~~_____ (2) An applicant seeking to obtain funds shall submit a completed application form furnished by the DHCD prior to the cycle's deadline.~~

~~_____ (3) All completed applications will be reviewed by staff, which will present the application to the Board Review Committee (BRC) during the cycle in which the application is received. Applications will be ranked and scored according to how completely each application meets the criteria established by the Board.~~

~~_____ (4) Applicants submitting incomplete applications will be notified of deficiencies. Each incomplete request(s) will be held in a file, pending submission of all required information by the applicant.~~

~~_____ (5) A decision on each application will generally be made no later than the award notification date for each cycle. The Board may delay final decisions in order to accommodate scheduling and processing problems peculiar to each cycle.~~

~~_____ (6) The Board may modify a given cycle and change submission deadlines to dates other than those previously scheduled. In doing so, the Board will make reasonable efforts to inform interested parties of such modifications.~~

~~_____ (7) For Single-Family Program applicants, the Board may delegate responsibilities to local agencies for application intake, loan underwriting, processing, approval, project development, construction and weatherization oversight, and management. Local agencies will be governed by policies and procedures approved by the Board.~~

R235-1-6. Project Selection Process.

~~_____ (1) The BRC shall select applications for funding according to the following process and requirements as outlined in the Allocation Plan:~~

~~_____ (a) Project underwriting and threshold review;~~

~~_____ (b) Scoring and documentation review;~~

~~_____ (c) Market study and project reasonableness review;~~

~~_____ (d) Calculation of OWHLF subsidy amount.~~

R235-1-7. Funding Approval.

~~_____ (1) After each application has been processed and the funding amount has been determined for a given cycle, staff will present projects to the BRC at its next regularly scheduled meeting. The BRC shall hear comments from applicants at the committee meeting and obtain sufficient information to inform the full board about the project, its financial structure, and related general information.~~

~~_____ (2) A copy of the BRC recommendation, including all conditional requirements imposed by the BRC and staff, shall become a part of the permanent record and placed in the applicant's file. Recommendations will be presented at the next regularly scheduled quarterly Board meetings. The board will approve, deny, or delay the application.~~

~~_____ (3) An applicant may request a change in the terms as outlined in the original motion of the board by reapplying to DHCD, with all updated, applicable financial information included, in subsequent funding rounds.~~

R235-1-8. Project Reporting.

~~_____ (1) All projects receiving funding approval will be required to provide status reports at a scheduled frequency, in a format prescribed by the staff, and approved by the Board.~~

~~_____ (2) Projects that have not begun construction within one year from the date of approval for funding must submit to staff a summary of significant progress made to date and an explanation of why the project is behind schedule. Staff will present this information to the BRC.~~

~~_____ (3) The BRC may choose to extend the period of the project, to rescind the approval, or require the project to re-apply in accordance with current parameters.~~

R235-1-9. Compliance Monitoring.

~~_____ (1) Monitoring of the project by DHCD staff will be completed to ensure program compliance. Program non-compliance or lack of response to inquiries from staff will be reported to the DHCD administration, the Board, HUD, and the Attorney General's Office as deemed necessary.~~

R235-1-10. Administration Fees.

~~(1) The local agencies listed below may use previously designated funds for project administration costs as approved by the Board. Such projects are still subject to on-site administrative supervision, staff oversight, or monitoring by DHDC. The agencies include:~~

- ~~(a) Public Housing Authorities.~~
- ~~(b) Counties, cities and towns.~~
- ~~(c) Associations of Governments.~~

~~(2) The agencies shall be expected to demonstrate a significant level of business management and administrative experience and ability in order to receive administrative funds. They shall also demonstrate an acceptable level of background and experience to perform housing rehabilitation/reconstruction and implementation functions.~~

R235-1-11. Financial Subsidy Review.

~~(1) DHCD staff shall conduct "subsidy layering" reviews on projects that directly or indirectly receive financial assistance from the U.S. Department of Agriculture Rural Development Service ("RD or RDS"), the U.S. Department of Housing and Urban Development ("HUD") exclusive of HOME, CDBG, or HOPWA assistance, (i.e., the "Subsidy Layering Review") and other federal agencies.~~

~~(2) Subsidy Layering Reviews shall be conducted in accordance with guidelines established by the cognizant federal agency with respect to the review of any financial assistance provided by or through these agencies to the project and shall include a review of:~~

- ~~(a) The amount of equity capital contributed to a project by investors;~~
- ~~(b) The project costs including developer fees, and~~
- ~~(c) The contractor's profit, syndication costs and rates.~~

~~(3) In the course of conducting the review, the staff may disclose or provide a copy of the application to the cognizant federal agency for its review and comments and shall take any other action deemed necessary to satisfy its obligations under the respective review requirements. DHCD staff will consider the results of any review completed by Utah Housing Corporation (UHC).~~

R235-1-12. Sharing of Information.

~~(1) Application information may be shared with participating lenders, IRS and UHC.~~

~~(2) In administering this program, the DHCD staff shall conduct all functions in accordance with the provisions of the state GRAMA statute and the federal Freedom of Information Act.~~

R235-1-13. Portfolio Management.

~~(1) DHCD staff will track the status of the OWHLF portfolio to assess any problem loans needing special loan servicing. Staff will make recommendations to the BRC regarding loan review, changes, and approvals.~~

~~(2) DHCD staff will work with the board and the Attorney General's office to develop policies and procedures to govern special portfolio management issues such as loan restructuring, bankruptcies, and asset disposal.~~

~~KEY: Olene Walker Housing Loan Fund, affordable housing, housing development~~

~~Date of Enactment or Last Substantive Amendment: April 27, 2011~~

~~Notice of Continuation: February 24, 2011~~

~~Authorizing, and Implemented or Interpreted Law: 9-4-704(5)(a)]~~

Education, Administration R277-408 Grants for Online Testing

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36364

FILED: 06/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule provides application procedures and standards for local education agencies (LEAs) to apply for grants to implement uniform online testing.

SUMMARY OF THE RULE OR CHANGE: The new rule provides definitions, procedures for applications for funding, standards for online adaptive testing technology, criteria for appropriate use of funding, and procedures for distribution of funding.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-1-708(4)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. Legislative funding is provided and will be distributed to LEAs consistent with the law and this rule.

◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. Selected LEAs will be provided funding to implement uniform online testing.

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. This rule applies to public education and does not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. This rule applies to LEAs applying for grants to implement online testing and does not affect individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. LEAs applying for grants to implement online testing will comply with state law and the provisions of this rule to receive funding.

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.

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 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 NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

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

R277. Education, Administration.

R277-408. Grants for Online Testing.

R277-408-1. Definitions.

- A. "Board" means the Utah State Board of Education.
B. "LEA" means a local education agency, including local school boards/public school districts, and charter schools.
C. "U-PASS testing requirements" as defined in Section 53A-1-602, include Criterion-Referenced tests (CRT) or Adaptive tests, Board-designated 10th grade test, and Direct Writing Assessment (DWA).
D. "USOE" means the Utah State Office of Education.
E. "Utah's core standards" means a statement of what students enrolled in public schools are expected to know and be able to do at specific grade levels or following completion of identified courses.

R277-408-2. Authority and Purpose.

- A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-708(4) which directs the Board to make rules establishing procedures for grant applications and awards that satisfy the minimum requirements of Section 53A-1-708(4), and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.
B. The purpose of the rule is to provide for grants to LEAs to implement uniform online testing required under U-PASS testing requirements, including meeting technology standards established by the Board aligned with Utah's core standards, and provide local matching funds.

R277-408-3. Applications for Funding.

- A. The USOE shall provide applications for LEAs to apply for available online testing grant funds before May 15 annually.
B. LEAs may submit applications for funds for online delivery of required U-PASS tests.
C. Grant applications shall provide the following:
(1) names of participating schools within the LEA;
(2) U-PASS assessments that shall be provided within and by the LEA;
(3) U-PASS assessments that shall be provided online;
(4) a budget for use of grant funds;
(5) an assurance from the applicant that online testing shall be implemented at 100 percent of students and assessments as required under Section 53A-1-708(4);
(6) an assurance that the LEA shall meet the technology standards for online adaptive testing, as provided in R277-408-4;
(7) an assurance that personally identifiable student data shall only be released to appropriate entities consistent with the law and this rule;
(8) participation in the online readiness tool as per USOE direction; and
(9) the amount and source of the matching funds that shall be used by the LEA to satisfy the requirements of Section 53A-1-708(4)(f).
D. Applications shall be submitted for funding to the USOE before June 15 annually.

R277-408-4. Online Adaptive Testing Technology Standards.

- A. The USOE shall provide online adaptive testing technology standards to LEAs before January 15, 2013.
B. Technology standards shall include:
(1) minimum hardware requirements;
(2) minimum bandwidth requirements; and
(3) minimum operating system and software requirements.

R277-408-5. Appropriate Use of Funds.

- Online grant funds may be used for the following:
A. computer equipment and peripherals, including electronic data capture devices designed for electronic test administration and scoring;
B. software;
C. networking equipment;
D. upgrades of existing equipment or software;
E. upgrades of existing physical plant facilities; and
F. personnel to provide technical support, coordination, management, and teacher professional development (combined expenditure for personnel shall not exceed 10 percent of the grant funds allocated to an LEA).

R277-408-6. Distribution of Funds.

- A. The USOE shall notify successful grant applicants before July 1, 2012.
B. The USOE shall notify successful grant applicants of the base and per pupil funds that LEAs shall receive, based on required and complete information submitted in grant applications, before July 15, 2012.

C. If LEAs that received notice of funding choose not to participate in the grant award or otherwise fail to meet eligibility requirements for funds under Section 53A-1-708 or this rule, the funds designated for those LEAs shall be distributed to other eligible LEAs after August 15, 2012.

KEY: online testing, grants

Date of Enactment or Last Substantive Amendment: 2012

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-708(4); 53A-1-401(3)

Education, Administration

R277-467

Distribution of Funds Appropriated for Library Books and Electronic Resources

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36366

FILED: 06/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide updated terminology consistent with new and available technology.

SUMMARY OF THE RULE OR CHANGE: The changes to the rule include adding and revising definitions and updating terminology throughout the rule.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. Updated terminology throughout the rule does not result in any cost or savings to the state.

◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. Updated terminology throughout the rule does not result in any cost or savings to local government or local education agencies.

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. This rule applies to public education and does not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to local government. Updated terminology throughout the rule does not result in any cost or savings to individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated cost or savings to local government. Updated terminology throughout the rule does not result in any compliance costs.

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

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 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 NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

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

R277. Education, Administration.

R277-467. Distribution of Funds Appropriated for Library [Books]Media Materials and Electronic Resources.

R277-467-1. Definitions.

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

B. "Electronic resources" means databases, CDs, DVDs, software, online materials, or other items in electronic format which may be included in the school library media collection and made available for use[~~or access in the school library media center~~].

C. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

[~~E~~]D. "Library [~~books~~]media materials" means trade books including electronic versions, that support the school curriculum [~~and books~~]or are provided for recreational reading interests. This definition does not include textbooks or [~~books~~]materials used solely for classroom instruction or classroom libraries.

[~~D~~]E. "USOE" means the Utah State Office of Education.

R277-467-2. Authority and Purpose.

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

B. The purpose of this rule is to distribute an on-going appropriation, subject to budget constraints, to [~~school districts and charter schools~~]LEAs. The appropriation is designated for school library [~~books~~]media materials and electronic resources.

R277-467-3. Distribution of Funds.

A. Each Utah [~~public and charter school~~]LEA shall receive an allocation from the annual appropriation as follows:

(1) 25 percent shall be divided equally among all [~~public schools~~]LEAs; and

(2) 75 percent shall be divided among public schools based on each public school's average daily membership as compared to the total average daily membership of all public schools.

B. An [~~school district or charter school~~]LEA may not use money appropriated in this allocation to supplant other monies used to purchase library [~~books~~]media materials or electronic resources.

C. [~~Schools~~]LEAs shall spend these fund allocations only for library [~~books~~]media materials and electronic resources that shall be part of the school library [~~media~~] collection and available for general use and checkout by students and staff or both.

R277-467-4. Accountability and Evaluation.

The USOE may review [~~schools~~]LEAs' use of funds to determine if funds were expended consistently with the purpose of this rule and the appropriation.

KEY: libraries, educational media

Date of Enactment or Last Substantive Amendment: [~~August 7, 2007~~]2012

Notice of Continuation: June 15, 2012

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

Education, Administration

R277-470

Charter Schools - General Provisions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36367

FILED: 06/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide standards and procedures for the newly appropriated state charter school start-up and implementation grants and the charter school mentoring program for which funding was provided in H.B. 397, 2012 General Session.

SUMMARY OF THE RULE OR CHANGE: The amendments to this rule include providing new definitions, adding a new section on charter school start-up and implementation grants, and adding a new section on the charter school mentoring program.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-1a-513 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. Funding, appropriated by the 2012 Legislature, will be provided to charter schools that desire to receive charter school start-up and implementation grants and choose to participate in the charter school mentoring program.

♦ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. Charter schools that desire to receive charter school start-up and implementation grants and choose to participate in the charter school mentoring program will receive funding appropriated by the 2012 Legislature.

♦ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. The amendments to this rule apply to public charter schools and do not affect businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. This rule applies to public charter schools and does not affect individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Participating charter schools will comply with state law and the provisions of this rule to receive funding.

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.

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 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 NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

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

R277. Education, Administration.

R277-470. Charter Schools - General Provisions.

R277-470-1. Definitions.

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

B. "Chartering entities" means entities that authorize a charter school under Section 53A-1a-501.3(2).

C. "Charter schools" means schools acknowledged as charter schools by chartering entities under Sections 53A-1a-515, 53A-1a-521, and this rule or by the Board under Section 53A-1a-505.

D. "Charter school governing board" means the board designated by the charter school to make decisions for the operation of the school.

E. "Expansion" means a proposed ten percent increase of students or adding grade level(s) in an operating charter school at a single location.

F. "Mentor," for purposes of the mentoring program, means an individual with experience as a charter school governing board member, employee, advisor, or a public educator with an area of expertise or demonstrated competence, willing to advise charter schools, approved by the State Charter School Board to participate in the mentoring program.

G. "Mentoring program," for purposes of this rule, means the State Charter School Board mentoring program.

[F]H. "No Child Left Behind (NCLB)" means the federal law under the Elementary and Secondary Education Act, Title IX, Part A, 20 U.S.C. 7801.

[G]I. "Satellite school" means a charter school affiliated with an operating charter school having a common governing board and a similar program of instruction, but located at a different site or in a different geographical area. The parent school and all satellites shall be considered a single local education agency (LEA) for purposes of public school funding and reporting.

[H]J. "State Charter School Board" means the board designated in Section 53A-1a-501.5.

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

[J]L. "Utah Consolidated Application (UCA)" means the web-based grants management tool employed by the Utah State Office of Education by which local education agencies submit plans and budgets for approval of the Utah State Office of Education.

R277-470-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board, Section 53A-1a-513 which directs the Board to distribute funds for charter school students directly to the charter school, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and 20 U.S.C., Section 8063(3) which directs the Board to submit specific information prior to charter schools' receipt of federal funds.

B. The purpose of this rule is to establish procedures for authorizing, funding, and monitoring charter schools and for repealing charter school authorizations. The rule also establishes timelines as required by law to provide for adequate training for beginning charter schools.

R277-470-3. Maximum Authorized Charter School Students.

A. Local school boards and institutions of higher education may approve charter schools by notifying the State Charter School Board by April 1 of the calendar year two years prior to opening of proposed charter schools, including authorized numbers of students and other information as required in Sections 53A-1a-515 and 53A-1a-521.

B. The Board, in consultation with the State Charter School Board and chartering entities, may approve schools, expansions and satellite charter schools for the total number of students authorized under Section 53A-1a-502.5

C. The number of students requested from all chartering entities shall be considered as students are allocated by the State Charter School Board and approved by the Board.

R277-470-4. Charter Schools and NCLB Funds.

A. Charter schools that desire to receive NCLB funds shall comply with the requirements of R277-470-4.

B. To obtain its allocation of NCLB formula funds, a charter school shall complete all appropriate sections of the Utah Consolidated Application (UCA) and identify its economically disadvantaged students in the October upload of the Data Clearinghouse.

C. If the school does not operate a federal school lunch program, the school:

(1) shall determine the economically disadvantaged status for its students on the basis of criteria no less stringent than those established by the U.S. Department of Agriculture for identifying students who qualify for reduced price lunch for the fiscal year in question; or

(2) may use the Charter School Declaration of Household Income form provided by the USOE for this purpose.

D. A school which does not use the form shall maintain equivalent documentation in its records, which may be subject to audit.

R277-470-5. Charter School Start-up and Implementation Grants.

A. Charter schools that desire to receive State Charter School Board start-up and implementation grant funds shall comply with the requirements of R277-470-5.

B. To receive a State Charter School Board start-up or implementation grant, a charter school shall be eligible and meet the requirements consistent with Section 53A-1a-507.

C. Eligible charter schools shall complete an application and may be awarded a grant for no more than 36 months.

D. Only schools that have not received state start-up or implementation grant funds in prior years are eligible.

E. Amounts and conditions of distribution of state start-up or implementation grant funds shall be determined annually in conjunction with the State Charter School Board's new charter approval process.

F. Grant funds may only be used for allowable expenditures as provided by the State Charter School Board.

G. Grant recipients shall participate in monitoring activities.

H. Grantee schools shall provide monitoring information to the USOE, as directed.

I. Charter schools shall repay grant funds to the State Charter School Board if recipients change to non-charter status within ten years of receiving grant funds. An exception may be made for schools that convert status due to either federal or state law requirements for academic purposes.

R277-470-6. Charter School Mentoring Program.

A. Board-approved or existing charter schools may choose to participate in the mentoring program.

B. Charter schools choosing to participate in the mentoring program shall submit an application to the USOE, consistent with USOE timelines.

C. Subject to the availability of funds, participating charter schools shall be eligible for reimbursement of allowable expenditures through the mentoring program if the charter school:

(1) submits an approved reimbursement form; and

(2) submits an approved mentor and program evaluation.

D. Allowable expenditures in the mentoring program include:

(1) mileage for mentor to and from home base to participating charter school, consistent with the USOE adopted travel policy;

(2) lodging consistent with the USOE adopted travel policy;

(3) meals consistent with the USOE adopted travel policy; and

(4) substitute per diem (paid to mentor's employer) of \$65 for a full day or \$32.50 for a half day, if the mentor has to miss work and a substitute is necessary.

E. A mentor shall submit an application to the State Charter School Board to participate in the mentoring program that identifies areas of expertise and demonstrated competencies.

F. The State Charter School Board shall:

(1) receive an annual program report from the USOE;

(2) evaluate the mentoring program annually;

(3) publish, on its website, information from participating schools regarding mentor evaluations; and

(4) maintain a list of approved mentors.

R277-470-5]7. Charter School Parental Involvement.

A. Charter schools shall encourage and provide opportunities for parental involvement in management decisions at the school level.

B. Charter schools that elect to receive School LAND Trust funds shall have a committee consisting of a majority of parents elected from parents of students currently attending the charter school that is designated to make decisions about the School LAND Trust funds consistent with R277-477-3E.

R277-470-6]8. Transportation.

A. Charter schools are not eligible for to-and-from school transportation funds.

B. A charter school that provides transportation to students shall comply with Utah law Section 53-8-211.

C. A school district may provide transportation for charter school students on a space-available basis on approved routes.

D. Charter school students and their parents who participate in transportation by the school district as guests shall receive notice of applicable district transportation policies and may forfeit with no recourse the privilege of transportation for violation of the policies.

R277-470-7]9. Miscellaneous Provisions.

A. The State Charter School Board shall provide a form on its website for individuals to report threats to health, safety or welfare of students consistent with Section 53A-1a-510(3).

(1) Individuals making reports shall be directed to report suspected criminal activity to local law enforcement and suspected child abuse to local law enforcement or the Division of Child and Family Services consistent with Sections 62A-4a-403 and 53A-11-605(3)(a).

(2) Additionally, individuals may report threats to the health, safety or welfare of students to the charter school governing board.

(a) reports shall be made in writing;

(b) reports shall be timely;

(c) anonymous reports shall not be reviewed further.

(3) Charter school governing boards shall verify that potential criminal activity or suspected child abuse has been reported consistent with state law and this rule.

(4) Charter school governing boards shall act promptly to investigate disciplinary action, if appropriate, against students who may be participants in threatening activities or take appropriate and reasonable action to protect students or both.

C. The Board shall have authority for final approval of all charter schools. All charter schools shall be subject to accountability standards established by the Board and to monitoring and auditing by the Board.

KEY: education, charter schools

Date of Enactment or Last Substantive Amendment: [January 10,] 2012

Notice of Continuation: October 10, 2008

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1a-515; 53A-1a-505; 53A-1a-513; 53A-1-401(3); 53A-1a-510; 53A-1a-519; 53A-1a-501.5; 53A-1-301; 53A-1a-502.5; 53-8-211; 62A-4a-403; 53A-11-605; 53A-1a-522; 53A-1a-521; 53A-1a-501.3; 53A-1a-513.5

Education, Administration
R277-482
 Charter School Timelines and Approval
 Processes

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 36368

FILED: 06/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to expand the definition of underserved student populations to include children of refugee families and English language learners consistent

with H.B. 441, Charter School Enrollment Amendments, 2012 General Session, and to add language consistent with S.B. 213, 2012 General Session, regarding charter school caps based on students participating in the Statewide Online Education Program.

SUMMARY OF THE RULE OR CHANGE: The amendments to this rule provide an expanded description of underserved student populations and new language providing a formula for counting online students in charter school counts.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-1a-513 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. The changes to the rule are procedural and do not affect total funding.
- ◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. The changes to the rule are procedural and do not affect overall funding.
- ◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. This amendments to this rule apply to public charter schools and do not affect businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The changes to the rule are procedural and do not affect overall funding or affect individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The changes to the rule are procedural. Charter schools will comply with state law and the provisions of this rule.

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.

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 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 NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

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

R277. Education, Administration.

R277-482. Charter School Timelines and Approval Processes.

R277-482-1. Definitions.

A. "Amendment," for purposes of this rule, means a change or addition to the charter agreement.

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

C. "Chartering entities" means entities that authorize a charter school under Section 53A-1a-501.3(2).

D. "Charter schools" means schools acknowledged as charter schools by chartering entities under Sections 53A-1a-515, 53A-1a-521, and this rule or by the Board under Section 53A-1a-505.

E. "Charter school agreement (charter agreement)" means the terms and conditions for the operation of an approved charter school. The charter school agreement shall be maintained at the USOE and is considered the final, official and complete agreement.

F. "Charter school application" means the official chartering document by which a prospective charter school seeks recognition and funding under Section 53A-1a-505. The application includes the basic elements of the charter to be established between the charter school and the chartering board.

G. "Charter school governing board" means the board designated by the charter school to make decisions for the operation of the school.

H. "Expansion" means a proposed ten percent increase of students or adding grade level(s) in an operating charter school at a single location.

I. "No Child Left Behind (NCLB)" means the federal law under the Elementary and Secondary Education Act, Title IX, Part A, 20 U.S.C. 7801.

J. "Satellite school" means a charter school affiliated with an operating charter school having a common governing board and a similar program of instruction, but located at a different site or in a different geographical area. The parent school and all satellites shall be considered a single local education agency (LEA) for purposes of public school funding and reporting.

K. "State Charter School Board" means the board designated in Section 53A-1a-501.5.

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

R277-482-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board, Section 53A-1a-513 which directs the Board to distribute funds for charter school students directly to the charter school, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and 20 U.S.C., Section 8063(3) which directs the Board to submit specific information prior to charter schools' receipt of federal funds.

B. The purpose of this rule is to establish procedures for timelines and approval processes for charter schools.

R277-482-3. Charter School Application and Training.

A. All charter school applicants shall attend pre-application and planning year training sessions, as well as other training sessions designated by the State Charter School Board.

B. Pre-application training sessions shall be scheduled four times annually and may be available electronically, as determined by the State Charter School Board.

C. Charter schools and applicants that attend training sessions shall be eligible for additional funds, upon approval, in an amount to be determined by the State Charter School Board provided through federal charter school funds or a General Fund appropriation to the extent of funds available. Charter school applicants that attend training sessions may receive priority for approval from the State Charter School Board and the Board.

D. Training sessions shall provide information including:

- (1) charter school implementation requirements;
- (2) charter school statutory and Board requirements;
- (3) charter school financial and data management requirements;
- (4) charter school legal requirements;
- (5) federal requirements for charter school funding; and
- (6) other items as determined by the State Charter School Board.

Board.

R277-482-4. New or Expanding Charter School Notification to Prospective Students and Parents.

A. All new or expanding charter schools shall have available on its website and notify all families consistent with the schools' outreach plans described in the charter agreements of:

- (1) the school's approved charter, purpose, focus and governance structure, including names, qualifications, and contact information of all governing board members;
- (2) the number of new students that will be admitted into the school by grade;
- (3) the proposed school calendar for the charter school, including at a minimum the first and last days of school, scheduled holidays, scheduled professional development days (no student attendance), and other scheduled non-school days;
- (4) the charter school's timelines for acceptance of new students consistent with Section 53A-1a-506.5;
- (5) the requirement and availability of a State-approved charter school student application;
- (6) procedures for transferring to or from a charter school, together with applicable timelines; and
- (7) provisions for payment, if required, of a one-time fee per secondary school enrollment, not to exceed \$5.00, consistent with Section 53A-12-103.

B. New or expanding charter schools shall provide written notice of the information in R277-482-4A consistent with the school's outreach plan and on the school's website at least 180 days before the proposed opening day of school.

C. New or expanding charter schools shall have an operative and readily accessible electronic website providing information required under R277-482-4A in place. The completed charter school website shall be provided to the State Charter School Board for review at least 210 days prior to the proposed opening day of school and prior to posting the websites publicly.

D. The State Charter School Board and the Board shall, in the recommendation and approval process, consider and may

give priority to charter school applications that target underserved student populations, or provide an innovative educational program, service, or setting as determined by the State Charter School Board, among traditional public schools and operating charter schools.

(1) Underserved student populations may include economically disadvantaged students, students with disabilities, ~~[students with Limited English Proficient (LEP)]~~English language learners, children of refugee families, or students in remote areas of the state who have limited access to the full range of academic courses;

(2) Innovative educational opportunities shall be described on the State Charter School Board's website;

(3) Priority may also be given to charter school applicants for proposed schools that do not have other charter schools within the school district; and

(4) To be given priority, the charter school application and proposed employee and site information shall support the school's designated focus.

E. The Board or State Charter School Board may request documentation of underserved student criteria that schools designate and for which they request a preference.

[E]E. The Board shall have authority for final approval of all charter schools.

R277-482-5. Timelines - Charter School Starting Date.

A. The State Charter School Board shall accept a proposed starting date from a charter school applicant, or the State Charter School Board shall negotiate and recommend a starting date prior to recommending final charter approval to the Board.

B. Only charter schools approved within the state fiscal year two years prior to the state fiscal year it intends to serve students shall be eligible for state funds.

C. A state-chartered school shall acquire a facility and enter into a written agreement, or begin construction on a new or existing facility no later than January 1 of the year the school is scheduled to open.

D. Each charter school shall submit any lease, lease-purchase agreement, or other contract or agreement relating to the charter school's facilities or financing the charter school facilities to its chartering entity for review and advice prior to the charter school entering into the lease, agreement, or contract, consistent with Section 53A-1a-507(9).

E. A state-chartered school that intends to lease a facility requiring only minimal renovation shall enter into a written agreement no later than May 1 of the calendar year the school is scheduled to open.

F. If students are not enrolled and attending classes by October 1, a charter school shall not receive funding from the state for that school year.

G. Despite a charter school meeting starting dates, a charter school shall be required to satisfy R277-419 requirements of 180 days and 990 hours of instruction time, unless otherwise exempted by the Board under Section 53A-1a-511.

H. The Board may, following review of information, approve the recommended starting date or determine a different charter school starting date after giving consideration to the State Charter School Board recommendation.

R277-482-6. Procedures and Timelines to Change Chartering Entities.

A. A charter school may change chartering entities.

B. A charter school shall submit an application provided by the new chartering entity to the Board to request a new chartering entity at least three months prior to the proposed change.

C. The application may require some or all of the following, as determined by the new chartering entity:

- (1) current board members and founding members;
- (2) financial records, including most recent annual financial report (AFR), annual project report (APR) and audited financial statement;
- (3) test scores, including U-PASS, Adequate Yearly Progress, and status under No Child Left Behind;
- (4) current employees: identifying assignments and licensing status, if applicable;
- (5) school calendar for previous school year and prospective school year;
- (6) course offerings, if applicable;
- (7) affidavits, signed by all board members providing or certifying (documentation may be required):
 - (a) the school's nondiscrimination toward students and employees;
 - (b) the school's compliance with all state and federal laws and regulations;
 - (c) that all information on application provided is complete and accurate;
 - (d) that school meets/complies with all health and safety codes/laws;
 - (e) that the school is current with all required policies (personnel, salaries, and fees), including board minutes for the most recent three months;
 - (f) that the school is operating consistent with the school's charter;
 - (g) that there are no outstanding lawsuits or judgments or identifying outstanding lawsuits filed or judgments against the school;

D. A charter school seeking to change chartering entities shall submit a position statement from the current chartering entity about school status, compliance with the chartering entity requirements and any unresolved concerns to the proposed new chartering entity.

E. An application for changing a chartering entity shall be reviewed for acceptance by the new chartering entity within 60 days of submission of complete application, including all required documentation.

F. The Board shall consider an application to change chartering entities to the State Charter School Board within 60 days of State Charter School Board approval, or next possible monthly Board meeting, whichever is sooner.

G. Final approval or denial of changing chartering entities to the State Charter School Board is final administrative action by the Board.

R277-482-7. Approved Charter School Expansion.

A. The following shall apply to requests for expansion from approved and operating charter schools:

- (1) The school satisfies all requirements of federal and state law, regulations, Board rule and charter agreement.

(2) The approved charter agreement shall provide for an expansion consistent with the request; or

(3) The charter school governing board has submitted a formal amendment request to the State Charter School Board that provides documentation that:

(a) the school district in which the charter school is located has been notified of the proposed expansion and location of the school in the same manner as required in Section 53A-1a-505(1);

(b) the school can accommodate the expansion within existing facilities or that necessary structures will be completed, meeting all requirements of law and Board rule, by the proposed date of operation;

(c) the securing of the building site shall be verified by a real estate closing document, signed lease agreement, or other contract indicating a right of occupancy pursuant to R277-482-5C;

(d) failure to secure a site by the required date may, at the discretion of the State Charter School Board, delay the expansion for at least one school year;

(e) written certification that no later than 15 days after securing a building site, the charter school governing board shall notify the State Charter School board and school district of the specific school location;

(f) students at the school are performing on standardized assessments at or above the standard in the charter agreement; and

(g) adequate qualified administrators and staff shall be available to meet the needs of the increased number of students at the time the expansion is implemented.

B. If an expansion request requires a new facility, the request shall be submitted to the State Charter School Board before April 1 of the state fiscal year two state fiscal years prior to the date the school intends to expand.

C. If the expansion request does not require a new facility, the request shall be made before April 1 of the state fiscal year one state fiscal year prior to the intended expansion date.

D. If the expansion request is for an increase in enrollment capacity in the amount of 0.25 times or less, the number of students in grades 9 through 12 enrolled in an online course in the previous school year through the Statewide Online Education Program, the request shall be submitted to the Board by October 1 of the school year for which the increase is requested.

E. Requests under R277-482-7D are subject to the availability of sufficient funds appropriated under Section 53A-1a-513 to provide the full amount of the per student allocation for each charter school student in the state to supplement school district property tax revenues.

D. Expansion requests shall be considered by the State Charter School Board as part of the total number of charter school students allowed under Section 53A-1a-502.5(1).

R277-482-8. Satellite School for Approved Charter Schools.

A. An existing charter school may submit an amendment request to the State Charter School Board for a satellite school no later than April 1 of the state fiscal year two state fiscal years prior to the date of the proposed implementation of the satellite if the charter school fully satisfies the following:

- (1) The school currently satisfies all requirements of state law and Board rule;

(2) The school has operated successfully for at least three years meeting the terms of its charter agreement;

(3) Students at the school are performing on standardized assessments at or above the standard in the charter agreement;

(4) The proposed satellite school will provide educational services, assessment, and curriculum consistent with the services, assessment, and curriculum currently being offered at the existing charter school;

(5) Adequate qualified administrators, including at least one onsite administrator, and staff are available to meet the needs of the proposed student population at the satellite school;

(6) The school provides any additional information or documentation requested by the State Charter School Board or the Board.

(7) A satellite school that receives School LAND Trust funds shall have a School LAND Trust committee and satisfy all requirements for School LAND Trust committees consistent with R277-477.

B. The satellite school amendment request shall include the following:

(1) Written certification from the charter school governing board that the charter school currently satisfies all requirements of federal and state law, Board rule and charter agreement;

(2) A detailed explanation of the governance structure for the satellite school, including appointed or elected representation on the governing board;

(3) Information detailing the grades to be served, the number of students to be served and general information regarding the physical facilities anticipated to serve the school;

(4) A detailed financial plan for the satellite school;

(5) A signed acknowledgment by the charter school governing board certifying board members' understanding that a physical site for the building must be secured no later than January 1 of the year the satellite school is scheduled to open;

(a) the securing of the building site must be verified by a real estate closing document, signed lease agreement, or other contract indicating a right of occupancy pursuant to R277-482-5C;

(b) failure to secure a site by the required date may, at the discretion of the State Charter School Board, delay the opening of the satellite school for at least one academic year.

(6) Notification to both the school district in which the charter school is located and the school district of the proposed satellite school location in the same manner as required in Section 53A-1a-505(1);

(7) Written certification that no later than 15 days after securing a building site, the charter school governing board shall notify the school district in which the satellite school is located of the school location, grades served, and anticipated enrollment by grade with a copy of the notification sent to the State Charter School Board; and

(8) A signed acknowledgment by the charter school governing board that the board understands the satellite school shall be held to its own charter agreement, including academic and operational performance.

C. The approval of the satellite school by the State Charter School Board requires ratification by the State Board of Education and will expire 24 months following such ratification if a building site has not been secured for the satellite school.

KEY: training, timelines, expansion, satellite

Date of Enactment or Last Substantive Amendment: [January 10,] 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1a-513; 53A-1-401(3); 53A-1a-502.5

Education, Administration R277-488 Critical Languages Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36370

FILED: 06/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to adjust the funding formula due to growth of the Dual Language Immersion Program and the number of schools in the program. The amendments also include new language to clarify the type of programs supported and the type of support provided by the Utah State Office of Education (USOE).

SUMMARY OF THE RULE OR CHANGE: The amendments include making changes to and removing definitions, changing the Critical Language Program requirements, changing the Dual Language Immersion Program requirements, and making changes to USOE responsibilities and funds.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-15-104 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. Funding, as appropriated by the Legislature, will be provided to schools that offer and participate in the Critical Language Program and the Dual Language Immersion Programs.

◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. Schools that offer and participate in the Critical Language Program and the Dual Language Immersion Program will receive funding, as appropriated by the Legislature.

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. The amendments to this rule apply to public education and do not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The amendments to this rule affect public schools and do not affect individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Schools participating in the Programs will comply with state law and the provisions of this rule to receive funding.

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.

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 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 NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

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

**R277. Education, Administration.
R277-488. Critical Languages Program.
R277-488-1. Definitions.**

A. "ACTFL OPI" means the American Council of Teachers of Foreign Language Oral Proficiency Interview which is an oral test, [both written and verbal,] offered at most Utah colleges and universities.

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

C. "Credentialed international teacher" means a teacher sponsored under a separate Memoranda of Understanding between the USOE and China, Spain[-ø], Mexico, France or Taiwan. The Memoranda of Understanding are hereby incorporated by reference. Sponsored teachers shall satisfy all conditions of the Memoranda of Understanding prior to working with Utah students.

D. "Critical languages" means those languages described under Section 53A-15-104(1).

E. "Critical [H]Languages [p]Program" means the [enhanced EDNET] program [and the international teacher exchange program as defined and funded] described under Section 53A-15-104.

F. "Dual language immersion" means a distinctive dual language education program in which native English speakers and active speakers of another language are integrated for academic content.

G. Dual language immersion instructional models are:

(1) "One-way" immersion is a program in which a student population consists of English language speakers with

limited to no proficiency in the foreign immersion language. In such a model, less than 30 percent of the students have a native language other than English.

(2) "Two-way" immersion is a program in which a student population consists of a majority of English language speakers and a minority of language speakers other than English with dominance in their first language and home language support for this language. A 1:1 ratio is ideally maintained for these two language groups, but a minimum of one-third of each language group (such as 2:1 ratio) is required.

~~[H. "EDNET" means the state's two-way interactive system for video and audio, delivered and available to students in the state's public education system, as defined under Section 53A-15-104(2).~~

~~I. "Electronic High School" means the state's electronic high school program explained in Section 53A-17a-131.15 and R277-725.~~

~~J. "Foreign exchange student" means a student sponsored by an agency approved by the school district's local school board or charter school's governing board, subject to the limitations of Section 53A-2-206(2).~~

~~K. "Language facilitator" means a paraprofessional or licensed educator who is fluent in the critical language being taught by EDNET and who is designated to participate in the Critical Languages Program established under Section 53A-15-104.~~

[E]H. "Secondary school" means grades 7-12 in whatever schools the grade levels exist.

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

R277-488-2. 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, by Section 53A-15-104 which directs the State Superintendent of Public Instruction and the Board to [establish, administer] track, monitor, and may expand the Critical Languages Program [and authorizes the creation of a Dual Language Immersion Pilot Program] and dual immersion programs subject to student interest and available funding, 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 establish criteria and procedures for distributing funds to secondary schools participating in the Critical Languages Program and funds to elementary schools participating in the Dual Language[-Pilot] Program. The intent of this appropriation is to increase the number of students who reach proficiency in a critical language as well as build overall foreign language capacity in the state of Utah and to increase the number of biliterate and bilingual students.

R277-488-3. Critical Language Program Requirements.

A. A secondary school that desires to [participate in the C]offer critical [E]languages [Program (enhanced EDNET,)] (traditional instruction or visiting guest teacher program) shall submit an application, provided by the USOE and available each [March 14]April 1 to the USOE no later than [April 14]May 1.

B. The application shall designate:

(1) [a specific available classroom within the school district or charter school for EDNET access, traditional instruction or instruction by identified credentialed visiting guest teacher

teaching under a USOE/foreign country Memorandum of Understanding] the name of the school district or charter school;

(2) a plan and procedure[in place] to notify students and parents of the [availability of at least one critical language course identified in] names of the critical language(s) that will support the dual language immersion continuation into secondary schools consistent with Section 53A-15-104(1);

[~~_____~~ (3) for schools using enhanced EDNET delivery, a qualified language facilitator hired and available to students who:

~~_____~~ (a) is fluent in the critical language being taught;

~~_____~~ (b) has established his fluency by receiving a score of intermediate high or higher on an ACTFL OPI test or USOE-approved equivalent;

~~_____~~ (c) is qualified as a paraprofessional under R277-524; or

~~_____~~ (d) is a Utah licensed educator; and

~~_____~~ (e) has completed a criminal background check including review of identified offenses by the school district or charter school.

[(4)] requirements for the visiting guest teacher exchange program:

(a) programs shall operate under a Memorandum of Understanding between the USOE and the country providing qualified guest teachers;

(b) international teacher expenses shall be paid as provided by the designated Memorandum of Understanding;

(c) all other conditions provided by individual Memoranda of Understanding shall be satisfied.

C. Schools applying for either the[enhanced EDNET] traditional instruction or the visiting guest teacher program shall [provide identified materials;] use materials identified and recommended by the USOE including texts and consumables, purchased with funds appropriated by the Legislature.

R277-488-4. Dual Language Immersion[~~Pilot~~] Program Requirements.

[A. The program shall provide funding for a planning year in 2008-09 with classes to begin in 2009-10.

B. The program shall provide funds beginning July 1, 2008 as an incentive to 15 qualifying schools to develop dual language programs for the following languages:

~~_____~~ (1) Chinese (6);

~~_____~~ (2) Spanish (6);

~~_____~~ (3) French (2);

~~_____~~ (4) Navajo (1).] A. The program shall provide funds July 1 of each fiscal year the Legislature continues to provide funding for the program. The Dual Language Immersion programs shall support the following foreign languages:

~~_____~~ (1) Chinese;

~~_____~~ (2) French;

~~_____~~ (3) Portuguese; and

~~_____~~ (4) Spanish.

[E] B. An elementary school that desires to participate in the Dual Language Immersion[~~Pilot~~] Program [(either one-way or two-way)] shall submit an application, provided by the USOE and available annually by April 14 to the USOE by May 14.

[~~_____~~ D. Schools/school districts may request funding for no more than two additional pilot sites.

] [E] C. The application shall provide for an immersion model that uses 50 percent of instruction in English and 50 percent of instruction in another language including:

(1) an identified, instructional model (one-way or two-way), and language choice (Chinese, [~~Spanish,~~] French, [~~or Navajo,~~] Portuguese or Spanish);

(2) beginning the instructional model in kindergarten, grade 1 or both, and adding an additional grade each year; and

(3) a plan and procedure in place to notify students and parents of the availability of at least one dual language immersion course identified in Section 53A-15-104(1).

[F] D. Priority in funding shall be given to schools in school districts or charter schools that do not currently teach the requested language choice; and

(a) demonstrate adequate local funding and infrastructure to begin a[~~pilot~~] program or expand existing programs;

(b) demonstrate community interest and students committed and prepared to participate in a new or expanded[~~pilot~~] program, including prepared instructors for the program;

(c) have adequate interest, resources, and infrastructure, but do not presently have a program under R277-488;

(d) have a demonstrated community need for improved or expanded foreign language instruction in a specific school or community; and

(e) allow[~~pilot~~] language programs to include all languages identified in Section 53A-15-105.

[G] E. Schools shall hire qualified language teachers [for students] who:

(1) have a world language endorsement in the language of instruction (Chinese, [~~Spanish,~~] French[~~or Navajo,~~] Portuguese or Spanish for a one-way dual language immersion program[~~or a bilingual endorsement~~] and a Dual Language Immersion endorsement in the language of instruction (Chinese, [~~Spanish,~~] French[~~or Navajo,~~] Portuguese or Spanish for both a one-way and two-way dual language immersion program;

(2) are Utah licensed elementary or secondary educators; and

(3) have completed a criminal background check, including review of identified offenses by the USOE.

R277-488-5. USOE Responsibilities and Funds.

A. Applications for the expanded Critical Languages Program and Dual Immersion[~~Pilot~~] Program shall be provided by the USOE.

B. Secondary and elementary schools shall be selected for funding for both programs based on an evaluation of applications by a USOE-designated committee which shall include statewide experts.

C. Awards shall be made to individual[~~secondary or elementary~~] schools and funds allocated to school districts and charter schools to be fully distributed to designated schools.

D. Each secondary school selected for funding shall receive a base allocation per critical language offered at the school, designated in Section 53A-15-104(6)(a).

E. Each elementary school selected for funding shall receive a base allocation per dual language immersion offered at the elementary school, designated in Section 53A-15-104(6)(a).

[~~_____~~ F. Each secondary school selected for funding shall receive a supplemental allocation designated in Section 53A-15-104(6)(b).

~~_____~~ (1) School districts and charter schools approved for participation under this rule shall receive funds for students who

~~complete a critical language course with a grade of C or better by June 15;~~

~~(2) Secondary schools shall receive additional funding for foreign exchange students enrolled in a high school who complete a critical language course, as designated in Section 53A-15-104(6)(e) and consistent with R277-612.~~

~~G. Based on available funds, secondary and elementary schools shall receive six years of ongoing funding.~~

] [H]E. New [S]chools eligible for funding shall be notified by the USOE by June 1 annually and shall receive funds in the subsequent fiscal year.

R277-488-6. Evaluation and Reports.

A. Each~~[secondary or elementary]~~ school selected for funding shall be required to submit an annual evaluation report to the USOE consistent with Section 53A-15-104.

B. The USOE may request additional data from secondary or elementary schools that receive funding.

KEY: critical languages, dual language immersion

Date of Enactment or Last Substantive Amendment: ~~[July 8, 2008]~~2012

Notice of Continuation: June 15, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-15-104; 53A-1-401(3)

Education, Administration

R277-489

Optional Extended Day Kindergarten - Responsibilities, Timelines, and Funding

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36373

FILED: 06/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to comply with H.B. 513, 2012 General Session, which changed the title of the program from Optional Extended Day Kindergarten to Early Intervention Program.

SUMMARY OF THE RULE OR CHANGE: The amendments include new definitions, a new section on Utah State Board of Education (Board)/Utah State Office of Education (USOE) responsibilities, new title of "School District Responsibilities" to "LEA Responsibilities" and rewriting the section, and removing the charter school responsibilities and funding sections.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-17a-167 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. The program is funded by the 2012 Legislature and funding will be distributed to LEAs for eligible schools.

◆ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. Eligible schools will receive funding for early intervention programs.

◆ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. The amendments to this rule apply to public education and do not affect businesses.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. Funding will be distributed to LEAs for eligible schools and does not affect individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Eligible program participants will comply with state law and the provisions of this rule to receive funding.

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.

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 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 NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

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

R277. Education, Administration.**R277-489. ~~[Optional Extended Day Kindergarten Responsibilities, Timelines, and Funding]~~ Early Intervention Program.****R277-489-1. Definitions.**

A. "Adaptive learning technology and assessments" means technology tools and software that adjust the presentation of educational material according to students' weaknesses and strengths, as indicated by student responses to questions.

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

C. "Early intervention program" means a program that provides additional instruction to kindergarten age students either as an extended period before or after school, on Saturdays, during the summer, or through other means.

[B]D. "Enrollment" means class enrollment of not more than the student enrollment of other kindergarten classes within the school.

[C]E. "Kindergarten readiness assessment" means an assessment based on research and data that determines a child's readiness to begin kindergarten, as determined by the school district or charter school.

[~~_____~~ D. "~~Optional Extended Day Kindergarten~~" means a program that provides additional instruction to kindergarten age students as either an extension of the half day program or extended time before or after school, on Saturdays or during the summer.

~~_____~~ E. "Required instructional hours" means at least the same number of instructional hours, per school year, as first grade consistent with R277-419-1, Pupil Accounting.

~~_____~~ F. "LEA" means a local education agency, including local school boards/public school districts and charter schools.

G. "LEA plan" means the Early Intervention Program plan submitted by LEAs and approved and accepted for funding by the Board.

~~_____~~ H. "Program" means the Early Intervention Program.

~~_____~~ I. "Student learning gains" means the score a student obtains by comparing performance on a pre-test at the beginning of an intervention to the performance on a post-test at the end of an intervention (post-test score minus pre-test score equals learning gains score).

[F]J. "USOE" means the Utah State Office of Education.

R277-489-2. 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, [~~by Section 53A-1a-902 which directs the Board to make rules establishing application and reporting procedures to administer the optional extended day kindergarten program, and~~] by Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities[~~-, and by Section 53A-17a-167 which directs the Board to distribute funds appropriated for the Early Intervention Program, consistent with state law, to LEAs that apply for the funds.~~

B. The purpose of this rule is to establish criteria and procedures for application and reporting procedures to administer the [~~optional extended day kindergarten~~] early intervention program.

R277-489-3. Board/USOE Responsibilities.

A. The Board shall accept applications from LEAs for Early Intervention Programs delivered through enhanced

kindergarten programs that satisfy the requirements of Section 53A-17a-167 and the provisions of this rule.

(1) The USOE shall accept applications annually beginning on June 1 for the 2012-2013 school year and April 1 in subsequent years and closing as determined by the USOE.

(2) The USOE shall distribute funds to eligible LEAs based on a formula identifying the count of economically disadvantaged students consistent with timelines established by the USOE.

(3) The USOE shall require pre and post-assessments from all funded programs and year-end data.

(4) The USOE shall require year-end data and a report from funded programs.

B. The Board shall select one or more technology providers through an RFP to provide adaptive learning technology and assessments for reading, mathematics, or science for early intervention kindergarten students and an adaptive computer program for literacy instruction for early grade interventions students in kindergarten through grade 1.

(1) The USOE shall accept applications from LEAs for grants to be used to purchase Board-selected adaptive learning technology and assessments for reading, mathematics, or science for early intervention kindergarten students or an adaptive computer program for literacy instruction, or both, for early grade interventions for students in kindergarten through grade 1.

(2) The USOE shall require pre and post-assessments from all participating LEAs.

(3) The USOE shall require an annual report from all participating LEAs that assesses the impact of the adaptive learning technology and assessments or adaptive computer program for literacy instruction used by the LEA, including final testing data and student learning gain scores.

(4) The Board shall report final testing data and student learning scores regarding adaptive learning technology and assessments or adaptive computer program for literacy instruction on or before November 1, 2012 and every year thereafter to the Education Interim Committee and the Governor.

R277-489-~~3~~4. [School District]LEA Responsibilities.

A. LEA applications for Early Intervention Programs shall include:

(1) names of schools for which Program funds shall be used;

(2) a description of the delivery method or methods that shall be used to serve eligible students (such as full-day kindergarten, two half-days, extra hours, summer program, or other means);

(3) a description of the evidence-based early intervention model used by the LEA;

(4) a description of how the program shall focus on age-appropriate literacy and numeracy skills;

(5) a description of how the program shall be targeted to at-risk students;

(6) a description of the assessment procedures and tools that shall be used by participating schools within the LEA; and

(7) other information as requested by the USOE.

B. LEAs may apply for grants to be used to purchase Board-selected adaptive learning technology and assessments for reading, mathematics, or science for early intervention kindergarten

~~students and an adaptive computer program for literacy instruction, or both, for early grade interventions students in kindergarten through grade 1.~~

~~(1) LEA adaptive learning technology and assessments grant recipients shall use a pre-test before using the technology tools and software with early intervention kindergarten students and shall administer a post-test at the end of the year.~~

~~(2) LEAs shall prepare and submit a report to the USOE detailing final testing data including student learning gains regarding the adaptive learning technology.~~

~~(3) LEA adaptive computer program for literacy instruction for early grade interventions grant recipients shall use a pre-test before using the technology tools and software with early intervention students in kindergarten through first grade and shall administer a post-test at the end of the year.~~

~~(4) LEAs shall prepare and submit a report to the USOE detailing final testing data including student learning gains regarding the adaptive computer program for literacy instruction for early grade interventions.~~

~~C. LEAs that fail to provide complete and accurate data and reports as requested shall not receive Program funding in subsequent years.~~

~~D. An LEA may not require a student to participate in an early intervention program.~~

~~[A. School districts intending to participate in the optional extended-day kindergarten program shall submit a letter of intent to the USOE by May 1, 2007 and by application every succeeding year.~~

~~B. School districts shall submit applications available from the USOE by July 2, 2007 and by August 10 for each year thereafter providing:~~

~~(1) the school(s) within the district that will participate in the optional extended-day program;~~

~~(2) the approximate number of classes of optional extended-day kindergarten that will be offered at each school in the district;~~

~~(3) the approximate number of Title I schools identified by the school district, and which Title I schools will participate in the optional extended-day kindergarten program;~~

~~(4) the approximate number of students in the school district who were eligible to receive free school lunch under USDA regulations in the previous school year; and~~

~~(5) all other assurances, information and documentation required by the USOE on the application.~~

R277-489-4. Charter School Responsibilities:

~~A. Charter schools shall be in, at least, their second year of successful operation to participate in the optional extended-day kindergarten program.~~

~~B. Charter schools that intend to participate in the optional extended-day kindergarten program shall submit a letter of intent to the USOE by July 2, 2007 and by August 10 each year thereafter providing:~~

~~(1) that the school intends to participate in the optional extended-day kindergarten program;~~

~~(2) the approximate number of classes of optional extended-day kindergarten that will be offered at the school;~~

~~(3) if the charter school is designated as a Title I school;~~

~~(4) the approximate number of students in the school who were eligible to receive free school lunch under USDA regulations in the previous school year; and~~

~~(5) all other assurances, information and documentation required by the USOE on the application.~~

R277-489-5. Funding:

~~A. Optional extended-day kindergarten program funds shall be distributed to charter schools and school districts consistent with Section 53A-1a-903(3) and (4) respectively.~~

~~B. The Board shall modify the distribution of funds to provide sufficient funding for each Title I school, including neighborhood and charter schools, to participate in the optional extended-day kindergarten program.~~

~~C. Funding modifications for Title I schools shall be made separately for school districts and charter schools.~~

~~D. \$ 7,500,000 of the \$30,000,000 appropriated for the optional extended-day kindergarten program shall be distributed annually in 2007, 2008, 2009 and 2010 to participating school districts and charter schools, consistent with Section 53A-1a-903.]~~

R277-489-[6]5. Assessment, Accountability and Reporting.

~~A. [Both school districts and charter schools]LEAs shall use a self-selected kindergarten [readiness]pre-assessment with all kindergarten students[-];~~

~~(1) The days used for assessment shall be consistent with R277-419-7, Pupil Accounting.~~

~~(2) The USOE may provide a model kindergarten assessment from a list of appropriate assessments.~~

~~(3) Post assessments shall be completed by [school districts and charter schools]LEAs prior to the ending of the school year and reported to the Board as soon as reasonably possible.~~

~~(4) Post assessment[s] results for all kindergarten students shall provide evidence of student learning matched to the program's pre-assessment[s] used for program placement.~~

~~[B. The USOE shall require and school districts and charter schools shall provide annual reports to the USOE consistent with Section 53A-1a-902(4)(d).~~

~~] [C]B. [School districts and charter schools]LEAs that fail to provide complete, accurate and timely reports shall not receive funding in subsequent years.~~

KEY: [kindergarten, extended-day]early intervention

Date of Enactment or Last Substantive Amendment: [July 9, 2007]2012

Notice of Continuation: June 15, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53A-1a-902;]53A-1-401(3); 53A-17a-167

**Education, Administration
R277-618
Educator Peer Assistance and Review
Pilot Program (PAR Program)**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36374

FILED: 06/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to provide criteria and procedures for school district participation in the Peer Assistance and Review (PAR) Program.

SUMMARY OF THE RULE OR CHANGE: This new rule provides definitions, Utah State Board of Education responsibilities, school district responsibilities, and reporting and accountability requirements.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-10-201 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. Funds appropriated in the 2012 General Session will be distributed to participating school districts.

♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. Participating school districts will receive funding for participation in the program.

♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This new rule applies to public education and does not affect businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. Funds will be distributed to school districts and the rule does not affect individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. School districts will comply with state law and the provisions of this rule to receive program funding.

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.

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 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 NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

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

R277. Education, Administration.**R277-618. Educator Peer Assistance and Review Pilot Program (PAR Program).****R277-618-1. Definitions.**

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

B. "Consortium" means more than one school district or a regional service center, consistent with Section 53A-3-429, composed of school districts.

C. "PAR joint panel" means the governing panel of a district's Peer Assistance and Review Pilot Program composed of an equal number of teacher representatives and district administrators or their designees.

D. "School district" means a school district/ local board of education or a consortium of school districts, such as a Regional Service Center, authorized to participate in the PAR Program under Section 53A-10-202.

E. Other definitions provided in Section 53A-10-201.

R277-618-2. Authority and Purpose.

A. This rule is authorization by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-10-202 which directs the Board to solicit proposals and award grants, establish criteria under Section 53A-10-202(4)(c) and specify procedures, criteria and reporting requirements under Section 53A-10-202(8), and 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 provide criteria and procedures for participation in the PAR Program as required by Section 53A-10-202(3).

R277-618-3. Board Responsibilities.

A. Board Applications and Timelines

(1) The Board shall solicit proposals and provide an application consistent with the purpose and criteria of Section 53A-10-202 through 2013 by June 15 annually.

(2) The Board shall award grants to school districts or consortia on a competitive basis before July 1 annually.

(3) In addition to R277-617-3A(2), the Board may give preference to school district/consortium applications that:

(a) provide for matching local funds or resources;

(b) agree to develop a teacher mentoring and remediation program that meets the standards set by Section 53A-10-201 through 204;

(c) has limited district personnel to operate a teacher assistance and mentoring program without grant assistance;

(d) demonstrate the intent and potential resources to sustain the program over time based on pilot findings.

B. The Board shall notify applicants that the funds come from a one-time appropriation, that, subject to funds available, the Legislature intends to appropriate funds for a five-year period to the Board for the PAR Program. The funds will not lapse annually.

R277-618-4. School District Responsibilities.

A. School districts shall submit applications as directed by the Board.

B. School district/consortium applications shall provide a budget for the use of funds consistent with Section 53A-10-202(4).

C. School districts shall use program funds consistent with Section 53A-10-202 (6).

D. School districts shall implement programs with minimum components outlined under Section 53A-10-203 (2), (3), (4) and (5) and this rule.

E. School district plans shall include a PAR joint panel selected consistent with Section 53A-10-204.

R277-618-5. Reporting.

A. School districts that receive program funds shall provide data and reports to the Utah State Office of Education as requested.

B. The Board shall report to the Education Interim Committee as required under Section 53A-10-202(3).

KEY: peer assistance, grants

**Date of Enactment or Last Substantive Amendment: 2012
Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-10-202; 53A-10-202(4)(c); 53A-10-202(8); 53A-1-401(3)**

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-1

Utah Medicaid Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36375

FILED: 06/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 26-18-3(2)(a) requires the Medicaid program to implement policy through administrative rules. The Department, in order to draw down federal funds, must have an approved State Plan with the Centers for Medicare and Medicaid Services (CMS). The purpose of this change, therefore, is to incorporate the most current Medicaid State Plan by reference and to implement by rule both the definitions and the attachment for the Private Duty Nursing Acuity Grid found in the Home Health Agencies Provider Manual, and to implement by rule ongoing Medicaid policy for services described in the Utah Medicaid Provider Manual, Medical Supplies Manual and List; Hospital Services Provider Manual; Speech-Language Services Provider Manual;

Audiology Services Provider Manual; Hospice Care Provider Manual; Long Term Care Services in Nursing Facilities Provider Manual; Personal Care Provider Manual; Utah Home and Community-Based Waiver Services for Individuals 65 or Older Provider Manual; Utah Home and Community-Based Waiver Services for Individuals with Acquired Brain Injury Age 18 and Older Provider Manual; Utah Home and Community-Based Waiver Services for Individuals with Intellectual Disabilities or Other Related Conditions Provider Manual; Utah Home and Community-Based Waiver Services for Individuals with Physical Disabilities Provider Manual; Utah Home and Community-Based Waiver Services New Choices Waiver Provider Manual; Utah Home and Community-Based Waiver Services for Technology Dependent, Medically Fragile Individuals Provider Manual; the Office of Inspector General Administrative Hearings Procedures Manual; and the Pharmacy Services Provider Manual. The other purpose of this amendment is to clarify that provider appeals of action initiated by the Office of Inspector General of Medicaid Services (OIG) are governed by the OIG Administrative Hearings Procedures Manual.

SUMMARY OF THE RULE OR CHANGE: Section R414-1-5 is changed to update the incorporation of the State Plan by reference to 07/01/2012. It also incorporates by reference State Plan Amendments (SPAs) that become effective no later than 07/01/2012. SPA 12-001-UT, Presumptive Eligibility for Children was approved by CMS and became effective during the second quarter of calendar year 2012. This SPA allows presumptive eligibility for individuals who are under 19 years of age if a qualified entity determines that they are eligible. This rule change also incorporates by reference the Medical Supplies Manual and List and the hospital services provider manual, effective 07/01/2012; incorporates by reference both the definitions and the attachment for the Private Duty Nursing Acuity Grid found in the Home Health Agencies Provider Manual, effective 07/01/2012; incorporates by reference the Speech-Language Services Provider Manual, effective 07/01/2012; incorporates by reference the Audiology Services Provider Manual, effective 07/01/2012; incorporates by reference the Hospice Care Provider Manual, effective 07/01/2012; incorporates by reference the Long Term Care Services in Nursing Facilities Provider Manual, with its attachments, effective 07/01/2012; incorporates by reference the Utah Home and Community-Based Waiver Services for Individuals 65 or Older Provider Manual, effective 07/01/2012; incorporates by reference the Personal Care Provider Manual, with its attachments, effective 07/01/2012; incorporates by reference the Utah Home and Community-Based Waiver Services for Individuals with Acquired Brain Injury Age 18 and Older Provider Manual, effective 07/01/2012; incorporates by reference the Utah Home and Community-Based Waiver Services for Individuals with Intellectual Disabilities or Other Related Conditions Provider Manual, effective 07/01/2012; incorporates by reference the Utah Home and Community-Based Waiver Services for Individuals with Physical Disabilities Provider Manual, effective 07/01/2012; incorporates by reference the Utah Home and Community-Based Waiver Services New Choices

Waiver Provider Manual, effective 07/01/2012; incorporates by reference the Utah Home and Community-Based Waiver Services for Technology Dependent, Medically Fragile Individuals Provider Manual, effective 07/01/2012; the Office of Inspector General Administrative Hearings Procedures Manual, effective 07/01/2012; and the Pharmacy Services Provider Manual with its attachments, effective 07/01/2012. This amendment also updates Section R414-1-14 to clarify that provider appeals of action initiated by the Office of Inspector General of Medicaid Services (OIG) are governed by the OIG Administrative Hearings Procedures Manual.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates Utah Medicaid State Plan, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Utah Medicaid Provider Manual, Medical Supplies Manual and List, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Speech-Language Services Provider Manual, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Audiology Services Provider Manual, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Hospice Care Provider Manual, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Long Term Care Services in Nursing Facilities Provider Manual, with its attachments, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Utah Home and Community-Based Waiver Services New Choices Waiver Provider Manual, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Utah Home and Community-Based Waiver Services for Technology Dependent, Medically Fragile Individuals Provider Manual, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Personal Care Provider Manual, with its attachments, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Utah Home and Community-Based Waiver Services for Individuals 65 or Older Provider Manual, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Utah Home and Community-Based Waiver Services for Individuals with Acquired Brain Injury Age 18 and Older Provider Manual, published by Division of Medicaid and Health Financing, 07/01/2012

- ◆ Updates Definitions and the Attachment for the Private Duty Nursing Acuity Grid in the Home Health Agencies Provider Manual, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Hospital Services Provider Manual, with its attachments, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Utah Home and Community-Based Waiver Services for Individuals with Intellectual Disabilities or Other Related Conditions Provider Manual, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Updates Utah Home and Community-Based Waiver Services for Individuals with Physical Disabilities Provider Manual, published by Division of Medicaid and Health Financing, 07/01/2012
- ◆ Adds Office of Inspector General Administrative Hearings Procedures Manual, published by Office of Inspector General of Medicaid Services, 07/01/2012
- ◆ Adds Pharmacy Services Provider Manual with its attachments, published by Division of Medicaid and Health Financing, 07/01/2012

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals does not create costs or savings to the Department or other state agencies.
- ◆ **LOCAL GOVERNMENTS:** There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals does not create costs or savings to local governments.
- ◆ **SMALL BUSINESSES:** There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals does not create costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals does not create costs or savings to other persons or entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this change only fulfills the requirement to incorporate the State Plan by reference.

Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals does not create costs or savings to a single Medicaid recipient or provider.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should not have a direct fiscal impact on business. Incorporation of the State Plan by this rule assures that the Medicaid program is implemented through administrative rule.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

AUTHORIZED BY: David Patton, PhD, Executive Director

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

R414-1. Utah Medicaid Program.

R414-1-5. Incorporations by Reference.

~~[(1)]~~ The Department incorporates the July 1, 2012 versions of the following by reference:

(1) the Utah State Plan, including any approved amendments. ~~[(1)]~~ under Title XIX of the Social Security Act Medical Assistance Program ~~effective April 1, 2012. It also incorporates by reference State Plan Amendments that become effective no later than April 1, 2012.~~

(2) ~~[(The Department incorporates by reference)]~~ the Medical Supplies Manual and List described in the Utah Medicaid Provider Manual, Section 2, Medical Supplies, with its referenced attachment, Medical Supplies List, ~~effective April 1, 2012,~~ as applied in Rule R414-70[-];

(3) ~~[(The Department incorporates by reference)]~~ the Hospital Services Provider Manual[-] with its attachments[-] ~~effective April 1, 2012.~~;

(4) ~~[(The Department incorporates by reference)]~~ both the definitions and the attachment for the Private Duty Nursing Acuity Grid found in the Home Health Agencies Provider Manual[-] ~~effective April 1, 2012.~~;

(5) ~~[(The Department incorporates by reference)]~~ the Speech-Language Services Provider Manual[-] ~~effective April 1, 2012.~~;

(6) ~~[(The Department incorporates by reference)]~~ the Audiology Services Provider Manual[-] ~~effective April 1, 2012.~~;

(7) ~~[(The Department incorporates by reference)]~~ the Hospice Care Provider Manual[-] ~~effective April 1, 2012.~~;

(8) ~~[(The Department incorporates by reference)]~~ the Long Term Care Services in Nursing Facilities Provider Manual[-] with its attachments[-] ~~effective April 1, 2012.~~;

(9) ~~[(The Department incorporates by reference)]~~ the Personal Care Provider Manual[-] with its attachments[-] ~~effective April 1, 2012.~~;

(10) ~~[(The Department incorporates by reference)]~~ the Utah Home and Community-Based Waiver Services for Individuals 65 or Older Provider Manual[-] ~~effective April 1, 2012.~~;

(11) ~~[(The Department incorporates by reference)]~~ the Utah Home and Community-Based Waiver Services for Individuals with Acquired Brain Injury Age 18 and Older Provider Manual[-] ~~effective April 1, 2012.~~;

(12) ~~[(The Department incorporates by reference)]~~ the Utah Home and Community-Based Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Provider Manual[-] ~~effective April 1, 2012.~~;

(13) ~~[(The Department incorporates by reference)]~~ the Utah Home and Community-Based Waiver Services for Individuals with Physical Disabilities Provider Manual[-] ~~effective April 1, 2012.~~;

(14) ~~[(The Department incorporates by reference)]~~ the Utah Home and Community-Based Waiver Services New Choices Waiver Provider Manual[-] ~~effective April 1, 2012.~~;

(15) ~~[(The Department incorporates by reference)]~~ the Utah Home and Community-Based Waiver Services for Technology Dependent, Medically Fragile Individuals ~~[(HCBWS)]~~ Provider Manual[-] ~~effective April 1, 2012.~~;

(16) the Office of Inspector General Administrative Hearings Procedures Manual; and

(17) the Pharmacy Services Provider Manual with its attachments.

R414-1-14. Utilization Control.

(1) In order to control utilization, and in accordance with 42 CFR 440, Subpart B, services, equipment, or supplies not specifically identified by the Department as covered services under the Medicaid program are not a covered benefit. In addition, the Department will also use prior authorization for utilization control. All necessary and appropriate medical record documentation for prior approvals must be submitted with the request. If the provider has not obtained prior authorization for a service as outlined in the Medicaid provider manual, the Department shall deny coverage of the service.

(2) The Department may request records that support provider claims for payment under programs funded through the Department. These requests must be in writing and identify the records to be reviewed. Responses to requests must be returned within 30 days of the date of the request. Responses must include the complete record of all services for which reimbursement is claimed and all supporting services. If there is no response within the 30 day period, the Department will close the record and will evaluate the payment based on the records available.

(3)(a) If the Department pays for a service which is later determined not to be a benefit of the Utah Medicaid program or does not comply with state or federal policies and regulations, the provider shall refund the payment upon written request from the Department.

(b) If services cannot be properly verified or when a provider refuses to provide or grant access to records, the provider shall refund to the Department all funds for services rendered. Otherwise, the Department may deduct an equal amount from future reimbursements.

(c) Unless appealed, the refund must be made to Medicaid within 30 days of written notification. An appeal of this determination must be filed within 30 days of written notification as specified in Rule R410-14.

(d) A provider shall reimburse the Department for all overpayments regardless of the reason for the overpayment.

(e) Provider appeals of action for recovery or withholding of money initiated by the Office of Inspector General of Medicaid Services (OIG) shall be governed by the OIG Administrative Hearings Procedures Manual incorporated by reference in Section R414-1-5.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: [May 24, 2012]

Notice of Continuation: March 2, 2012

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3; 26-34-2

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-49

Dental Services

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 36377
FILED: 06/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify that limited emergency dental services, as mandated by the Legislature, are based on the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program.

SUMMARY OF THE RULE OR CHANGE: This change clarifies that limited emergency dental services, as mandated by the Legislature, are based on the EPSDT Program.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no impact to the state budget because this amendment simply clarifies that the provision of limited emergency dental services is based on the EPSDT Program.

◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because this amendment simply clarifies that the provision of limited emergency dental services is based on the EPSDT Program.

◆ **SMALL BUSINESSES:** There is no impact to small businesses because this amendment simply clarifies that the provision of limited emergency dental services is based on the EPSDT Program.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to Medicaid providers and to Medicaid clients because this amendment simply clarifies that the provision of limited emergency dental services is based on the EPSDT Program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no impact to a single Medicaid provider or to a single Medicaid client because this amendment simply clarifies that the provision of limited emergency dental services is based on the EPSDT Program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Clarifying that services are available through the EPSDT program is expected to have no fiscal impact on business.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

AUTHORIZED BY: David Patton, PhD, Executive Director

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

R414-49. Dental Services.

R414-49-3. Client Eligibility Requirements.

Dental services are available to clients who are pregnant women or who are individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program. Dental services to non-pregnant ~~clients[adults ages 21 and older]~~ and to non-EPSDT clients are limited to emergency services only as defined in the Utah Medicaid State Plan Attachment 3.1-A, Attachment #10 and Attachment 3.1-B, Attachment #10.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: 2012

Notice of Continuation: November 2, 2009

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3

**Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-50
Dental, Oral and Maxillofacial Surgeons**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36378

FILED: 06/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify that limited emergency dental services, as mandated by the Legislature, are based on the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program.

SUMMARY OF THE RULE OR CHANGE: This change clarifies that limited emergency dental services, as mandated by the Legislature, are based on the EPSDT Program.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no impact to the state budget because this amendment simply clarifies that the provision of limited emergency dental services is based on the EPSDT Program.

◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because this amendment simply clarifies that the provision of limited emergency dental services is based on the EPSDT Program.

◆ **SMALL BUSINESSES:** There is no impact to small businesses because this amendment simply clarifies that the provision of limited emergency dental services is based on the EPSDT Program.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to Medicaid providers and to Medicaid clients because this amendment simply clarifies that the provision of limited emergency dental services is based on the EPSDT Program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no impact to a single Medicaid provider or to a single Medicaid client because this amendment simply clarifies that the provision of limited emergency dental services is based on the EPSDT Program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Clarifying that services are available through the EPSDT program is expected to have no fiscal impact on business.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

AUTHORIZED BY: David Patton, PhD, Executive Director

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

R414-50. Dental, Oral and Maxillofacial Surgeons.

R414-50-3. Client Eligibility Requirements.

(1) Oral and maxillofacial surgery services are available only to clients who are pregnant women or who are individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program. Nevertheless, physician, medical and surgical services performed by an oral surgeon are available to all categorically and medically needy clients.

(2) Dental services are available to clients who are pregnant women or who are individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program. Dental services to non-pregnant clients[adults ages 21 and older] and to non-EPSDT clients are limited to emergency services only as defined in the Utah Medicaid State Plan Attachment 3.1-A, Attachment #10 and Attachment 3.1-B, Attachment #10.

R414-50-5. Service Coverage.

Emergency services outlined in this section are covered services for clients who are pregnant women or who are individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program. Services ~~for~~to non-pregnant clients ~~adults ages 21 and older~~ and to non-EPSDT clients are noted in the Utah Medicaid State Plan Attachment 3.1-A, Attachment #10 and Attachment 3.1-B, Attachment #10.

(1) Emergency services provided by a dentist in areas where an oral and maxillofacial surgeon is unavailable are covered services.

(2) Appropriate general anesthesia necessary for optimal management of the emergency is a covered service.

(3) Hospitalization of patients for dental surgery may be a covered service if a patient's physician, at the time of the proposed hospitalization, verifies that the patient's general health status dictates that hospitalization is necessary for the health and welfare of the patient.

(4) Treatment of temporomandibular joint fractures is a covered service. All other temporomandibular joint treatments are not covered services.

(5) For procedures requiring prior approval, Medicaid shall deny payment if the services are rendered before prior approval is obtained. Exceptions may be made for emergency services, or for recipients who obtain retroactive eligibility. The provider must apply for approval as soon as is practicable after the service is provided.

(6) Extraction of primary teeth at or near the time of exfoliation, as evidenced by mobility or loosening of the teeth, is not a covered service.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: 2012

Notice of Continuation: October 21, 2009

Authorizing, and Implemented or Interpreted Law: 26-1-4.1; 26-1-5; 26-18-3

Health, Health Care Financing,
Coverage and Reimbursement Policy

R414-510

Intermediate Care Facility for
Individuals with Mental Retardation
Transition Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36379

FILED: 06/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify Transition Program procedures and to make appropriate

changes to terms of disability in accordance with H.B. 235, 2011 General Session.

SUMMARY OF THE RULE OR CHANGE: This amendment specifies the responsibilities of the Department of Health and the Division of Services for People with Disabilities as they relate to the Transition Program. It also clarifies procedural steps of the transition process and makes appropriate changes to terms of disability throughout the text.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The Department does not anticipate any cost or savings to the state budget because this amendment only clarifies Transition Program responsibilities and procedures.

♦ **LOCAL GOVERNMENTS:** There is no impact to local governments because they neither fund nor provide home and community-based services (HCBS) to Medicaid recipients.

♦ **SMALL BUSINESSES:** The Department does not anticipate any cost or savings to small businesses because this amendment only clarifies Transition Program responsibilities and procedures.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Department does not anticipate any cost or savings to HCBS providers and to Medicaid recipients because this amendment only clarifies Transition Program responsibilities and procedures.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Department does not anticipate any compliance costs to a single HCBS provider or to a Medicaid recipient because this amendment only clarifies Transition Program responsibilities and procedures.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Updating the process for certain parts of the Community Support Waiver does not appear to have any fiscal impact on business. Updating terms will have no fiscal impact.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

AUTHORIZED BY: David Patton, PhD, Executive Director

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

R414-510. Intermediate Care Facility for ~~Individuals~~Persons with ~~Mental Retardation~~Intellectual Disabilities Transition Program.

R414-510-1. Introduction and Authority.

(1) This rule implements the Intermediate Care Facility for ~~Individuals~~Persons with ~~Mental Retardation~~Intellectual Disabilities (ICF/~~MR~~ID) Transition Program. Program participation is voluntary and allows an individual to transition out of an ICF/~~MR~~ID into the Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions ~~Home and Community-Based Services (HCBS) Waiver Program~~(CSW).

(2) This rule is authorized by Section 26-18-3. Waiver services for this program are optional and provided in accordance with 42 CFR 440.225.

R414-510-2. Definitions.

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

(2) The term "Intermediate Care Facility for the Mentally Retarded" (ICF/MR) has been replaced with the term "Intermediate Care Facility for Persons with Intellectual Disabilities" (ICF/ID). ICF/ID is equivalent to ICF/MR as described under federal law.

(~~1~~)³ "ICF/~~MR~~ID Transition Program applicant" is an individual who meets the eligibility requirements found in Section R414-510-3 of this rule, and who submits an ICF/~~MR~~ID Transition Program application to the [~~Utah~~]Department of Health, Division of Medicaid and Health [~~Care~~]Financing (DMHF) during the open application period as described in Subsection R414-510-4(~~2~~)³ of this rule.

(~~2~~)⁴ "Slot" refers to the funding that is available for one individual to participate in the ICF/~~MR~~ID Transition Program.

R414-510-3. Client Eligibility Requirements.

Services are available to an individual who:

(1) receives ICF/~~MR~~ID benefits under the Utah Medicaid State Plan;

(2) has been [~~a diagnosis of mental retardation~~]diagnosed with an intellectual disability or a related condition;

(3) meets ICF/~~MR~~ID level of care criteria defined in Section R414-502-8;

(4) meets the [~~Utah~~]Department of Human Services, Division of Services for People with Disabilities state funding eligibility criteria found in Subsection 62A-5-102(4); and

(5) has resided in a Medicaid-certified, privately-owned ICF/~~MR~~ID located in Utah for at least 12 consecutive months.

R414-510-4. Program Access Requirements.

(1) [~~Legislative appropriations~~]Each fiscal year, [~~determine the number of individuals selected in the particular year for placement in the program~~] the Department shall determine whether there are sufficient funds available to open slots in the Transition Program. The Department shall stipulate to the amount of funds that it dedicates to the program if funds are available.

(2) Based on funds dedicated to the program, the Department shall estimate the number of slots available. The Department estimates the number of slots available by dividing the total amount of funds dedicated to the program in a fiscal year by the state portion of the average daily ICF/ID rate.

(~~2~~)³ [~~Upon new legislative appropriation for the program,~~]During a fiscal year when the Transition Program is open, the Department shall announce[s] an open application period for accepting applications.

(~~3~~)⁴ After the open application period, the Department places the name of each ICF/~~MR~~ID Transition Program applicant on both a longevity list and a random list. On the longevity list, the Department ranks each ICF/~~MR~~ID Transition Program applicant according to length of consecutive stay in an ICF/~~MR~~ID in Utah. On the random list, the Department randomly ranks each ICF/~~MR~~ID Transition Program applicant based on a computerized random selection.

(~~4~~)⁵ The Department takes evenly first from the longevity list and then from the random list for placement in [~~the Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions HCBS Waiver Program~~]CSW until the amount of funds committed to the program is disbursed for the care of the individuals. If the Legislature funds an odd number of program slots, the Department places one additional individual from the longevity list.

(~~5~~)⁶ If an ICF/~~MR~~ID Transition Program applicant is selected for transition and has a spouse who also resides in a Utah ICF/~~MR~~ID and who meets the eligibility criteria in Section R414-510-~~2~~³, the Department shall provide an additional slot for the spouse to participate in the transition program without affecting the number of available slots from the longevity and random lists.

(7) The Department shall use the lists to admit new applicants into CSW from the Transition Program until the amount of funds committed to the program is disbursed for the care of the individuals.

(8) The Department shall keep these lists open for the purpose of filling slots vacated through program attrition. If the Department admits a CSW client through the Transition Program, and the client leaves the program for any reason, the Department shall contact and enroll the next person on the list.

(9) The Department shall create new lists in accordance with Subsection R414-510-4(4) when funds are available to open new Transition Program slots.

[~~Once the Department places individuals into the program for the year's appropriation, the longevity and random lists are retired and no longer used. The Department makes no new placements into the program to replace individuals who leave the program for whatever reason.~~

(7) As the Legislature makes new appropriations for the program, the Department creates new longevity and random lists for each new appropriation and selects individuals for the program as described in subsections (2) through (4).

R414-510-5. Service Coverage.

~~[This rule incorporates by reference t]The services and limitations found in [the Medicaid 1915(c) HCBS Services Waiver and the Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions [State Implementation Plan, Effective July 1, 2005] are incorporated by reference in Section R414-61-2.~~

R414-510-6. Reimbursement Methodology.

The Department of Human Services (DHS) contracts with ~~[DHCF]~~DMHF to set 1915(c) HCBS waiver rates for waiver-covered services. The DHS rate-setting process is designed to comply with requirements under the 1915(c) HCBS Waiver program and other applicable Medicaid rules. Medicaid requires that rates for services not exceed customary charges.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: ~~[May 21, 2009]~~2012

Notice of Continuation: January 9, 2012

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3

Natural Resources, Wildlife Resources

R657-64

Predator Control Incentives

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36363

FILED: 06/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish procedures for targeted predator control and general predator control programs administered by the division for the benefit of mule deer and the creation and distribution of educational and training materials related to mule deer protection.

SUMMARY OF THE RULE OR CHANGE: The purpose of this rule is to establish procedures for targeted predator control and general predator control programs administered by the division for the benefit of mule deer and the creation and distribution of educational and training materials related to mule deer protection.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-13-2 and Section 23-30-104

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** This new rule defines procedures for participation in targeted predator control and general predator control programs. The Division of Wildlife Resources (DWR) determines that this new rule will not create any cost or savings impact to the state budget or

DWR's budget, and will be carried out with the money allocated by the State Legislature under the Mule Deer Protection Act.

♦ **LOCAL GOVERNMENTS:** Since this new rule only sets conditions under which a person can be compensated for the removal of predators, this filing does not create any direct cost or savings impact to local governments since 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:** Since this new rule sets conditions under which a person can be compensated for the removal of predators, this filing can create a direct cost or savings impact to small businesses who participate in the program. This new rule has the ability to create an increased demand for ammunition, weapons, predator calls, etc., and may result in increased business for sporting goods stores.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Since this new rule sets conditions under which a person can be compensated for the removal of predators, this filing can create a direct cost or savings impact to other persons who participate in the program. This new rule has the ability to create an increased demand for ammunition, weapons, predator calls, etc., and may result in increased cost for those persons wanting to participate in the program. It also has the potential for a monetary gain if the person is successful in obtaining predators in the areas designated by rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that this new rule may create a cost or savings impact to individuals who wish to participate in this program. This new rule has the ability to create an increased demand for ammunition, weapons, predator calls, etc., and may result in increased cost for those persons wanting to participate in the program. It also has the potential for a monetary gain if the person is successful in obtaining predators in the areas designated by rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This new rule does not create an impact on businesses.

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 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 NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

AUTHORIZED BY: James Karpowitz, Director

R657. Natural Resources, Wildlife Resources.

R657-64. Predator Control Incentives.

R657-64-1. Purpose and Authority.

(1) This rule is promulgated under authority of Section 23-30-104 to establish procedures for:

(a) targeted predator control and general predator control programs administered by the division for the benefit of mule deer; and

(b) creation and distribution of educational and training materials related to mule deer protection.

R657-64-2. Definitions.

(1) Terms used in this rule are defined in Section 23-30-102 and 23-13-2.

(2) In addition:

(a) "Division" means the Utah Division of Wildlife Resources.

(b) "General predator control" means a predatory animal removal effort by the division, which uses the public to remove predators for the benefit of mule deer.

(c) "GPS" means Global Positioning System location in either the form of Latitude-Longitude coordinate or Universal Transverse Mercator (UTM) coordinate.

(d) "Marked" means the permanent clipping or punching of ears on the predatory animal carcass or pelt.

(e) "Predatory animal" means a coyote.

(f) "Targeted area" means an area within the State of Utah specifically identified for predatory animal removal during a specified season.

(g) "Targeted predator control" means a predatory animal removal effort by the division or its contractors:

(i) to remove predatory animals in an area where high predation on mule deer occurs; and

(ii) that focuses on specific locations and certain times.

(h) "State" means State of Utah.

R657-64-3. Predatory Animal Control Programs.

(1) Two predatory animal control programs are created within the division to provide financial incentive to participants for the removal of coyotes detrimental to mule deer production.

(a) The General Predator Control Program provides a financial incentive to any registered participant to remove coyotes within the State.

(i) The financial incentive to participate in the program and remove coyotes under the conditions prescribed in this rule and by the division is \$50 compensation per animal, unless otherwise adjusted by the division, to be paid in accordance with R657-64-4.

(b) The Targeted Predator Control Program provides compensation by contract to preapproved vendors to remove coyotes within prescribed areas of the State and during specified times of the year where predation on deer is most prevalent.

(2) Participants in either program are not granted special authority to take coyotes beyond that available to non-participants,

and each shall comply with all applicable federal, state, and local laws.

(3) Participants in both programs are required to follow all relevant rules and regulations related to trapping and firearm use, as detailed in state code and rule R657-11, "Taking Furbearers."

R657-64-4. General Predator Control Program.

(1) A person may participate in the General Predator Control Program, provided the applicant:

(a) completes an online application, including the applicant's:

(i) full name;

(ii) mailing address;

(iii) phone number;

(iv) e-mail address;

(v) date of birth; and

(vi) social security number;

(b) completes an online orientation and training course for participation in the program;

(c) agrees to the requirements of this rule and any additional terms and conditions specified by the division for program participation on its webpage;

(d) acknowledges and agrees to the division submitting an Internal Revenue Service Form 1099 each calendar year where compensation totals require reporting under federal law;

(e) acknowledges and agrees to verify that all coyotes submitted for compensation are taken by the applicant within the State.

(f) acknowledges and agrees to collect and submit accurate GPS data documenting the precise location where each coyote is taken; and

(g) acknowledges and agrees to not interfere with USDA Wildlife Services employees conducting similar coyote removal efforts in the area.

(2) The division may deny an application to participate in the program for any of the following reasons:

(a) the application is incomplete or filled out incorrectly;

(b) the application contains false or misleading information;

(c) the applicant has failed to complete the online orientation and training course required in Subsection (1)(b);

(d) the applicant has previously violated any of the terms of this rule or participation requirements imposed by the division;

(e) the applicant's hunting privileges are suspended in the State at the time of application;

(f) the applicant has been convicted of or entered a plea in abeyance to any crime of dishonesty in the previous five years; or

(g) the applicant has committed any other crime, or violation of law or contract that bears a reasonable relationship to their reliability in accurately reporting the locations and times that predatory animals are taken.

(3) Upon approval of the application, the division shall issue a registration number authorizing the applicant's participation in the program which will remain valid until June 30th each year, unless earlier suspended pursuant to R657-63-7.

(4) Registered program participants will be eligible to receive from the division \$50 for each qualifying coyote presented, unless otherwise adjusted by the division, subject to the following conditions:

_____ (a) requests for payment shall be made only on the designated check-in dates and at the locations identified by the division;

_____ (b) any coyote presented to the division for the incentive payment must:

_____ (i) be taken by the participant within the State on or after July 1, 2012;

_____ (A) Program participants are not authorized to trespass or take coyotes on tribal trust lands without written tribal authorization.

_____ (ii) include the full pelt or the scalp with both ears attached, with neither previously marked or damaged to the extent that marking is unascertainable;

_____ (iii) include the lower jaw removed from the carcass with canine teeth intact ;

_____ (iv) be permanently marked by the division; and

_____ (c) requests for payment must be on a signed, division-approved compensation form that:

_____ (i) provides the name, mailing address, and registration number of the participant;

_____ (ii) records the date and GPS location where each coyote is taken; and

_____ (iii) verifies that the participant personally took the coyotes, the information provided is accurate, and all program terms and conditions have been complied with.

_____ (5) Program participants may designate a third party to check-in their coyotes with the division at the designated times and locations, provided:

_____ (a) the compensation form referred to in subsection (4)(c) is completed and signed by the program participant that took the coyotes;

_____ (b) the lower jaw and either the full pelt or the scalp (with both ears attached) of each coyote is presented to the division, as required in Subsection (4)(b)(ii) and (iii), with the compensation form; and

_____ (c) the compensation form identifies and authorizes the person that will present it to the division for compensation.

_____ (6) Compensation for qualified coyotes will be documented by written receipt at the time of submission to the division and payment by check will be mailed at a later date.

_____ (7) Participants shall be responsible for disposing of coyote pelts and ears presented to the division for compensation, but the division may retain the lower jaw.

R657-64-5. Targeted Predator Control Program.

_____ (1) The division may award contracts and compensate eligible vendors for targeted coyote removal services in areas of the State and at times specified in the contract.

_____ (a) Selected vendors will be compensated as prescribed in the contract and are ineligible to receive the \$50 incentive under the General Predator Control Program in R657-64-4 for coyotes taken under contract in the Targeted Predator Control Program.

_____ (b) Vendors participating in the Targeted Predator Control Program must submit to the division the lower jaw removed from the carcass with canine teeth intact and either the full pelt or the scalp with both ears attached for each coyote for which compensation credit is sought.

_____ (i) The division will document each animal and mark its ears, and may retain its lower jaw.

_____ (c) Contract vendors shall:

_____ (i) be responsible for disposal of all coyote pelts and ears presented to the division for compensation credit, but the division may retain the lower jaw;

_____ (ii) interfere with USDA Wildlife Services employees similar coyote removal efforts within a targeted area;

_____ (iii) verify that all coyotes presented for compensation credit were taken;

_____ (A) by them personally or by another person operating under their direct supervision; and

_____ (B) within the areas and time periods prescribed in the contract; and

_____ (iv) provide and verify the accuracy of GPS data documenting the precise location where each coyote is taken.

_____ (2)(a) The division may establish a list or pool of preapproved vendors for participation in the Targeted Predator Control Program.

_____ (b) Preapproved vendors are eligible to receive a coyote removal contract.

_____ (c) The division may select one or more of the approved vendors for use in each targeted area for the season.

_____ (d) The division has full discretion to select any vendor to contract with among the pool of preapproved vendors and is under no obligation to use all the vendors or to provide equal opportunity to them.

_____ (e) The division is not bound to select vendors in any year, and does not guarantee that any vendor will be selected.

_____ (3)(a) A person or business entity may become a preapproved vendor in the Targeted Predator Control Program by complying with the following:

_____ (i) complete and submit to the division an application on the form provided by the division; and

_____ (ii) participate in the General Predator Control Program under R657-64-4 for one or more years with compensation credit awarded by the division for 25 or more coyotes each year.

_____ (A) In the case of a business entity, one or more of the entity's principals or owners must satisfy the requirements in Subsection (3)(a)(ii).

_____ (b) The division may deny an application for preapproved vendor status in the Targeted Predator Control Program for any of the following reasons:

_____ (i) the application is incomplete or filled out incorrectly;

_____ (ii) the application contains false or misleading information;

_____ (iii) the applicant has previously violated any of the terms of this rule or participation requirements imposed by the division;

_____ (iv) the applicant's hunting privileges are suspended in the State at the time of application;

_____ (v) the applicant has been convicted of or entered a plea in abeyance to any crime of dishonesty in the previous five years; or

_____ (vi) the applicant has committed any other crime, or violation of law or contract that bears a reasonable relationship to their reliability in accurately reporting the locations and times that predatory animals are taken.

R657-64-6. Trap Locations.

_____ (1) Program participants and contract vendors are required to provide GPS data documenting the precise location where each coyote is taken.

(2) To the extent GPS data discloses the location of trap lines and public disclosure of that data exposes the traps to the possibility of theft and damage, the data may be classified as "protected" under Section 63G-2-305(2) and restricted from public disclosure pursuant to Title 63G, Chapter 2, Government Records Access and Management Act, provided the requirements of Subsection (3) are satisfied.

(3) Any person desiring to protect GPS data from public disclosure that locates trap lines must submit to the division a written claim of confidentiality explaining:

(a) the financial and commercial harm reasonably expected to occur if the data is subject to public disclosure; and

(b) why the person submitting the data has a greater interest in prohibiting access than the public in obtaining access.

R657-64-7. Coordination.

(1) The division will coordinate with the Department of Agriculture and Food and the Agricultural and Wildlife Damage Prevention Board created in Section 4-23-4 to:

(a) minimize unnecessary duplication of predatory animal control efforts;

(b) prevent interference between predatory animal control programs administered under Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act and this rule; and

(c) enhance the effectiveness of predatory animal control efforts and maximize the benefit to both mule deer and livestock.

R657-64-8. Education and Training.

The division may conduct and administer training, education, and outreach activities related to mule deer protection and predator control.

R657-64-9. Appropriation of Funds.

(1) Funding for the predatoanimal control programs in this rule is appropriated annually by the Legislature.

(2) Should appropriated funding be reduced or eliminated, funds available for compensation in the two predatory animal control programs may be ended without prior public notice.

(3) Once the annual funding allocation for coyote removal is expended for the general or targeted control programs in a given year, no further payments will be made for that year, regardless of pelts or ears that may be held by program participants.

R657-64-10. Liability.

(1)(a) Any person who participates in either predatory animal control program under this rule assumes full and complete liability and responsibility for their acts and omissions while engaged in removing coyotes or redeeming them for compensation.

(b) To the extent provided under the Utah Governmental Immunity Act and the liability limitations in this rule, the division shall not be liable in any civil action for any act or omission of a program participant while removing coyotes or redeeming them for compensation.

(2) It is the responsibility of program participants to read, understand and comply with this rule and all other applicable federal, state, county, and municipal laws, regulations, and ordinances.

R657-64-11. Violations.

(1) The division may suspend, terminate, or deny any authorization under this rule to participate in either or both predatory animal control programs for any of the violations listed in R657-64-4(2) or R657-64-5(3)(b).

(2) Providing false information to the division or otherwise violating the provisions of this rule may be criminally prosecuted under applicable offenses defined in the Utah Code.

KEY: wildlife, predators, game laws, wildlife law

Date of Enactment or Last substantive Amendment: 2012

Authorizing, and Implementing or Interpreted Law: 23-30-102; 23-30-104; 23-13-17

Public Safety, Driver License **R708-10** Classified License System

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36331

FILED: 06/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is required to bring the Utah Driver License Division in compliance with federal regulations. In addition, the "Authorizing, Implemented or Interpreted Law" citation has been corrected.

SUMMARY OF THE RULE OR CHANGE: This change modifies and clarifies the codes used for driving restrictions and adds new restriction codes. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of 06/06/2012 is under DAR No. 36330 in this issue, July 1, 2012, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-3-104

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This change will not affect the state budget because federal grant funds have been awarded through the FY 2011 Commercial Driver License Modernization Grant to fund the costs to modify the restriction changes on the commercial driver license certificate.

◆ **LOCAL GOVERNMENTS:** Local government is not affected by the change because local government does not issue Utah driver license certificates.

◆ **SMALL BUSINESSES:** Small business is not affected by the change because small business does not issue Utah driver license certificates.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Some drivers who currently hold a Utah Commercial Driver License will need a new certificate reflecting the restriction changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The drivers who currently hold a Utah Commercial Driver License that are affected by the restriction changes will not incur any costs because federal grant funds have been awarded through the FY 2011 Commercial Driver License Modernization Grant and will be used to cover the costs to generate letters explaining the changes, create new certificates, and postage.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will not be a fiscal impact on business as a result of this rule change.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SAFETY
DRIVER LICENSE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 3RD FL
SALT LAKE CITY, UT 84119-5595
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jill Laws by phone at 801-964-4469, by FAX at 801-964-4482, or by Internet E-mail at jlaws@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/08/2012

AUTHORIZED BY: Lance Davenport, Commissioner

R708. Public Safety, Driver License.

R708-10. Classified License System.

R708-10-1. Authority.

This rule is authorized by Section ~~[53-3-401]~~53-3-104 et seq.

R708-10-2. Specifications for Utah License Classifications.

Class A Commercial Driver - (must be at least 18 years of age). Every person operating any combination of vehicles over 26,000 lbs. GVWR (Gross Vehicle Weight Rating) where the towed unit is more than 10,000 lbs. GVWR.

Class B Commercial Driver - (must be at least 18 years of age). Every person operating a straight truck or bus (single vehicle) more than 26,000 lbs. GVWR or any combination of vehicles over 26,000 lbs. GVWR where the towed unit is less than 10,001 lbs. GVWR.

Class C operator - (must be at least 21 years of age).

Every person operating a vehicle or combination of vehicles less than 26,001 GVWR which transports amounts of hazardous materials requiring placarding or which transports more than 15 occupants including the driver, or which is used as a school bus.

Class D operator - (must be at least 16 years of age).
Every person operating vehicles not defined above except motorcycles.

R708-10-3. Endorsements.

H = Hazardous materials

M = Motorcycle.

N = Tank vehicle.

P = Passengers.

S = School bus. (includes P)

T = Double or triple trailers.

X = Hazardous material and tank combination.

Z = Taxis.

R708-10-4. Restrictions.

A = ~~[None.]~~No restrictions.

B = Corrective lenses[-] - Restricted to wearing corrective lenses while operating a vehicle.

C = Mechanical aid[-] - Mechanical aid or compensatory device must be installed in the vehicle the driver is operating.

D = Prosthetic aid[-] - Prosthetic aid must be used while operating a vehicle.

E = Automatic transmission[-] - Restricted to driving a vehicle with automatic transmission.

F = Outside rearview mirrors[-] - Restricted to driving a vehicle with outside rearview mirrors.

G = Daylight driving only[-] - Restricted to driving during daylight hours only.

~~[-----]~~ I = ~~Limit~~ - other.

J = Restricted_Other[-] - Used as a free text field to identify additional restrictions.

K = CDL Intrastate only - Restricted to intrastate operation of commercial vehicles.

L = Vehicle without airbrake - Restricted to vehicles not equipped with air[-]brakes.

~~-----~~ M = Except Class A bus - Class A license prohibited from driving a Class A bus.

~~-----~~ N = Except Class A and Class B bus - Class A license prohibited from driving a Class A or Class B bus.

~~[-----]~~ O = 90 cc or less motorcycle.

~~]~~ U = ~~[a-3 wheel cycle.]~~Three wheel motorcycle - Restricted to operating only three-wheel motorcycles.

V = ~~[POSTED 40 mph or less.]~~Medical variance - Driver must have a medical variance letter accompanied by a DOT Medical Card.

~~[-----]~~ W = ~~medical.~~

~~]~~ 1 = Interlock device - Required to have an ignition interlock device installed in the vehicle they are operating.

2 = 249cc or less motorcycle[-] - Restricted to operating a motorcycle with 249cc or less.

3 = 649cc or less motorcycle[-] - Restricted to operating a motorcycle with 649cc or less.

4 = Street legal ATV[-only.] - Restricted to operating a street legal ATV.

5 = 90cc or less motorcycle - Restricted to operating a motorcycle with 90cc or less.

6 = Speed posted 40 mph or less - Restricted to operating a vehicle on a road with a posted speed limit of 40 mph or less.

KEY: classified license, licensing

Date of Enactment or Last Substantive Amendment: ~~July 8, 2008~~ 2012

Notice of Continuation: April 7, 2009

Authorizing, and Implemented or Interpreted Law: ~~53-3-401~~ 53-3-104 et seq.

**Public Safety, Driver License
R708-47
Emergency Contact Database**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36332

FILED: 06/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to set standards to establish an emergency contact database authorized by Section 53-3-205.6 which was passed by the Utah Legislature and becomes effective on 07/01/2012.

SUMMARY OF THE RULE OR CHANGE: This rule sets standards to establish the procedures for a Utah license certificate holder, a Utah instruction permit holder, or a Utah identification card holder to provide the division with emergency contact information on person to be contacted in the event of a motor vehicle accident or other emergency situation when the Utah certificate holder is unable to make contact with their designated emergency contact person and to establish procedures to change the emergency contact information.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-3-205.6

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** H.B. 21 (2012 General Session, Driver License Emergency Contact Database, received an appropriation in the amount of \$32,000 from the Transportation Public Safety Restricted Account to implement the provisions of this bill. Utah Interactive will receive \$11,500 to design, build, and support the emergency contact web service. The Department of Technology Services will receive \$20,000 to cover the programming cost to implement this bill.

◆ **LOCAL GOVERNMENTS:** Local government is not affected by this rule because they will not play a role in the emergency contact database.

◆ **SMALL BUSINESSES:** Small businesses are not affected by this rule because they will not play a role in the emergency contact database.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Utah Interactive will receive \$11,500 to design, build, and support the emergency contact database web service.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs for a Utah certificate holder to provide emergency contact information.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs to businesses other than the one-time \$11,500 that Utah Interactive will receive to design, build, and support the emergency contact database web service.

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

PUBLIC SAFETY
DRIVER LICENSE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 3RD FL
SALT LAKE CITY, UT 84119-5595
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jill Laws by phone at 801-964-4469, by FAX at 801-964-4482, or by Internet E-mail at jlaws@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/08/2012

AUTHORIZED BY: Lance Davenport, Commissioner

R708. Public Safety, Driver License.

R708-47. Emergency Contact Database.

R708-47-1. Authority.

This rule is authorized by Subsection 53-3-205.6(4).

R708-47-2. Purpose.

The purpose of this rule is to set standards establishing the procedures for a Utah license certificate holder, a Utah instruction permit holder, or a Utah identification card holder to provide the division with emergency contact information on person(s) to be contacted in the event of a motor vehicle accident or other emergency situation when the Utah certificate holder is unable to make contact with their designated emergency contact person(s) and to establish procedures to change the emergency contact information.

R708-47-3. Definitions.

(1) "Emergency Contact Database" means the information maintained in the Utah Driver License Division

database that was provided by a Utah license certificate holder, a Utah instruction permit holder, or a Utah identification card holder which designates and provides contact information on the Utah certificate holder's emergency contact(s).

(2) "Emergency Contact Information" means the information provided to the division by a Utah license certificate holder, Utah instruction permit holder, or a Utah identification card holder on a person(s) they has designated to be contacted in the event of a motor vehicle accident or other emergency situation when the individual is unable to make contact which includes the person's:

(a) Name;

(b) Address;

(c) Relationship to the Utah certificate holder;

(d) Up to three (3) telephone numbers.

(3) "Utah Interactive" means the company that is contracted with the state to provide and maintain web services for the division.

R708-47-4. Method to Provide Emergency Contact Information.

(1) The holder of a Utah license certificate, instruction permit, or identification card may provide emergency contact information to the division by:

(a) Accessing the web service provided by Utah Interactive; or

(b) Submitting the completed Emergency Contact Database form (EMER).

R708-47-5. Method to Change the Emergency Contact Information.

(1) The holder of a Utah license certificate, instruction permit, or identification card may modify, update or delete emergency contact information previously submitted to the division by:

(a) Accessing the web service provided by Utah Interactive; or

(b) Submitting the updated Emergency Contact Database form (EMER).

KEY: emergency contact database

Date of Enactment or Last Substantive Amendment: 2012 Authorizing, and Implemented or Interpreted Law: 53-3-205.6

Tax Commission, Administration

R861-1A-26

Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63G-4-204 through 63G-4-209

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36361

FILED: 06/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment arises from a petition for rulemaking by an interested party under Section 63G-3-601.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment clarifies an attorney licensed in a jurisdiction outside Utah may represent a taxpayer before the commission without being admitted pro hac vice in Utah.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-1-501 and Section 63G-4-204 and Section 63G-4-209

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** None--The proposed amendment matches long-standing agency practice.

♦ **LOCAL GOVERNMENTS:** None--The proposed amendment matches long-standing agency practice.

♦ **SMALL BUSINESSES:** None--The proposed amendment matches long-standing agency practice.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The proposed amendment matches long-standing agency practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment matches long-standing agency practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment confirms long standing practice and does not create a fiscal impact.

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:

♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

AUTHORIZED BY: Michael Cragun, Tax Commissioner

R861. Tax Commission, Administration.

R861-1A. Administrative Procedures.

R861-1A-26. Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63G-4-204 through 63G-4-209.

(1) A scheduling or status conference may be held.

(a) At the conference, the parties and the presiding officer may:

- (i) establish deadlines and procedures for discovery;
- (ii) discuss scheduling;
- (iii) clarify other issues;
- (iv) determine whether to refer the action to a mediation process; and
- (v) determine whether the initial hearing will be waived.

(b) The scheduling or status conference may be converted to an initial hearing upon agreement of the parties.

(2) Notice of Hearing. At least ten days prior to a hearing date, the ~~Commission~~ commission shall notify the petitioning party or the petitioning party's representative by mail, e-mail, or facsimile of the date, time and place of any hearing or proceeding.

(3) Proceedings Conducted by Telephone. Any proceeding may be held with one or more of the parties on the telephone if the presiding officer determines that it will be more convenient or expeditious for one or more of the parties and does not unfairly prejudice the rights of any party. Each party to the proceeding is responsible for notifying the presiding officer of the telephone number where contact can be made for purposes of conducting the hearing.

(4) Representation.

(a) A party may pursue an appeal before the commission without assistance of legal counsel or other representation. However, a party may be represented by legal counsel or other representation at every stage of adjudication. Failure to obtain legal representation shall not be grounds for complaint at a later stage in the adjudicative proceeding or for relief on appeal from an order of the commission.

(i) An attorney licensed in a jurisdiction outside Utah may represent a taxpayer before the commission without being admitted pro hac vice in Utah.

~~(ii)~~ (ii) For appeals concerning Utah corporate franchise and income taxes or Utah individual income taxes, legal counsel must file a power of attorney or the taxpayer must submit a signed petition for redetermination (Tax Commission form TC-738) on which the taxpayer has authorized legal counsel to represent him or her in the appeal. For all other appeals, legal counsel may, as an alternative, submit an entry of appearance.

~~(iii)~~ (iii) Any representative other than legal counsel must submit a signed power of attorney authorizing the representative to act on the party's behalf and binding the party by the representative's action, unless the taxpayer submits a signed petition for redetermination (Tax Commission form TC-738) on which the taxpayer has authorized the representative to represent him or her in the appeal.

~~(iv)~~ (iv) If a party is represented by legal counsel or other representation, all documents will be directed to the party's representative. Documents will be mailed to the representative's street or other address as shown in documents submitted by the representative. Documents may also be transmitted by facsimile number, e-mail address or other electronic means. A request by a party that documents be transmitted by e-mail shall constitute a waiver of confidentiality of any confidential information disclosed in that e-mail.

(b) Any division of the commission named as party to the proceeding may be represented by the Attorney General's Office upon an attorney of that office submitting an entry of appearance.

(5) Subpoena Power.

(a) Issuance. Subpoenas may be issued to secure the attendance of witnesses or the production of evidence.

(i) If all parties are represented by counsel, an attorney admitted to practice law in Utah may issue and sign the subpoena.

(ii) In all other cases, the party requesting the subpoena must prepare it and submit it to the presiding officer for review and, if appropriate, signature. The presiding officer may inform a party of its rights under the Utah Rules of Civil Procedure.

(b) Service. Service of the subpoena shall be made by the party requesting it in a manner consistent with the Utah Rules of Civil Procedure.

(6) Motions.

(a) Consolidation. The presiding officer has discretion to consolidate cases when the same tax assessment, series of assessments, or issues are involved in each, or where the fact situations and the legal questions presented are virtually identical.

(b) Continuance. A continuance may be granted at the discretion of the presiding officer.

(i) In the absence of a scheduling order:

(A) Each party to an appeal may receive one continuance, upon request, prior to the initial hearing.

(B) If the initial hearing is waived or a formal hearing is timely requested after an initial hearing decision is issued, each party may receive one continuance, upon request, prior to the formal hearing.

(C) A request must be submitted no later than ten days prior to the proceeding for which the continuance is requested and may be denied if a party is prejudiced by the continuance.

(ii) If a scheduling order has been issued or the requesting party has already been granted a continuance, a continuance request must be submitted in writing to the presiding officer. The request must set forth specific reasons for the continuance. After reviewing the request with one or more commissioners, the presiding officer shall grant the request only if the presiding officer determines that adequate cause has been shown and that no other party or parties will be unduly prejudiced.

(c) Default. The presiding officer may enter an order of default against a party in accordance with Section 63G-4-209.

(i) The default order shall include a statement of the grounds for default and shall be delivered to all parties.

(ii) A defaulted party may seek to have the default set aside according to procedures set forth in the Utah Rules of Civil Procedure.

(d) Ruling on Motions. Motions may be made during the hearing or by written motion.

(i) Each motion shall include the grounds upon which it is based and the relief or order sought. Copies of written motions shall be served upon all other parties to the proceeding.

(ii) Upon the filing of any motion, the presiding officer may:

(A) grant or deny the motion; or

(B) set the matter for briefing, hearing, or further proceedings.

(iii) If a hearing on a motion is held that may dispose of all or a portion of the appeal or any claim or defense in the appeal, the commission shall make a record of the proceeding, which may include a written record or an audio recording of the proceeding.

(e) Requests to Withdraw Locally-Assessed Property Tax Appeals.

(i) A party who appeals a county board of equalization decision to the commission may unilaterally withdraw its appeal if:

(A) it submits a written request to withdraw the appeal 20 or more days prior to:

(I) the initial hearing; or

(II) the formal hearing, if the parties waived the initial hearing or participated in a mediation conference in lieu of the initial hearing; and

(B) no other party has filed a timely appeal of the county board of equalization decision.

(ii) A party who appeals an initial hearing decision issued by the commission may unilaterally withdraw its appeal if:

(A) it submits a written request to withdraw 20 or more days prior to the formal hearing, regardless of whether the party who appealed the initial hearing order is also the party who appealed the county board of equalization decision; and

(B) no other party has filed a timely appeal of the initial hearing decision.

KEY: developmental disabilities, grievance procedures, taxation, disclosure requirements

Date of Enactment or Last Substantive Amendment: [April 12, 2012]

Notice of Continuation: January 3, 2012

Authorizing, and Implemented or Interpreted Law: 10-1-405; 41-1a-209; 52-4-207; 59-1-205; 59-1-207; 59-1-210; 59-1-301; 59-1-302.1; 59-1-304; 59-1-401; 59-1-403; 59-1-404; 59-1-405; 59-1-501; 59-1-502.5; 59-1-602; 59-1-611; 59-1-705; 59-1-706; 59-1-1004; 59-1-1404; 59-7-505; 59-10-512; 59-10-532; 59-10-533; 59-10-535; 59-12-107; 59-12-114; 59-12-118; 59-13-206; 59-13-210; 59-13-307; 59-10-544; 59-14-404; 59-2-212; 59-2-701; 59-2-705; 59-2-1003; 59-2-1004; 59-2-1006; 59-2-1007; 59-2-704; 59-2-924; 59-7-517; 63G-3-301; 63G-4-102; 76-8-502; 76-8-503; 59-2-701; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-204; 63G-4-205 through 63G-4-209; 63G-4-302; 63G-4-401; 63G-4-503; 63G-3-201(2); 68-3-7; 68-3-8.5; 69-2-5; 42 USC 12201; 28 CFR 25.107 1992 Edition

**Tax Commission, Auditing
R865-21U-6
Liability of Purchasers and Receipt For
Payment to Retailers Pursuant to Utah
Code Ann. Section 59-12-107**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36362

FILED: 06/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment provides guidance to purchasers on the form to use to pay use tax.

SUMMARY OF THE RULE OR CHANGE: Prior to the amendment: 1) a purchaser that was not required to obtain a sales tax license was required to pay the use tax on the purchaser's income tax return; and 2) if a purchaser that was otherwise not required to obtain a sales tax license had a use tax liability that exceeded \$400, that purchaser was required to obtain a sales tax license and pay the use tax liability on a sales tax return. The proposed amendment provides that regardless of the amount of the use tax liability, a purchaser who is otherwise not required to obtain a sales tax license shall pay the use tax liability on the purchaser's income tax return, defines terms, and repeals unnecessary language.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-12-107

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** None--The proposed amendment indicates the form on which certain purchasers shall file and remit use tax.

♦ **LOCAL GOVERNMENTS:** None--The proposed amendment indicates the form on which certain purchasers shall file and remit use tax.

♦ **SMALL BUSINESSES:** None--The proposed amendment indicates the form on which certain purchasers shall file and remit use tax.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The proposed amendment indicates the form on which certain purchasers shall file and remit use tax.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment relieves certain purchasers of the requirement to obtain a sales tax license and indicates the forms on which a use tax liability shall be paid.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendment specifies a form; it does not create any new fiscal impact.

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:
♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

AUTHORIZED BY: Michael Cragun, Tax Commissioner

R865. Tax Commission, Auditing.

R865-21U. Use Tax.

R865-21U-6. Liability of Purchasers ~~[and Receipt For]~~for Payment ~~[to Retailers]~~of Tax Pursuant to Utah Code Ann. Section 59-12-107.

(1) For purposes of this section:

(a) "Income tax return" means a tax return filed under:

(i) Title 59, Chapter 7, Corporate Franchise and Income Taxes; or

(ii) Title 59, Chapter 10, Individual Income Tax Act, except for Title 59, Chapter 10, Part 4.

(b) "Sales tax license" means a license issued under Title 59, Chapter 12, Sales and Use Tax Act.

~~[A-]~~(2) ~~[Purchasers]~~A purchaser of ~~[tangible personal property the storage, use, or other consumption of which]~~an item that is subject to sales and use tax ~~[--]~~ must account for the tax liability by paying the tax:

~~[+]~~(a) to the ~~[retailer]~~seller from whom the ~~[property]~~item was purchased if ~~[such retailer holds a certificate of registration under the use tax act. When property is purchased from a registered retailer, the purchaser is not relieved from the tax liability unless a receipt is obtained from such retailer. This receipt need not be in any particular form but must show the name and registration number of the retailer, the name of the purchaser, the date of the sale, description of the property or reference to the sales invoice, the purchase price, and amount of tax. A sales invoice containing the above information, together with evidence of payment of such invoice, will constitute a receipt. Payment of the tax to a registered retailer under these conditions relieves the purchaser of any further liability.]~~the seller has a sales tax license; or

~~[2-]~~(b) directly to the ~~[Tax Commission]~~commission if the ~~[retailer]~~seller from whom the ~~[property]~~item was purchased

does not ~~[hold a certificate of registration. Under these circumstances, one of the following procedures must be followed:]~~collect the sales tax from the purchaser.

(3) A purchaser that is subject to Subsection (2)(b) shall:

(a) if the ~~[purchases are made by a business required by Section 59-12-106 to hold or obtain]~~purchaser has a sales tax license ~~[or a use tax certificate of registration,]~~pay the tax ~~[is paid on a]~~on the purchaser's sales and use tax return; or

~~[--]~~(b) if the purchases are made by any person as defined in Utah Code Ann. Section 59-12-102, who has no sales tax collection responsibility, and if the annual taxes due may be reasonably expected to exceed \$400, such person must apply for registration as a consumer and pay the tax using a quarterly use tax return; or

~~[--]~~(c) if the ~~[purchases are made by an individual who has no sales tax collection responsibility and the annual use tax liability is less than \$400, the tax is remitted using]~~purchaser does not have a sales tax license, pay the tax on the purchaser's ~~[individual]~~ income tax return ~~[filed each year].~~

(4)(a) ~~[The tax is computed by]~~A purchaser paying the tax to the commission under Subsection (3)(b) shall compute the tax using the rates provided in the income tax instructions for the address of the ~~[consumer]~~purchaser as shown on the ~~[individual]~~ income tax ~~[form]~~return.

~~[--]~~If a consumer files as a part-year resident, the latest address in Utah is the basis for the use tax rate to report purchases subject to use tax made during the Utah residency period.

~~[--]~~(b) If ~~[the]~~a purchaser ~~[does not meet]~~is not required to file an ~~[individual]~~ income tax ~~[filing requirements]~~return, the purchaser ~~[obtains an income tax filing form and]~~shall:

(i) ~~[reports and pays the use tax on this form.]~~report and pay the tax on the income tax return the purchaser would otherwise be required to file; and

(ii) ~~[A]~~include with the return a statement ~~[to the effect]~~stating that no income tax is due and that the return is submitted for payment of use tax only ~~[shall be included with this form. An individual required to report use tax under this subsection satisfies all Tax Commission filing requirements by reporting and remitting the tax due within the time allowed to timely file his individual income tax return].~~

KEY: taxation, user tax

Date of Enactment or Last Substantive Amendment: [January 1, 2009]2012

Notice of Continuation: October 28, 2010

Authorizing, and Implemented or Interpreted Law: 59-12-103; 59-12-107; 59-12-104; 59-12-118

Transportation, Operations,
Maintenance
R918-6
Maintenance Responsibility at
Intersections, Overcrossings, and
Interchanges Between Class A Roads
and Class B or Class C Roads

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36345

FILED: 06/11/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to assign maintenance responsibility between the Utah Department of Transportation (UDOT) and the local government entity for roadway and roadside features at the intersection of state and local roads, including grade-separated interchanges, overcrossings, undercrossings and at-grade intersections.

SUMMARY OF THE RULE OR CHANGE: This rule clarifies responsibilities for maintenance of specific features at intersections of state and local roads and is intended to establish consistency and eliminate confusion with regard to these responsibilities. The rule addresses most routine maintenance activities including signals, park strips, sidewalks, pedestrian ramps, curb and gutter, pavement, islands, striping and messages, lighting, signs, crash cushions, sweeping, graffiti, cattle guards, weed control, landscaping, drainage facilities, and structure maintenance. Localized deviations are allowed where unusual circumstances or geometry call for it and when mutually agreed to by the entities involved. Written agreements are encouraged for significant deviations from the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-1-201 and Section 72-1-208 and Section 72-3-102 and Section 72-3-103 and Section 72-3-104 and Section 72-3-109 and Section 72-6-105

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** It is anticipated that adoption of this rule will result in additional net cost to the state budget in the amount of \$120,000 annually due to: 1) Pavement Messages: \$150,000 annual increased cost to UDOT, because UDOT will now be responsible for STOP bars and crosswalks on the local legs of signalized intersections; 2) Pavement Maintenance: \$20,000 annual savings to UDOT, mainly because the local governments will be responsible for pavement maintenance underneath bridges; 3) Signs: \$20,000 annual increased cost to UDOT for replacement and repairs of STOP and YIELD signs facing traffic on local streets, and for UDOT accountability for retroreflectivity of those same signs; 4) Graffiti: \$10,000 annual savings to UDOT, because local governments will be responsible for graffiti removal in areas that are better accessible to them; and 5) Landscaping: \$20,000 annual savings to UDOT, because responsibility for most landscape maintenance will be shifted to local governments (apart from such maintenance that UDOT performs by agreement). All other maintenance activities identified in the rule are unchanged, because the rule merely clarifies existing practice in those cases. There is no net increase in cost to the taxpayer because costs are merely shifted between the state budget and the various local government budgets.

◆ **LOCAL GOVERNMENTS:** It is anticipated that the combined budgets of local governments will see a net savings of \$120,000 annually based on the division of responsibilities as explained above under "State budget".

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses because the rule only applies to UDOT and local government entities.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities because the rule only applies to UDOT and local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated compliance costs for affected persons because the rule only applies to UDOT and local government entities.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on businesses because the rule only clarifies responsibility for maintenance of intersections on public streets and only applies to UDOT and local government entities.

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

TRANSPORTATION
OPERATIONS, MAINTENANCE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119-5998
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

AUTHORIZED BY: John Njord, Executive Director

R918. Transportation, Operations, Maintenance.
R918-6. Maintenance Responsibility at Intersections, Overcrossings, and Interchanges between Class A Roads and Class B or Class C Roads.
R918-6-1. Authority.

Section 72-1-201 assigns to the Utah Department of Transportation general responsibility for the maintenance of the state transportation system, and directs the department to make policy and rules governing the same, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. Sections 72-3-102, 72-3-103, and 72-3-104 assign maintenance responsibility for

Class A Roads (state roads), Class B Roads (county roads), and Class C Roads (city streets), to the state, counties, and municipalities, respectively. Section 72-1-208 directs the department to cooperate with counties and municipalities in the maintenance of highways and allows the department to provide maintenance services to them under terms mutually agreed upon. Section 72-3-109 delineates the division of responsibilities for state highways within cities and towns. Section 72-6-105 provides that the department may enter into written agreements with counties and municipalities for the maintenance of any highway.

R918-6-2. Purpose and Background.

(1) The purpose of this rule is to assign maintenance responsibility between the department and the local government entity for roadway and roadside features at the intersection of state and local roads, including grade-separated interchanges, overcrossings, undercrossings, and at-grade intersections.

(2) In general, the department is responsible for the maintenance of all state roads, including roadside features associated with those roads, except as otherwise delineated in state law. Likewise, county and municipal governments are responsible for roads under their jurisdiction. Where state roads intersect with roads under local jurisdiction, confusion sometimes arises regarding the maintenance responsibility for specific features at those locations. This rule is intended to clarify which jurisdiction has responsibility for which elements at those locations, and to address the large majority of such situations. Sometimes, however, unusual circumstances or geometry may render a logical division of responsibilities difficult. In those cases, formal agreements between the parties involved are appropriate and encouraged. The language in this rule was developed to encourage consistency regarding maintenance responsibilities between the department and local government. It is recognized the traveling public may benefit in some cases from deviations from the guidelines set forth in this rule to meet the capabilities and skills available individually at the department's maintenance sheds and/or local road departments. In such cases, Region Directors of the department and local officials should together evaluate the guidelines and deviate from them as necessary and as mutually agreed upon, to meet the needs of a specific situation. Open and frequent communication supported by a written agreement is strongly encouraged.

R918-6-3. Definitions.

For the purpose of this rule, the following definitions apply.

(1) "Local road" means any road under the jurisdiction of any public entity other than UDOT. The entity may be a county, a municipality, or an agency of the federal government.

(2) "Overcrossing" means a grade-separated intersection where no access between the intersecting roadways is provided, and where the state road or interstate highway crosses over the local road.

(3) "Undercrossing" means a grade-separated intersection where no access between the intersecting roadways is provided, and where the state road or interstate highway crosses under the local road.

(4) "Grade-separated interchange" means an intersection where the state road or interstate highway and the local road are separated from each other by one or more structures, and where

access between the two roads is provided by means of entrance and exit ramps.

(5) "At-grade intersection" means a surface street intersection that may be signalized or unsignalized, where one or more of the intersecting streets are state routes;

(6) "Department", or "UDOT", means the Utah Department of Transportation.

(7) "Full control of access", means access to adjoining land that is designated as no access or limited access by means of the right-of-way instrument.

R918-6-4. General Maintenance Responsibilities.

(1) Signal Systems. Maintenance responsibility for all signal systems on state roads, and components that are required for the functionality of those systems, belongs to UDOT. This includes detection and signing on the local legs of the intersection.

(2) Park Strips, Sidewalks, and Pedestrian Ramps. Maintenance responsibility for park strips and sidewalks, including that portion of pedestrian access ramps behind the curb, belongs to the local government. Replacement and upgrading as part of road improvement projects may be done by UDOT.

(3) Curb and Gutter. Maintenance responsibility for curb and gutter belongs to UDOT for state routes, and to the local government for local routes. UDOT responsibility on the local leg extends to the point of tangency of the curb radius.

(4) Snow Removal. Responsibility for snow removal from the roadway belongs to UDOT for state routes, and to the local government for local routes. UDOT is responsible for snow removal on ramps at interchanges on state routes.

(5) Pavement Maintenance. Responsibility for roadway pavement maintenance belongs to UDOT for state routes, and to the local government for local routes. This includes the pavement surface on or under bridges. For at-grade intersections, UDOT is responsible for pavement maintenance through the intersection, bounded by a line extending to the point of tangency of the edge of oil, or of the curb return if a curb exists, on the local leg. If the geometry of the approach is unusual, such as angled instead of rounded, UDOT responsibility shall extend to a point agreeable to both parties. In no case, however, shall UDOT responsibility extend beyond the right-of-way line. UDOT is responsible for pavement maintenance on ramps at interchanges on state routes.

(6) Traffic Islands. Responsibility for traffic islands belongs to UDOT for state routes, and to the local government for local routes. For at-grade intersections, UDOT is responsible for island maintenance through the intersection. Maintenance responsibility for any landscaping within traffic islands is described in R918-6-4(15).

(7) Pavement Striping and Messages. Responsibility for pavement striping and marking belongs to UDOT for state routes, and to the local government for local routes. Local jurisdiction responsibility includes stop bars and crosswalks on the local legs of unsignalized intersections. At signalized intersections, UDOT is responsible for stop bars and crosswalks on all legs, and the local government is responsible for lane lines and other markings or messages on the local legs.

(8) Highway Lighting. Responsibility for maintenance, including payment of power bills, repairs and replacement when necessary, of highway lighting is divided as follows.

(a) UDOT is responsible for:

(i) mainline interstate, interchange, and underpass lighting;

(ii) cross street underpass lighting at interchanges with on/off ramps;

(iii) sign lighting on state routes or along the interstate corridor;

(iv) traffic signals on state routes or interstate corridor off ramps;

(v) un-signalized intersection lighting at on or off ramp intersecting cross street; and

(vi) signal-attached lighting at non-traditional signalized intersections, such as Diverging Diamond Interchanges (DDI), and Single Point Urban Interchanges (SPUI).

(b) Local government is responsible for:

(i) street lighting along state routes, other than interstate;

(ii) cross street underpass lighting where no interchange on or off ramps occur;

(iii) all decorative lighting requested by the municipality or county including street, bridge, and underpass lighting; and

(iv) lighting at traditional signalized intersections along state routes.

(9) Signs. Responsibility for signs belongs to UDOT for signs facing traffic on state routes, and to the local government for signs facing traffic on local routes, with the exception that UDOT is responsible for traffic control, route marker, junction, and guide signs associated with a state route but facing traffic on a local route. For STOP and YIELD signs on the local legs of unsignalized intersections, the local government is responsible for initial installation and non-safety critical maintenance such as minor vandalism, graffiti, or leaning, and UDOT is responsible for safety critical maintenance such as replacement of knock-downs. At signalized intersections, UDOT is responsible for signs mounted on the signal mast arm. UDOT will coordinate the installation of signs on local routes with the local agency prior to sign installation. The local government is responsible for street name signs, except those mounted on signal mast arms.

(10) Crash Cushions, Barrier, Etc. Responsibility for crash cushions, barrier, guardrail, and end treatments, belongs to UDOT for those elements protecting traffic on state routes, and to the local government for those protecting traffic on local routes.

(11) Sweeping. Responsibility for roadway sweeping belongs to UDOT for state routes, and to the local government for local routes. UDOT is responsible for sweeping on ramps at interchanges.

(12) Graffiti. Graffiti removal from structures is the responsibility of the entity having the best access to the graffiti. In general, that is the entity having jurisdiction of the road underneath the structure.

(13) Cattle Guards. UDOT provides cattle guards within the rural area of the State at all freeway access points to fully controlled access highways, either on the cross road or the entrance ramps, as necessary to meet the requirements of the particular location. Responsibility for maintenance of these cattle guards belongs to UDOT. Where cattle guards exist along partially controlled access state roads, either across a local road or a private road, responsibility for maintenance of the cattle guard belongs to the local jurisdiction or to the private property owner.

(14) Weed Control. In accordance with Section 72-3-109, responsibility for weed control and mowing behind the curb or

beyond the shoulder at at-grade intersections, both signalized and unsignalized, belongs to the local government. On facilities with full control of access, UDOT will be responsible for weed control and mowing to a point that ensures adequate sight distance.

(15) Decorative Landscaping. Responsibility for maintenance of landscaping beyond the baseline described in UDOT Aesthetics Guidelines, including irrigation systems, belongs to the local jurisdiction.

(16) Drainage Facilities such as catch basins, culverts, etc. In general, storm drain systems and culverts will be maintained by the owner of the drainage facility, unless otherwise stipulated in a cooperative agreement. Catch basins and their connector pipes at intersections will be maintained by the entity having jurisdiction for the road.

R918-6-5. Maintenance Responsibility at Overcrossings and at Interchanges where the State Route Crosses Over the Local Route.

(1) UDOT is responsible for:

(a) maintenance, repairs, and replacement of all structure elements, including decks, parapets, bent caps, beams, columns, footings, abutments, approach slabs, and slope protection;

(b) maintenance of drains on the structure;

(c) maintenance of retaining walls;

(d) fence maintenance on the structure and its approaches and ramps; and

(e) vegetation control, including mowing, along the state route, as demarcated by access control or Right-of-Way fencing.

(2) The local jurisdiction is responsible for:

(a) maintenance of drainage under the structure;

(b) vegetation control, including mowing, along the local route, as demarcated by access control or Right-of-Way fencing; and

(c) maintenance of decorative landscaping beyond the UDOT Aesthetics Guideline baseline, as described in R918-6-4(15).

(3) If the local entity proposes a pavement treatment that would decrease vertical clearance under the structure to less than the current standard, such work shall be done in consultation with UDOT.

R918-6-6. Maintenance Responsibility at Undercrossings and at Interchanges where the State Route Crosses Under the Local Route.

(1) UDOT is responsible for:

(a) major structure maintenance, including repair or replacement of parapets, bent caps, beams, columns, footings, abutments, approach slabs, and slope protection;

(b) deck maintenance where necessary to preserve the structural integrity of the bridge such as where the rebar is exposed;

(c) maintenance of retaining walls;

(d) maintenance of drainage under the structure;

(e) vegetation control, including mowing, along the state route, as demarcated by access control or Right-of-Way fencing; and

(f) fence maintenance under the structure.

(2) The local jurisdiction is responsible for:

(a) minor deck and parapet maintenance which includes maintenance of the wearing surface down to the first mat of reinforcing steel, and of any bituminous surfacing above that. This

maintenance should include preventive sealing as well as repair of spalls and delaminations. If UDOT performs a deck rehabilitation project involving pothole patching, waterproofing membrane and asphalt overlay, the responsibility to maintain the asphalt wearing surface would also default to the local owner upon completion of the initial installation. If the local entity proposes a deck treatment that would add static load to the structure, such work shall be done in consultation with UDOT;

(b) maintenance of drains on the structure;

(c) fence maintenance on the structure and its approaches;

(d) vegetation control, including mowing, along the local route, as demarcated by access control or Right-of-Way fencing; and

(e) maintenance of decorative landscaping beyond the UDOT Aesthetics Guideline baseline, as described in R918-6-4(15).

KEY: maintenance, intersections, interchanges, structures

Date of Enactment or Last Substantive Amendment: 2012

Authorizing, and Implemented or Interpreted Law: 72-1-201, 72-1-208, 72-3-102, 72-3-103, 72-3-104, 72-3-109, 72-6-105.

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.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period, and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends July 31, 2012.

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.

From the end of the 30-day waiting period through October 29, 2012, an 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 the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective 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. 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** by the end of the 120-day period after publication, 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; 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

**Administrative Services, Facilities
Construction and Management**

R23-1-40

**Acceptable Bid Security; Performance
and Payment Bonds**

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36020

FILED: 06/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule establishes procedures for the procurement of construction by the Division of Facilities Construction and Management (DFCM). The reason for the change is to modify the minimum level of project size for bid security from \$50,000 to \$100,000. This is being proposed for the following reasons: 1) the level of bid security has not been adjusted in recent history, as construction values have escalated; 2) DFCM maintains sufficient contingency to deal with payment and performance issues on smaller projects; 3) DFCM employs contractor selection methods other than low bid, which insures that a qualified contractor is selected for all projects; 4) the frequency of DFCM making claim on a payment or performance bond on an under \$100,000 project is statistically non-existent; 5) allowing the level change will permit efficiencies in the bidding method for projects up to \$100,000 over the current process; 6) the new limit may only be suitable to DFCM and not to other state agencies; and 7) special circumstances have been provided in the rule for when the Division limit may be used by other state agencies that assure the proper selection process and agency financial capability.

SUMMARY OF THE RULE OR CHANGE: This rule establishes procedures for the procurement of construction by DFCM. The reason for the change is to modify the minimum level of project size for bid security from \$50,000 to \$100,000, while recognizing the new limit may only be suitable to DFCM and not to other state agencies. Special circumstances have been provided in the rule for when the DFCM limit may be used by other state agencies that assure the proper selection process and agency financial capability. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the April 15, 2012, issue of the Utah State Bulletin, on page 4. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-6-208

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This change will have no impact on the state budget, if anything there will be a cost savings. Cost for bonds that are no longer required for projects between \$50,000 and \$100,000 will no longer be passed on to the state.

◆ **LOCAL GOVERNMENTS:** This rule does not apply to local government because DFCM is only authorized to regulate construction procurement for state government.

◆ **SMALL BUSINESSES:** This rule change will save costs for small businesses. Costs for bonds that are no longer required for projects between \$50,000 and \$100,000 will no longer be passed onto the state.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule only results in savings to businesses dealing with the state because businesses will not need to use bonds. Bonds will not be required for many projects that are under \$100,000.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no added compliance costs, however there is savings for projects between \$50,000 and \$100,000.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule is being changed to reflect inflation and changed market conditions. While some local companies may lose some business, many small businesses and taxpayers will save money as bonds will not be required for payments between \$50,000 and \$100,000. Special circumstances have been provided in the rule for when the DFCM limit may be used by other state agencies that assure the proper selection process and agency financial capability.

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 STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
◆ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
◆ Chiarina Glead by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cglead@utah.gov
◆ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at phanderson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2012

AUTHORIZED BY: D. Gregg Buxton, Director

R23. Administrative Services, Facilities Construction and Management.

R23-1. Procurement of Construction.

R23-1-40. Acceptable Bid Security; Performance and Payment Bonds.

(1) Application. ~~[This section shall govern bonding and bid security requirements for the award of construction contracts by the Division in excess of \$100,000; although the Division may require acceptable bid security and performance and payment bonds on smaller contracts. Bidding Documents shall state whether acceptable bid security, performance bonds or payment bonds are required.]~~The requirements for bid security and bonds under this Rule R23-1-40 shall apply as follows:

(a) For the Division, the award of construction contracts where the face amount of the contract is \$100,000 or more.

(b) For other state agencies that are required to use the same or similar documents as the Division for their construction contracts, the award of construction contracts where the face amount of the contract is \$50,000 or more, unless the Division Director, in writing, approves a \$100,000 or more requirement similarly to the Division, based on:

(i) The Division Director's finding that the agency has a selection process for such contracts that are under \$100,000, that ensures a responsible, financially solvent contractor is selected; and

(ii) that the agency has the financial capability to absorb the potential responsibility that can occur due to the lack of the bid security and bonding requirements for the contract under \$100,000.

(c) At any time the Division or any other state agency can require acceptable bid security as well as performance and payment bonds on contracts that are for amounts below the standard requirements set forth above in this Rule.

(2) Acceptable Bid Security.

(a) Invitations for Bids and Requests For Proposals shall require the submission of acceptable bid security in an amount equal to at least five percent of the bid, at the time the bid is submitted. If a contractor fails to accompany its bid with acceptable bid security, the bid shall be deemed nonresponsive, unless this failure is found to be nonsubstantial as hereinafter provided.

(b) If acceptable bid security is not furnished, the bid shall be rejected as nonresponsive, unless the failure to comply is determined by the Director to be nonsubstantial. Failure to submit an acceptable bid security may be deemed nonsubstantial if:

(i)(A) the bid security is submitted on a form other than the Division's required bid bond form and the bid security meets all other requirements including being issued by a surety meeting the requirements of Subsection (5); and

(B) the contractor provides acceptable bid security by the close of business of the next succeeding business day after the Division notified the contractor of the defective bid security; or

(ii) only one bid is received.

(3) Payment and Performance Bonds. Payment and performance bonds in the amount of 100% of the contract price are required for all contracts in excess of [~~\$100,000~~]\$50,000. These bonds shall cover the procuring agencies and be delivered by the contractor to the Division at the same time the contract is executed. If a contractor fails to deliver the required bonds, the contractor's bid shall be found nonresponsive and its bid security shall be forfeited.

(4) Forms of Bonds. Bid Bonds, Payment Bonds and Performance Bonds must be from sureties meeting the requirements of Subsection (5) and must be on the exact bond forms most recently adopted by the Board and on file with the Division.

(5) Surety firm requirements. All surety firms must be authorized to do business in the State of Utah and be listed in the U.S. Department of the Treasury Circular 570, Companies Holding Certificates of Authority as Acceptable Securities on Federal Bonds and as Acceptable Reinsuring Companies for an amount not less than the amount of the bond to be issued. A co-surety may be utilized to satisfy this requirement.

(6) Waiver. The Director may waive the bonding requirement if the Director finds, in writing, that bonds cannot be reasonably obtained for the work involved.

KEY: contracts, public buildings, procurement

Date of Enactment or Last Substantive Amendment: 2012

Notice of Continuation: May 24, 2012

Authorizing, and Implemented or Interpreted Law: 63G-6-101 et seq.

**Environmental Quality, Air Quality
R307-107
General Requirements: Unavoidable
Breakdown**

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 35865

FILED: 06/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, the Division of Air Quality (DAQ) received a comment that expressed concern that the proposed rule created an excess burden on industry because it created duplicative reporting requirements. DAQ agreed in part and made changes to the proposed rule by addressing reporting timelines for sources with continuous emission monitoring (CEM) systems.

SUMMARY OF THE RULE OR CHANGE: Subsection R307-107-1(3), which states that, for breakdowns involving only emissions that are monitored in accordance with Rule R307-170, the reporting requirements of Rule R307-170 satisfy the reporting deadlines of Subsections R307-107-1(1) and (2). (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed repeal and

reenactment that was published in the March 1, 2012, issue of the Utah State Bulletin, on page 31. 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 repeal and reenactment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: Because these changes only change the reporting requirements, there are no anticipated costs or savings to the state budget.
- ◆ LOCAL GOVERNMENTS: Because these changes only change the reporting requirements, there are no anticipated costs or savings to local government.
- ◆ SMALL BUSINESSES: As this rule predominately applies to larger sources, there are no anticipated costs or savings to small businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There will likely be some additional costs as in some cases there may be some minor duplicative reporting; however, since the rule applies to only excess emissions, additional filings should not be excessive.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will likely be some additional compliance costs as in some cases there may be some minor duplicative reporting; however, since the rule applies to only excess emissions, additional filings should not be excessive.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be a minor increase due to some additional reporting requirements. However, these have been limited in the change of proposed rule by the addition of Subsection R307-107-1(3).

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON

THIS RULE MAY BECOME EFFECTIVE ON: 07/31/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-107. General Requirements: ~~[Unavoidable]~~ Breakdowns.

R307-107-1. Applicability and Timing.

(1) The owner or operator of a source shall report breakdowns to the ~~[executive secretary]~~director within 24 hours of the incident via telephone, electronic mail, fax, or other similar method.

(2) A detailed written description of the circumstance of the incident as described in R307-107-2, including a corrective program directed at preventing future such incidents, shall be submitted within 14 days of the onset of the incident.

~~[(a) The executive secretary may extend the 14 day time period for submission of the incident report for cause.]~~(3) For those breakdowns involving only emissions that are monitored in accordance with R307-170, the reporting requirements of R307-170 shall satisfy the reporting deadlines of R307-107-1(1) and (2). In all other respects, the requirements in R307-107-1(2) and R307-107-2 shall be considered to apply in addition to the requirements of R307-170.

R307-107-2. Reporting.

(1) The ~~[unavoidable]~~breakdown incident report shall include the cause and nature of the event, estimated quantity of emissions (total and excess), time of emissions and any relevant evidence, including, but not limited to, evidence that:

(a) There was an equipment malfunction beyond the reasonable control of the owner or operator;

(b) The excess emissions could not have been avoided by better operation, maintenance or improved design of the malfunctioning component;

(c) To the maximum extent practicable, the source maintained and operated the air pollution control equipment and process equipment in a manner consistent with good practice for minimizing emissions, including minimizing any bypass emissions;

(d) Any necessary repairs were made as quickly as practicable, using off-shift labor and overtime as needed and as possible;

(e) All practicable steps were taken to minimize the potential impact of the excess emissions on ambient air quality; and

(f) The excess emissions are not part of a recurring pattern that may have been caused by inadequate operation or maintenance, or inadequate design of the malfunctioning component.

(2) The burden of proof is on the owner or operator of the source to provide sufficient information to demonstrate ~~[an unavoidable breakdown occurred.]~~the elements listed in R307-107-2(1).

R307-107-3. Enforcement Discretion.

The ~~[executive secretary]~~director will evaluate, on a case-by-case basis, the information submitted in R307-107-1 and 2 to determine whether to pursue enforcement action.~~[The executive secretary may elect not to pursue enforcement action after~~

~~considering whether excess emissions resulted from an unavoidable breakdown.]~~

KEY: air pollution, [~~unavoidable~~]breakdowns, excess emissions

Date of Enactment or Last Substantive Amendment: 2012

Notice of Continuation: September 4, 2008

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

Environmental Quality, Air Quality **R307-202** Emission Standards: General Burning

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 35923

FILED: 06/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period for this rule, the Division of Air Quality (DAQ) received several comments requesting changes to the proposed rule. DAQ evaluated these comments and determined that some changes to the proposed rule were warranted.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to add an "Applicability" section that clarifies that Rule R307-202 only applies to incorporated community under the authority of county or municipal fire authority. The rule is changed by adding language throughout the rule to reinforce that burning by permit can only occur when the clearing index is 500 or greater. The 30-day burn window is eliminated, and burning by permit in northern counties is allowed in the spring between March 30 and May 30 and in the fall between September 15 and October 30, and burning by permit in southern counties is allowed in the spring between March 1 to May 30 and in the fall between September 15 to November 15. The section heading for Section R307-202-3 is changed from "Community Waste Disposal" to "Prohibitions," and language is added stating that no person shall burn under Rule R307-202 when the director issues a public announcement under Rule R307-302 of a mandatory no-burn period. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed repeal and reenactment that was published in the April 1, 2012, issue of the Utah State Bulletin, on page 38. 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 repeal and reenactment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104 and Section 65A-8-211 and Section 76-10-803 and Subsection 11-7-1(2)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget as there will be no additional costs to administer the reenacted rule.
- ◆ **LOCAL GOVERNMENTS:** The repeal and reenactment of Rule R307-202 will not affect the costs or savings to local governments, as similar provisions in the reenactment of the rule already exist in the current rule.
- ◆ **SMALL BUSINESSES:** As this rule expands burning windows for some counties, there may be some small costs or savings for small businesses who burn in those counties; however, it is difficult to estimate what those costs or savings would be.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** As this rule expands burning windows for some counties, there may be some small costs or savings for small businesses who burn in those counties; however, it is difficult to estimate what those costs or savings would be.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be minimal compliance costs for affected persons; however, it is difficult to estimate what those costs would be.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Any changes in the costs or benefits for businesses from the changes in this rule will be minimal.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON

THIS RULE MAY BECOME EFFECTIVE ON: 07/31/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.**R307-202. Emission Standards: General Burning.****R307-202-1. Applicability.**

R307-202-4 through R307-202-8 applies to general burning within incorporated community under the authority of county or municipal fire authority.

R307-202-2. Definitions.

(1) "Attainment areas" means any area that meets the national primary and secondary ambient air quality standard (NAAQS) for the pollutant.

(2) "or municipal fire authority" means the public official so designated with the responsibility, authority, and training to protect people, property, and the environment from fire, within their respective area of jurisdiction.

(3) "Class I Area" means an area that consists of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. Clean Air Act section 162(a).

(4) "hazard" a hazardous condition involving combustible, flammable, or explosive material that represents a substantial threat to life or property if not immediately abated, as declared by the county or municipal fire authority.

R307-202-[2]3. Exclusions.

As provided in Section 19-2-114, the provisions of R307-202 are not applicable to:

(1) [Horticultural] Except for areas zoned as residential, burning incident to horticultural or agricultural operations of:

(a) Prunings from trees, bushes, and plants; and

(b) Dead or diseased trees, bushes, and plants, including stubble[;].

(2) [Weed] Burning of weed growth along ditch banks for clearing these ditches for irrigation purposes;

(3) Controlled heating of orchards or other crops during the frost season to lessen the chances of their being frozen so long as the emissions from this heating do not cause or contribute to an exceedance of any national ambient air quality standards and is consistent with the federally approved State Implementation Plan; and

(4) The controlled burning of not more than two structures per year by an organized and operating fire department for the purpose of training fire service personnel when the National Weather Service clearing index is above 500. See also Section 11-7-1(2)(a).

~~[R307-202-3]~~ ~~R307-202-4.~~ ~~[Community—Waste—Disposal] Prohibitions.~~

(1) No open burning shall be done at sites used for disposal of community trash, garbage and other wastes.

(2) No person shall burn under this rule when the director issues a public announcement under R307-302. The director will distribute such announcement to the local media notifying the public that a mandatory no-burn period is in effect for the area where the burning is to occur.

~~[R307-202-4]~~ R307-202-5. General Requirements.

(1) Except as otherwise provided in this rule, no person shall set or use an open outdoor fire for the purpose of disposal or burning of petroleum wastes; demolition or construction debris; residential rubbish; garbage or vegetation; tires; tar; trees; wood waste; other combustible or flammable solid, liquid or gaseous waste; or for metal salvage or burning of motor vehicle bodies.

(2) The county or municipal fire authority shall approve burning based on the predicted meteorological conditions and whether the emissions would impact the health and welfare of the public[;] or cause or contribute to an exceedance of any national ambient air quality standard.

(3) Nothing in this regulation shall be construed as relieving any person conducting open burning from meeting the requirements of any applicable federal, state or local requirements concerning disposal of any combustible materials.

(4) The county or municipal fire authority that approves any open burning permit will retain a copy of each permit issued for one year.

R307-202-[5]6. Open Burning - Without Permit.

The following types of open burning do not require a permit when not prohibited by other local, state or federal laws and regulations, when it does not create a nuisance, as defined in Section 76-10-803, and does not impact the health and welfare of the public.

(1) Devices for the primary purpose of preparing food such as outdoor grills and fireplaces;

(2) Campfires and fires used solely for recreational purposes where such fires are under control of a responsible person and the combustible material is clean, dry wood or charcoal; and

(3) Indoor fireplaces and residential solid fuel burning devices except as provided in R307-302-2.

R307-202-[6]7. Open Burning - With Permit.

(1) No person shall knowingly conduct open burning unless the open burning activities may be conducted without a permit pursuant to R307-202-[5]6 or the person has a valid permit for burning on a specified date or period, issued by the county or municipal fire authority having jurisdiction in the area where the open burning will take place.

(2) A permit applicant shall provide information as requested by the county or municipal fire authority. No permit or authorization shall be deemed valid unless the issuing authority determines that the applicant has provided the required information.

(3) Persons seeking an open burning permit shall submit to the county or municipal fire authority an application on a form provided by the ~~[executive secretary]~~ director for each separate burn.

(4) A permit shall be valid only on the lands specified on the permit.

(5) No material shall be burned unless it is clearly described and quantified as material to be burned on a valid permit.

(6) No burning shall be conducted contrary to the conditions specified on the permit.

(7) Any permit issued by a county or municipal fire authority shall be subject to the local, state, and federal rules and regulations.

(8) Open burning is authorized by the issuance of a permit, as stipulated within this rule, for specification in R307-202-7(10)~~[below]~~. These permits can only be issued when not prohibited by other local, state, or federal laws and regulations and when a nuisance as defined in Section 76-10-803 is not created~~;~~ and does not impact the health and welfare of the public.

(9) Individual permits, as stipulated within this rule, for the types of burning listed in R307-202-7(10)~~[below]~~ may be issued by a county or municipal fire authority when the clearing index is 500 or greater. When the clearing index is below 500, all permits issued for that day will be null and void until further notice from the county or municipal fire authority. Additionally, anyone burning on the day when the clearing index is below 500 or is found to be violating any part of this rule shall be liable for a fine in accordance with R307-130.

(10) Types of open burning for which a permit may be granted are:

(a) Except in nonattainment and maintenance areas, open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering, and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber~~;~~.

(b) Open burning of trees and brush within railroad rights-of-way provided that dirt is removed from stumps before burning, and that tires, oil more dense than #2 fuel oil, tar, or other materials which can cause severe air pollution are not present in the materials to be burned, and are not used to start fires or to keep fires burning~~;~~.

(c) Open burning of a fire hazard that a county or municipal fire authority determines cannot be abated by any other viable option~~;~~.

(d) Open burning of highly explosive materials when a county or municipal fire authority, law enforcement agency or governmental agency having jurisdiction determines that onsite burning or detonation in place is the only reasonably available method for safely disposing of the material~~;~~.

(e) Open burning for the disposal of contraband in the possession of public law enforcement personnel provided they demonstrate to the county or municipal fire authority that open burning is the only reasonably available method for safely disposing of the material~~;~~.

(f) Open burning of clippings, bushes, plants and prunings from trees incident to property clean-up activities, including residential cleanup, provided that the following conditions have been met:

(i) ~~[Within only the counties of Washington, Kane, San Juan, Iron, Garfield, Beaver, Piute, Wayne, Grand and Emery:~~

~~(A) The county or municipal fire authority has established a 30-day period between March 1 and May 30 for such burning to occur and notified the executive secretary of the open burning period prior to the commencement of the 30-day period; or~~

~~(B) The county or municipal fire authority has established a 30-day period between September 15 and November 15 and notified the executive secretary of the open burn window and the state forester has approved the burning window under Section 65A-8-211.]~~ Within only the counties of Washington, Kane, San Juan, Iron, Garfield, Beaver, Piute, Wayne, Grand and Emery, the county or municipal fire authority may issue a permit between March 1 and May 30 when the clearing index is 500 or greater. The county or

municipal fire authority may issue a permit between September 15 to November 15 for such burning to occur when the state forester has approved the burning window under Section 65A-8-211 and the clearing index is 500 or greater.

~~(ii) [In all other areas of the state:~~

~~(A) The county or municipal fire authority has established a 30-day period between March 30 and May 30 for such burning to occur and notified the executive secretary of the open burning period prior to the commencement of the 30-day period; or~~

~~(B) The county or municipal fire authority has established a 30-day period between September 15 and October 30 for such burning to occur and has notified the executive secretary of the open burning period prior to the commencement of the 30-day period and the state forester has approved the burning window under Section 65A-8-211.]~~ In all other areas of the state, the county or municipal fire authority may issue a permit between March 30 and May 30 for such burning to occur when the clearing index is 500 or greater. The county or municipal fire authority may issue a permit between September 15 and October 30 for such burning to occur when the state forester has approved the burning window under Section 65A-8-211 and the clearing index is 500 or greater.

~~(iii) Such [burning occurs during the period(s) established by the county or municipal fire authority.] burnings occur in accordance with state and federal requirements;~~

~~(iv) Materials to be burned are thoroughly dry; and~~

~~(v) No trash, rubbish, tires, or oil are included in the material to be burned, used to start fires, or used to keep fires burning.~~

(g) Except for nonattainment and maintenance areas, the ~~[executive secretary]~~ director may grant a permit for types of open burning not specified in R307-202-7(3)~~[above]~~ on written application if the ~~[executive secretary]~~ director finds that the burning is consistent with the federally approved State Implementation Plan and does not cause or contribute to an exceedance of any national ambient air quality standards~~;~~.

(i) This permit may be granted once the ~~[executive secretary]~~ director has reviewed the written application with the requirements and criteria found within this rule at R307-202-~~[6(2)]~~.

(ii) Open Burning Permit Criteria.

(A) The ~~[executive secretary]~~ director or the county or municipal fire authority shall consider the following factors in determining whether, and upon what conditions, to issue an open burning permit:

(I) The location and proximity of the proposed burning to any building, other structures, the public, and federal Class I areas that might be impacted by the smoke and emissions from the burn;

(II) Burning will only be conducted when the clearing index is 500 or above; and

(III) Whether there is any practical alternative method for the disposal of the material to be burned~~;~~ and.

(B) Methods to minimize emissions and smoke impacts may include, but are not limited to:

(I) The use of clean auxiliary fuel;

(II) Drying the material prior to ignition; and

(III) Separation for alternative disposal of materials that produce higher levels of emissions and smoke during the combustion process.

(C) Open burning permits are not valid during periods when the clearing index is below 500 or publicly announced air pollution emergencies or alerts have been declared in the area of the proposed burn.

(D) For burns of piled material, all piles shall be reasonably dry and free of dirt.

(E) Open burns shall be supervised by a responsible person who shall notify the local fire department and have available, either on-site or by the local fire department, the means to suppress the burn if the fire does not comply with the terms and conditions of the permit.

(F) All open burning operations shall be subject to inspection by the ~~[executive secretary]~~director or county or municipal fire authority. The permittee shall maintain at the burn site the original or a copy of the permit that shall be made available without unreasonable delay to the inspector.

(G) If at any time the ~~[executive secretary]~~director or the county or municipal fire authority granting the permit determines that the permittee has not complied with any term or condition of the permit, the permit is subject to partial or complete suspension, revocation or imposition of additional conditions. All burning activity subject to the permit shall be terminated immediately upon

notice of suspension or revocation. In addition to suspension or revocation of the permit, the ~~[executive secretary]~~director or county or municipal fire authority may take any other enforcement action authorized under state or local law.

R307-202-~~[7]~~8. Special Conditions.

(1) Open burning for special purposes or under unusual or emergency circumstances may be approved by the ~~[executive secretary]~~director if it is consistent with the federally approved State Implementation Plan and does not cause or contribute to an exceedance of any national ambient air quality standards.

(a) This permit may be granted once the ~~[executive secretary]~~director has reviewed the written application with the requirements and criteria in R307-202-~~[6]~~7.

KEY: air pollution, open burning, fire authority

Date of Enactment or Last Substantive Amendment: 2012

Notice of Continuation: March 4, 2010

Authorizing, and Implemented or Interpreted Law: 19-2-104; 11-7-1(2)(a); 65A-8-211~~;~~76-10-803

End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-Day (EMERGENCY) RULE** when it finds that the regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (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. Comments may be made on the **PROPOSED RULE**. Emergency or **120-Day RULES** are governed by Section 63G-3-304; and Section R15-4-8.

Public Safety, Driver License **R708-10** Classified License System

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 36330
FILED: 06/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This emergency rule is required to bring the Utah Driver License Division in compliance with federal regulations. In addition, the "Authorizing, Implemented or Interpreted Law" citation has been corrected.

SUMMARY OF THE RULE OR CHANGE: This change modifies and clarifies the codes used for driving restrictions and adds new restriction codes. (DAR NOTE: A corresponding proposed amendment is under DAR No. 36331 in this issue, July 1, 2012, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-3-104

EMERGENCY RULE REASON AND JUSTIFICATION:
REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.
JUSTIFICATION: Federal Motor Carrier Safety Improvement Act (MCSIA) defines driving restrictions and the corresponding data entry codes. This rule will bring the Utah

Driver License Division in compliance with those restrictions and codes.

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change will not affect the state budget because federal grant funds have been awarded through the FY 2011 Commercial Driver License Modernization Grant to fund the costs to modify the restriction changes on the commercial driver license certificate.
- ◆ **LOCAL GOVERNMENTS:** Local government is not affected by the change because local government does not issue Utah driver license certificates.
- ◆ **SMALL BUSINESSES:** Small business is not affected by the change because small businesses do not issue Utah driver license certificates.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Some drivers who currently hold a Utah Commercial Driver License will need a new certificate reflecting the restriction changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The drivers who currently hold a Utah Commercial Driver License that are affected by the restriction changes will not incur any costs because federal grant funds have been awarded through the FY 2011 Commercial Driver License Modernization Grant and will be used to cover the costs to generate letters explaining the changes, create new certificates, and postage.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will not be a fiscal impact on business as a result of this rule change.

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

PUBLIC SAFETY
DRIVER LICENSE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 3RD FL
SALT LAKE CITY, UT 84119-5595
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jill Laws by phone at 801-964-4469, by FAX at 801-964-4482, or by Internet E-mail at jlaws@utah.gov

EFFECTIVE: 06/06/2012

AUTHORIZED BY: Lance Davenport, Commissioner

R708. Public Safety, Driver License.

R708-10. Classified License System.

R708-10-1. Authority.

This rule is authorized by Section [~~53-3-401~~]53-3-104 et seq.

R708-10-2. Specifications for Utah License Classifications.

Class A Commercial Driver - (must be at least 18 years of age). Every person operating any combination of vehicles over 26,000 lbs. GVWR (Gross Vehicle Weight Rating) where the towed unit is more than 10,000 lbs. GVWR.

Class B Commercial Driver - (must be at least 18 years of age). Every person operating a straight truck or bus (single vehicle) more than 26,000 lbs. GVWR or any combination of vehicles over 26,000 lbs. GVWR where the towed unit is less than 10,001 lbs. GVWR.

Class C operator - (must be at least 21 years of age). Every person operating a vehicle or combination of vehicles less than 26,001 GVWR which transports amounts of hazardous materials requiring placarding or which transports more than 15 occupants including the driver, or which is used as a school bus.

Class D operator - (must be at least 16 years of age). Every person operating vehicles not defined above except motorcycles.

R708-10-3. Endorsements.

H = Hazardous materials
M = Motorcycle.
N = Tank vehicle.
P = Passengers.
S = School bus. (includes P)
T = Double or triple trailers.
X = Hazardous material and tank combination.
Z = Taxis.

R708-10-4. Restrictions.

A = [~~None~~]No restrictions.
B = Corrective lenses[-] - Restricted to wearing corrective lenses while operating a vehicle.
C = Mechanical aid[-] - Mechanical aid or compensatory device must be installed in the vehicle the driver is operating.
D = Prosthetic aid[-] - Prosthetic aid must be used while operating a vehicle.
E = Automatic transmission[-] - Restricted to driving a vehicle with automatic transmission.
F = Outside rearview mirrors[-] - Restricted to driving a vehicle with outside rearview mirrors.
G = Daylight driving only[-] - Restricted to driving during daylight hours only.
[~~-----~~ I = Limit ~~-----~~ other.
] J = Restricted Other[-] - Used as a free text field to identify additional restrictions.
K = CDL Intrastate only - Restricted to intrastate operation of commercial vehicles.
L = Vehicle without airbrake - Restricted to vehicles not equipped with air[-]brakes.
M = Except Class A bus - Class A license prohibited from driving a Class A bus.
N = Except Class A and Class B bus - Class A license prohibited from driving a Class A or Class B bus.
[~~-----~~ O = 90 cc or less motorcycle.
] U = [~~a 3 wheel cycle~~]Three wheel motorcycle - Restricted to operating only three-wheel motorcycles.
V = [POSTED 40 mph or less:]Medical variance - Driver must have a medical variance letter accompanied by a DOT Medical Card.
[~~-----~~ W = medical.
] 1 = Interlock device - Required to have an ignition interlock device installed in the vehicle they are operating.
2 = 249cc or less motorcycle[-] - Restricted to operating a motorcycle with 249cc or less.
3 = 649cc or less motorcycle[-] - Restricted to operating a motorcycle with 649cc or less.
4 = Street legal ATV[-only] - Restricted to operating a street legal ATV.
5 = 90cc or less motorcycle - Restricted to operating a motorcycle with 90cc or less.
6 = Speed posted 40 mph or less - Restricted to operating a vehicle on a road with a posted speed limit of 40 mph or less.

KEY: classified license, licensing

Date of Enactment or Last Substantive Amendment: June 6, 2012

Notice of Continuation: April 7, 2009

Authorizing, and Implemented or Interpreted Law: [~~53-3-401~~]53-3-104 et seq.

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 agency is required to review the rule. This review is intended 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 upon filing.

NOTICES are governed by Section 63G-3-305.

Capitol Preservation Board (State), Administration **R131-3**

Use of Magnetometers on Capitol Hill

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36359
FILED: 06/13/2012

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 63C-9-301(3)(a) requires the Capitol Preservation Board to make rules to govern, administer, and regulate Capitol Hill facilities and Capitol Hill grounds.

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 either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued in order for the Board to continue the regulation and the use of magnetometers by Capitol Hill security personnel.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CAPITOL PRESERVATION BOARD (STATE)
ADMINISTRATION

ROOM E110 EAST BUILDING
420 N STATE ST
SALT LAKE CITY, UT 84114-2110
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Allyson Gamble by phone at 801-537-9156, by FAX at 801-538-3221, or by Internet E-mail at agamble@utah.gov
♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov

AUTHORIZED BY: Allyson Gamble, Executive Director

EFFECTIVE: 06/13/2012

Commerce, Administration **R151-35**

Powersport Vehicle Franchise Act Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36329
FILED: 06/05/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Powersport Vehicle Franchise Act (PVFA), Section 13-35-101 et seq., governs the distribution and sales of powersport vehicles through franchise agreements and regulates the relationship between franchisors and franchisees. Section 13-35-104 authorizes

the Utah Powersport Vehicle Franchise Advisory Board and the Department of Commerce to promulgate rules regarding the administration of the PVFA.

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 regarding this rule in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to administer the registration of franchisees and franchisors and to conduct adjudicative proceedings before the Board. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMERCE
 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:
 ♦ Masuda Medcalf by phone at 801-530-7663, by FAX at 801-530-6446, or by Internet E-mail at mmedcalf@utah.gov

AUTHORIZED BY: Francine Giani, Executive Director

EFFECTIVE: 06/05/2012

allows the Division to make administrative rules providing for matters relating to the registration of postsecondary proprietary schools.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received in support of or opposing the administrative rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of the administrative rule is necessary for the Division to fulfill its statutory mandate to administer and enforce the Postsecondary Proprietary School Act. The administrative rule is essential to effective implementation of the registration requirements of the Act.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Hendricks by phone at 801-530-6035, by FAX at 801-538-6001, or by Internet E-mail at ahendricks@utah.gov

AUTHORIZED BY: Traci Gundersen, Director

EFFECTIVE: 06/14/2012

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 36360
 FILED: 06/14/2012

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 13-2-5(1) grants the Division Director the authority to issue rules to administer and enforce consumer protection statutes. Subsection 13-34-104(6) requires the Division to establish criteria and standards by administrative rule. Subsection 13-34-107(7)(b)

Community and Culture, Library
R223-1
 Adjudicative Procedures

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 36328
 FILED: 06/05/2012

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: State agencies are granted authority to conduct formal and informal adjudicative proceedings (Section 63G-4-202, specifically Subsection 63G-4-202(2)). Agencies that elect to conduct informal adjudicative procedures must enact an administrative rule, Section 63G-4-203.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The agency anticipates a continuation of the current programs, and therefore feels that a continuation of the rule is necessary in case of a need for an adjudicative proceeding. There were no comments to review.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMUNITY AND CULTURE
 LIBRARY
 ROOM A
 250 N 1950 W
 SALT LAKE CITY, UT 84116-7901
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Stephen Matthews by phone at 801-715-6722, by FAX at 801-715-6767, or by Internet E-mail at smatthews@utah.gov

AUTHORIZED BY: Michael Hansen, Deputy Director

EFFECTIVE: 06/05/2012

Corrections, Administration
R251-401
Supervision Fees

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 36312
 FILED: 06/05/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Sections 63G-3-201, 64-13-10, and 64-13-21, of the Utah Code. The purpose of this rule is to define the UDC's policy regarding offenders' monthly supervision fees including criteria for the suspension or waiver of fees and the circumstances under which an offender may request a hearing.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no

communications with the department on this topic or Rule R251-401.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is requested by the Board of Pardons for parolees who are under the supervision of the Department of Corrections. These fees are used to offset costs of administration and supervision of the offender while on probation or parole. The rule informs the public and parolee of this obligation. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 CORRECTIONS
 ADMINISTRATION
 14717 S MINUTEMAN DR
 DRAPER, UT 84020-9549
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Greg Peay by phone at 801-201-6052, by FAX at 801-545-5572, or by Internet E-mail at gpeay@utah.gov

AUTHORIZED BY: Thomas Patterson, Executive Director

EFFECTIVE: 06/05/2012

Education, Administration
R277-467
Distribution of Funds Appropriated for Library Books and Electronic Resources

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 36365
 FILED: 06/15/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comment has been received.

REASONED JUSTIFICATION FOR THE 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 because it provides a formula for distribution of funds appropriated by the Legislature for library books and electronic resources. 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 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: 06/15/2012

Education, Administration
R277-488
Critical Languages Program

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36369
FILED: 06/15/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 53A-15-104 directs the State Superintendent of Public Instruction and the Utah State Board of Education to establish, administer, and expand the Critical Language Program and authorizes the creation of a Dual Language Immersion Program. Subsection 53A-1-401(3) permits the Utah State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comment has been received.

REASONED JUSTIFICATION FOR THE 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 because it provides standards and procedures for schools that participate in the Critical Language Program and the Dual Language Immersion Program. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear 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: 06/15/2012

Education, Administration
R277-489
Optional Extended-Day Kindergarten -
Responsibilities, Timelines, and
Funding

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36372
FILED: 06/15/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) permits the Utah State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comment has been received.

REASONED JUSTIFICATION FOR THE 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 because it is amended with new language for Early Intervention Programs. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear 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: 06/15/2012

Environmental Quality, Air Quality
R307-105
General Requirements: Emergency
Controls

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 36333

FILED: 06/06/2012

**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 19-2-112 allows the executive director of the Department of Environmental Quality, with the concurrence of the Governor, to declare an air pollution emergency and order reductions in emissions of air pollutants. Rule R307-105 establishes the levels of air pollutants that create an emergency as well as other factors used in determining that an emergency exists.

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 about this rule since its last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-105 is required under 40 CFR Section 51.151. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 06/06/2012

Environmental Quality, Air Quality
R307-401
Permit: New and Modified Sources

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 36334

FILED: 06/06/2012

**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 19-2-108 states that "The board shall require that notice be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Rule R307-401 sets forth the requirements that the owner or operator of a source of air pollution must address in giving notice to the executive secretary. Subsection 19-2-104(3)(q) states that the Air Quality Board may make rules to meet the requirements of federal air pollution laws. Rule R307-401 is also required by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan (SIP). This SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I.

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 about this rule since its last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-401 is required by Section 19-2-

108 and is also required by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan (SIP), which is incorporated by reference under Rule R307-110. This SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I. Without the SIP, EPA would be required to impose a federal implementation plan. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 06/06/2012

**Environmental Quality, Air Quality
 R307-403**

**Permits: New and Modified Sources in
 Nonattainment Areas and Maintenance
 Areas**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 36335
 FILED: 06/06/2012

**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 19-2-108 states that "The board shall require that notice be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Rule R307-403 requires sources that expect to locate in nonattainment or maintenance areas to meet special requirements to ensure that the area continues to make reasonable progress towards attaining and maintaining federal health-based standards. Subsection 19-2-104(3)(q) says the Air Quality Board may make rules to "meet the

requirements of federal air pollution laws." Rule R307-403 is also required by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan. The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.165.

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 about this rule since its last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-403 is required by Section 19-2-108 and by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan (SIP), which is incorporated by reference under Rule R307-110. The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.165. Without the SIP, EPA would be required to impose a federal implementation plan. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 06/06/2012

**Environmental Quality, Air Quality
 R307-406
 Visibility**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 36336
 FILED: 06/06/2012

**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 19-2-108 states that "The

board shall require that notice be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Rule R307-406 sets forth the criteria to be used by the Division of Air Quality in notices of intent to construct under Rule R307-401 for new or modified major sources whose air pollution may affect visibility in Utah's Class I areas--Zion, Bryce, Capitol Reef, Arches, and Canyonlands National Parks. Subsection 19-2-104(3)(q) states that the Air Quality Board may make rules to "meet the requirements of federal air pollution laws." Rule R307-406 is also required by Section XVII, Visibility Protection, of the State Implementation Plan. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart P.

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 about this rule since its last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-406 is required by Section 19-2-108 and by Section XVII, Visibility Protection, of the State Implementation Plan (SIP), which is incorporated by reference under Rule R307-110. The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart P. Without the SIP, EPA would be required to impose a federal implementation plan. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 06/06/2012

Environmental Quality, Air Quality **R307-410** Permits: Emissions Impact Analysis

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 36337
 FILED: 06/06/2012

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 19-2-108 states that "The board shall require that notice be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Subsection 19-2-104(1) states that the Air Quality Board may make rules "(a) regarding the control, abatement, and prevention of air pollution from all sources..." Rule R307-410 establishes procedures and requirements for evaluating the expected impact of emissions from new or modified sources that require an approval order under Rule R307-401. Rule R307-410 also establishes the procedures and requirements for evaluating the impact of emissions of hazardous air pollutants. These evaluations help to determine the control requirements necessary to attain and maintain the federal health standards for air quality. Subsection 19-2-104(3)(q) states that the Air Quality Board may make rules to meet the requirements of federal air pollution laws. Rule R307-410 is also required by Section II, Review of New and Modified Air Pollution Sources and Section XVIII, Demonstration of GEP Stack Height, of the State Implementation Plan (SIP). The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I, and 40 CFR 51.118.

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 about this rule since its last review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-410 is required by Section 19-2-108, by Section II, Review of New and Modified Air Pollution Sources and by Section XVIII, Demonstration of GEP Stack

Height, of the State Implementation Plan (SIP), which are incorporated by reference under Rule R307-110. The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I, and 40 CFR 51.118. Without the SIP, EPA would be required to impose a federal implementation plan. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 06/06/2012

Environmental Quality, Air Quality **R307-414**

Permits: Fees for Approval Orders

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36338

FILED: 06/06/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-1-201(2)(i) allows the Department of Environmental Quality to establish a schedule of fees for actions and services of the department, which is approved annually by the Legislature. Subsection 19-2-104(3)(o) states that the Air Quality Board may require sources of air pollution to pay a fee sufficient to cover reasonable costs for reviewing and acting upon the notice of intent required by Rule R307-401 and for implementing and enforcing the requirements of the approval order issued to the source. Rule R307-414 sets forth procedures for billing sources of air pollution.

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 about this rule since its last review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The fees required by Rule R307-414 are allowed under Subsections 19-1-201(2)(i) and 19-2-104(3)(o). The fees required in Rule R307-414, which are approved annually by the Legislature, comprise a substantial portion of the budget of the Division of Air Quality. Without these fees, the Division would not be able to review and act upon the source. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 06/06/2012

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

Permits: Operating Permit Requirements

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36339

FILED: 06/06/2012

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 19-2-109.1(2)(a) requires all sources subject to Title V of the Clean Air Act to obtain an operating permit, and Rule R307-415 sets forth the requirements and procedures for obtaining the permit. Rule R307-415 is consistent with Title V and with 40 CFR Part 70. Subsection 19-2-109.1(4)(a) states that, "[t]he Board shall establish a proposed annual emission fee that conforms to Title V of the 1990 Clean Air Act for each ton of regulated pollutant applicable to all sources required to obtain a permit." Subsection 19-1-201(2)(i) allows the Department of Environmental Quality to establish a schedule of fees for

actions and services of the department, which is approved annually by the Legislature.

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 R307-415 has been amended three times since the last five-year review, and also in 2011, the Air Quality Board proposed amendments to the rule, but due to comments received during the public comment period, decided to let the time for adoption of those amendments lapse, and not adopt the proposed rule. The 2011 proposed amendment was in response to a comment, submitted by the Air Permitting Forum, which suggested that Rules R307-415 and R307-405 should have language that made them valid based on the on-going validity of the federal rules. If any federal or judicial action affected the validity of the federal rules, they felt that the corresponding state rules should not continue to be enforceable. The Air Quality Board believed that the Air Permitting Forum's comments had some validity and proposed amendments to Rules R307-415 and R307-405 that would have invalidated the permitting provisions of the rules in the event of changes in federal regulations or judicial determinations on the matter. During this public comment period, the Division of Air Quality (DAQ) received several comments, all opposed to the proposed rules. In total, DAQ received 13 comments from the general public expressing their general disapproval of the proposed rule; eight comments from interest groups that all opposed the proposed rule; and a comment from EPA, which recommended that DAQ consider staying the adoption of the proposed rule until EPA could provide its national position on contingency clauses. On 04/23/2012, DAQ received a Petition for Rule Change for Rule R307-415 from Uranium Watch. The Petition for Rule Change requested the rule be amended to allow public input on applications to increase radon emissions at uranium mines and mills; to require DAQ to post applications and announce its approval of new radon emissions sources; and to require DAQ to hold hearings near the source of radon emissions to inform the public and receive comments. The process of responding to this request has not yet been completed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-415 is required by Title V of the Clean Air Act; 40 CFR Part 70; and Section 19-2-109.1 of the Utah Code. The fees required by Rule R307-415 are allowed under Subsection 19-1-201(2)(i) and are approved annually by the Legislature. They comprise a substantial portion of the budget of DAQ. Without these fees, DAQ would not be able to issue and enforce operating permits. Therefore, this rule should be continued.

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

FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 06/06/2012

Environmental Quality, Air Quality **R307-417** Permits: Acid Rain Sources

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 36340
FILED: 06/06/2012

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 19-2-109.1 requires that all sources of air pollution that are subject to Title IV or V of the federal Clean Air Act must obtain an operating permit. Rule R307-417 incorporates by reference the federal requirements under Title IV, 40 CFR Part 72, as in effect on 07/01/1998, into Utah's air quality rules, so that Utah has the authority to include those requirements in operating permits for sources subject to Title IV.

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 about this rule since its last review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-417 is required by Title IV and V of the Clean Air Act; 40 CFR Part 70 and 72; and Section 19-2-109.1 of the Utah Code. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR

195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 06/06/2012

THE FULL TEXT OF THIS RULE MAY BE INSPECTED,
 DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 06/06/2012

**Environmental Quality, Air Quality
 R307-420**

**Permits: Ozone Offset Requirements
 in Davis and Salt Lake Counties**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 36341
 FILED: 06/06/2012

**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) states that the Air Quality Board may make rules "(a) regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contamination that may be emitted by any air contaminant source." The purpose of Rule R307-420 is to require emission reductions from existing sources to offset emission increases from new or modified sources of ozone precursors in Salt Lake and Davis Counties. The emission offset will minimize growth of ozone precursors to ensure that these areas will continue to maintain the ozone national ambient air quality standards.

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 about this rule since its last review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-420 is required to minimize the growth in emissions of ozone precursors in Salt Lake and Davis counties. This rule supports Section IX.D (Ozone Maintenance Plan) of the State Implantation Plan, which is incorporated by reference in Section R307-110-13. Therefore, this rule should be continued.

**Environmental Quality, Air Quality
 R307-421**

**Permits: PM10 Offset Requirements in
 Salt Lake County and Utah County**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 36342
 FILED: 06/06/2012

**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) states that the Air Quality Board may make rules "(a) regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contamination that may be emitted by any air contaminant source." The purpose of Rule R307-421 is to require emission reductions from existing sources to offset emission increases from new or modified sources of PM10 precursors in Salt Lake and Utah Counties. The emission offset will minimize growth of PM10 precursors to ensure that these areas will continue to maintain the PM10 national ambient air quality standard.

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 about this rule since its last review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-421 is required to minimize the

growth in emissions of PM10 precursors in Salt Lake County and Utah counties. The rule supports the PM10 Maintenance Plan, which is incorporated by reference in Section R307-110-10. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 06/06/2012

**Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-310
Medicaid Primary Care Network
Demonstration Waiver**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 36309
FILED: 06/04/2012

**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 26-18-3 requires the Department to implement Medicaid policy through administrative rules, which allow the Department to administer the Primary Care Network (PCN) Demonstration Waiver. In addition, Section 26-1-5 authorizes the Department to adopt rules that provide services to PCN recipients. Section 1115(a) of the Social Security Act also authorizes services to PCN recipients under a waiver of federal Medicaid requirements.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department did not receive any written or oral comments regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because it implements the PCN Demonstration Waiver to provide services to PCN recipients. It is also necessary because it establishes eligibility requirements for waiver enrollment, specifies program rights and responsibilities, specifies service limitations, provides application procedures, and contains notice and termination provisions. Therefore, this rule should be continued.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 06/04/2012

**Human Services, Substance Abuse
and Mental Health**

R523-20

Division Rules of Administration

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 36310
FILED: 06/05/2012

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-15-105 requires the Division of Substance Abuse and Mental Health (DSAMH) to establish, by rule, minimum standards and procedures for developing policies for the local substance abuse authorities and local mental health authorities in the State of Utah.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR

OPPOSING THE RULE: DSAMH has not received any public comment on this rule since the last review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it is required by statute in order to provide the minimum standards and procedures for developing policies for the local authorities throughout the state.

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

HUMAN SERVICES
 SUBSTANCE ABUSE AND MENTAL HEALTH
 195 N 1950 W
 SALT LAKE CITY, UT 84116
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov
- ♦ L Ray Winger by phone at 801-538-4319, by FAX at 801-538-9892, or by Internet E-mail at raywinger@utah.gov

AUTHORIZED BY: Lana Stohl, Director

EFFECTIVE: 06/05/2012

Human Services, Recovery Services
R527-3
Definitions

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36346
 FILED: 06/12/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted under Sections 62A-11-103, 62A-11-202, 62A-11-303, and 62A-11-401 which contain definitions of terms for the Office of Recovery Services (ORS), the Administrative Determination of Overpayments Act, the Child Support Services Act, and Income Withholding for IV-D and Non-IV-D cases. This rule provides definitions of acronyms and additional terms used by ORS. The definitions listed in this rule may either not be listed or precisely defined in the referenced statutes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR

OPPOSING THE RULE: No comments have been received during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide the public with knowledge of commonly used acronyms and terms associated with ORS or its programs that are not available in statute.

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

HUMAN SERVICES
 RECOVERY SERVICES
 515 E 100 S
 SALT LAKE CITY, UT 84102-4211
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ LeAnn Wilber by phone at 801-536-8950, by FAX at 801-536-8833, or by Internet E-mail at lwilber@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 06/12/2012

Human Services, Recovery Services
R527-37
Closure Criteria for Support Cases

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36347
 FILED: 06/12/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Federal regulations at 45 CFR 303.11 provide detailed case closure criteria for IV-D agencies. These required criteria have been adopted by the Office of Recovery Services (ORS) and incorporated by reference into rule. This rule is enacted under Section 62A-11-107 as amended 07/01/1997, which authorizes ORS to adopt, amend, and enforce rules necessary to carry out its necessary duties including closure of cases under appropriate circumstances.

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 during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The federally-mandated closure criteria are still in effect and do not appear in state statute. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN SERVICES
 RECOVERY SERVICES
 515 E 100 S
 SALT LAKE CITY, UT 84102-4211
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ LeAnn Wilber by phone at 801-536-8950, by FAX at 801-536-8833, or by Internet E-mail at lwilber@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 06/12/2012

Human Services, Recovery Services
R527-253
 Collection of Child Support Judgments

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 36348
 FILED: 06/12/2012

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Section 62A-11-320, the Office of Recovery Services (ORS) is given the authority to demand payment in full or to set or reset payment schedules to collect past-due support. This rule makes it clear that the interests of the state determine whether immediate payment in full should be required, and specifies the payment amount limit for collecting a judgment using a schedule of payments. It also provides a listing of some of the legal remedies available to collect a judgment.

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 during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE

RULE, IF ANY: The state laws and federal regulations cited in this rule are still in effect. This rule also makes it clear that the office is not limited to taking only one legal remedy at a time and should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN SERVICES
 RECOVERY SERVICES
 515 E 100 S
 SALT LAKE CITY, UT 84102-4211
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ LeAnn Wilber by phone at 801-536-8950, by FAX at 801-536-8833, or by Internet E-mail at lwilber@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 06/12/2012

Human Services, Recovery Services
R527-255
 Substantial Change in Circumstances

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 36349
 FILED: 06/12/2012

**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: Utah guidelines apply to situations where there has been a substantial change of circumstances or an adjustment is made upon petition or a parent, legal guardian, or the Office of Recovery Services (ORS) when the support order has not been issued or modified within the previous three years. Under either situation, the law specifies the minimum percentage of change required between the ordered amount and amount that would be required under the guidelines and that the changes cannot be temporary in nature. Sections 62A-11-320.5 and 62A-11-320.6 deal specifically with review and adjustment of child support orders in and outside of the three-year cycle and also state that the change cannot be of a temporary nature. This rule provides the definition of what "temporary" means and makes it clear that the current support order may not be modified if the change in circumstances is temporary. It also provides direction on how to deal with more extended, but not permanent, changes and specifies that changes over 12 months are to be considered long term or permanent and therefore warrant adjustment under the guidelines statutes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that it remains clear what is meant by a temporary change in circumstances, what options are available when the change is more extended but not permanent, and when proceedings for adjustment of a support award must be initiated.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY, UT 84102-4211
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ LeAnn Wilber by phone at 801-536-8950, by FAX at 801-536-8833, or by Internet E-mail at lwilber@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 06/12/2012

Human Services, Recovery Services **R527-258**

Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36350
FILED: 06/12/2012

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 78B-12-202 affirms that the current support amount granted by court order is the non-custodial parent's prospective obligation unless there has been a substantial change of circumstances or an adjustment of the obligation has been made by the court or under self-

execution provision in the order. It also provides for the use of the child support guidelines when establishing or modifying a prospective support award unless the court finds reason to rebut the guidelines. Section 62A-11-320 addresses establishment of support payment schedules by the Office of Recovery Services (ORS) and the condition under which a non-custodial parent may contest a schedule of payments established by the Office. These statutes, which govern the amount of a non-custodial parent's current obligation and payments that may be required on past-due support, are the basis for this rule that deals with a IV-A child support debt, which may accrue during a period of incarceration, and the nature of the payments required twelve months following incarceration. The rule also clarifies that the statutory provision allowing ORS to reassess the payment amounts is in effect during the entire twelve-month period including the first six months of that period in which no enforcement action is allowed. Section 62A-11-320 also allows ORS to forgive the IV-A portion of the non-custodial parent's past-due support, which may accrue during a period of incarceration, if the non-custodial parent makes payments as required, including reassessed amounts, during the twelve-month period following incarceration.

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 during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The underlying statutes are still in effect and the program providing for the discharge of the IV-A debt when support payments are made as required the year following incarceration is still beneficial from a child support enforcement perspective, as well as a corrections perspective. Therefore, this rule should be continued.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY, UT 84102-4211
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ LeAnn Wilber by phone at 801-536-8950, by FAX at 801-536-8833, or by Internet E-mail at lwilber@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 06/12/2012

Human Services, Recovery Services
R527-330
 Posting Priority of Payments Received

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 36351
 FILED: 06/12/2012

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted under Section 62A-11-107, which authorizes the Office of Recovery Services (ORS) to adopt, amend, and enforce rules necessary to appropriately carry out its duties. This rule enables ORS to establish a system for posting payments received when the non-custodial parent has not given instructions or made arrangements for the posting of his/her payments when more than one case is involved. It also clarifies that ORS must first apply support payments to current support obligations before applying them to past-due support debts.

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 during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule requires an organized approach to dealing with support payments paid to ORS and makes current support the first priority for payments not designated by the non-custodial parent, so when payments are made, families not receiving IV-A case assistance from the State can expect to receive financial support for their current family needs. It also allows the state to recover money that has been expended in IV-A cash assistance to families. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN SERVICES
 RECOVERY SERVICES
 515 E 100 S
 SALT LAKE CITY, UT 84102-4211
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ LeAnn Wilber by phone at 801-536-8950, by FAX at 801-536-8833, or by Internet E-mail at lwilber@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 06/12/2012

Insurance, Administration
R590-240
 Procedure to Obtain Exemption of
 Student Health Programs From
 Insurance Code

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 36344
 FILED: 06/07/2012

**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 31A-1-103(3)(d) specifies by rule business transactions that are exempted from insurance regulation; and Section 31A-2-201 gives the commissioner the authority to write rules to implement the insurance code.

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 in the past five years regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to continue to provide guidance regarding procedures that institutions of higher education must follow in order to obtain exemption of student health programs from the Insurance Code. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 INSURANCE
 ADMINISTRATION
 ROOM 3110 STATE OFFICE BLDG
 450 N MAIN ST
 SALT LAKE CITY, UT 84114-1201
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 06/07/2012

**Natural Resources, Water Rights
R655-1
Wells Used for the Discovery and
Production of Geothermal Energy in the
State of Utah**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 36376
FILED: 06/15/2012

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Section 73-22-5, the Division of Water Rights is given jurisdiction and authority to require that all wells for the discovery and production of water to be used for geothermal energy production of water in the state of Utah; be drilled, operated, maintained, and abandoned in a manner as to safeguard life, health, property, the public welfare; and to encourage maximum economic recovery.

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 in the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division of Water Rights maintains jurisdiction and authority to require that all wells for the discovery and production of water to be used for geothermal energy production of water in the state of Utah; be drilled, operated, maintained, and abandoned in a manner as to safeguard life, health, property, the public welfare; and to encourage maximum economic recovery. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
WATER RIGHTS
ROOM 220
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Marianne Burbidge by phone at 801-538-7370, by FAX at 801-538-7467, or by Internet E-mail at marianneburbidge@utah.gov

AUTHORIZED BY: Kent Jones, State Engineer/Director

EFFECTIVE: 06/15/2012

**Natural Resources, Water Rights
R655-2**

**Procedure for Administrative
Proceedings Before the Division of
Water Rights Commenced Prior to
January 1, 1988**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 36380
FILED: 06/15/2012

**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-4-203 established and governed the administrative procedures for informal adjudicative proceedings before the Division of Water Rights that commenced prior to 01/01/1988.

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.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued to govern all hearings which are held by the State Engineer on matters within his jurisdiction for all adjudicative proceedings that commenced prior to 01/01/1988.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
WATER RIGHTS
ROOM 220
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Marianne Burbidge by phone at 801-538-7370, by FAX at 801-538-7467, or by Internet E-mail at marianneburbidge@utah.gov

AUTHORIZED BY: Kent Jones, State Engineer/Director

EFFECTIVE: 06/15/2012

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Marianne Burbidge by phone at 801-538-7370, by FAX at 801-538-7467, or by Internet E-mail at marianneburbidge@utah.gov

AUTHORIZED BY: Kent Jones, State Engineer/Director

EFFECTIVE: 06/15/2012

**Natural Resources, Water Rights
R655-6**

Administrative Procedures for Informal Proceedings Before the Division of Water Rights

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36381
FILED: 06/15/2012

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-4-203; and Title 73, Chapter 1; Title 73, Chapter 2; Title 73, Chapter 3; Title 73, Chapter 5; Title 73, Chapter 6; and Title 73, Chapter 22. Rulemaking is required because the agency authorizes, requires, or prohibits an action; provides or prohibits an action; and because the agency has designed one or more categories of adjudicative proceedings.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is needed to give direction to presiding officers and staff in initiating adjudicative proceedings, conducting informal hearings, and rendering decisions authorizing, requiring, or prohibiting an action. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
WATER RIGHTS
ROOM 220
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

**Natural Resources, Water Rights
R655-15**

Administrative Procedures for Distribution Systems and Water Commissioners

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36382
FILED: 06/15/2012

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 73-2-1(5)(a) authorizes the State Engineer to make rules governing water distribution systems, water commissioners, water measurement, and reporting that are consistent with Title 73, Chapter 5, Administration and Distribution.

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.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule authorizes the State Engineer to make rules governing water distribution systems, water commissioners, water measurement, and reporting that are consistent with Title 73, Chapter 5, Administration and Distribution. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
WATER RIGHTS
ROOM 220
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Marianne Burbidge by phone at 801-538-7370, by FAX at 801-538-7467, or by Internet E-mail at marianneburbidge@utah.gov

AUTHORIZED BY: Kent Jones, State Engineer/Director

EFFECTIVE: 06/15/2012

Public Safety, Fire Marshal
R710-9
Rules Pursuant to the Utah Fire
Prevention and Safety Act

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION

DAR FILE NO.: 36343
FILED: 06/07/2012

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 53-7-203 creates the Utah Fire Prevention Board, a Board made up of 10 members appointed by the Governor that oversees the Utah State Fire Marshal's Office, firefighter training, recommendation of fire prevention codes to the State Legislature, and the certification of several occupations. Section 53-7-204 is the statute that directs the Utah Fire Prevention Board to create rules that establish standards for the prevention of fire and for the protection of life and property against fire and panic in several specific occupancies that have been identified by the legislature. The enactment of this administrative rule also affects 268 local fire departments who are required to enforce the state adopted fire code and also use this administrative rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during and since the last five-year review of this administrative rule. The Utah Fire Prevention Board takes great effort to make sure all that are affected by a proposed rule amendment, are informed before the completion of the rule filing. The Board wants to work out all concerns before the administrative rule is sent to the Division of Administrative Rules for statewide filing.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This administrative rule should be continued

due to the need and importance of the rule. This rule was enacted in 1993 after the Utah Fire Prevention and Safety Act was fully recodified by the Utah State Legislature. The rule establishes conduct at Fire Prevention Board meetings, deputizing Special Deputy State Fire Marshals, procedures to amend the state adopted fire code, a number of subcommittees that assist the Fire Prevention Board, and the various amendments and additions to the state adopted fire code that are passed by the Board till the next session of the Utah State Legislature.

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

PUBLIC SAFETY
FIRE MARSHAL
ROOM 302
5272 S COLLEGE DR
MURRAY, UT 84123-2611
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Brent Halladay by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@utah.gov

AUTHORIZED BY: Brent Halladay, State Fire Marshal

EFFECTIVE: 06/07/2012

Public Service Commission,
Administration
R746-400
Public Utility Reports

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION

DAR FILE NO.: 36358
FILED: 06/13/2012

NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-1-10 requires the Public Service Commission to engage in long-range planning regarding public utility regulation and provide reports to the Governor and Legislature. Section 54-3-2 requires utilities to file with the Commission their schedules, rules, regulations, contracts, and agreements. Sections 54-3-21 and 54-3-22 require utilities to provide to the Commission any information or reports requested by the Commission. Section 54-3-26 requires telecommunication carriers to provide information regarding special purpose districts. Section 54-4-16 requires utilities to provide information and reports regarding accidents. Section 54-4-22 requires utilities to provide

information regarding asset valuations. Section 54-5-1.5 requires utilities to provide information needed to assess the special regulation fee imposed by Chapter 5. Section 54-8b-10 requires telecommunication carriers to provide information relating to the hearing and speech impaired surcharge. Section 54-8b-15 requires telecommunications carriers to provide information regarding the Universal Public Telecommunications Service Support Fund. Section 54-12-2 permits the Commission to promulgate rules for its development of small power production and cogeneration. Section 54-13-3 permits the Commission to promulgate rules for its pipeline safety responsibilities. The rule provides direction on how utilities should provide the information required to comply with these statutory provisions.

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 five-year review in 2007.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule needs to remain in effect in order for utilities to provide information and for the Public Service Commission and the Division of Public Utilities to continue to receive information needed for utility regulation. 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:
♦ David Clark by phone at 801-530-6708, by FAX at 801-530-6796, or by Internet E-mail at drexclark@utah.gov
♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: David Clark, Legal Counsel

EFFECTIVE: 06/13/2012

**Workforce Services, Administration
R982-101
Americans with Disabilities Complaint
Procedure**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 36354
FILED: 06/12/2012

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title II of the Americans With Disabilities Act requires the state to provide a procedure for accommodating and taking complaints from disabled individuals. Since the Department receives federal funds, this rule is essential.

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 in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is essential to comply with federal law. The Department would lose all of its federal funding without this rule. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
WORKFORCE SERVICES
ADMINISTRATION
140 E BROADWAY
SALT LAKE CITY, UT 84111-2333
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Kristen Cox, Executive Director

EFFECTIVE: 06/12/2012

**Workforce Services, Administration
R982-201
Government Records Access and
Management Act**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 36355
FILED: 06/12/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Utah Government Records Access and Management Act at Section 63G-2-204 requires the Department to establish rules for requesting access to Department records. This rule complies with that Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to ensure that the Department is in compliance with Section 63G-2-204. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
WORKFORCE SERVICES
ADMINISTRATION
140 E BROADWAY
SALT LAKE CITY, UT 84111-2333
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Kristen Cox, Executive Director

EFFECTIVE: 06/12/2012

**Workforce Services, Administration
R982-301
Councils**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 36356
FILED: 06/12/2012

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: Utah and federal law call for a

Workforce Investment Board. This rule is necessary to provide definitions and meeting requirements as required by state law, Section 35A-2-101 et seq.

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 in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to comply with the requirements of state and federal law. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
WORKFORCE SERVICES
ADMINISTRATION
140 E BROADWAY
SALT LAKE CITY, UT 84111-2333
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Kristen Cox, Executive Director

EFFECTIVE: 06/12/2012

**Workforce Services, Administration
R982-601
Provider Code of Conduct**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 36357
FILED: 06/12/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 35A-1-104 contemplates that the Department will contract with other agencies, people, or entities in the performance of our duties. This rule spells out a provider's responsibilities and establishes a code of conduct that all providers are required to follow. This code of conduct requires providers to obey Utah and federal law.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to ensure that all providers paid by the Department comply with state law as outlined in this rule. Therefore, this rule should be continued.

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

ADMINISTRATION
140 E BROADWAY
SALT LAKE CITY, UT 84111-2333
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Kristen Cox, Executive Director

EFFECTIVE: 06/12/2012

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their rules effective and enforceable after publication in the Utah State Bulletin. In the case of Proposed Rules or Changes in Proposed Rules with a designated comment period, the law permits an agency to file a notice of effective date any time after the close of comment plus seven days. In the case of Changes in Proposed Rules with no designated comment period, the law permits an agency to file a notice of effective date on any date including or after the thirtieth day after the rule's publication date. If an agency fails to file a Notice of Effective Date within 120 days from the publication of a Proposed Rule or a related Change in Proposed Rule the rule lapses and the agency must start the rulemaking process over.

Notices of Effective Date are governed by Subsection 63G-3-301(12), 63G-3-303, and Sections R15-4-5a and 5b.

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

Commerce

Occupational and Professional Licensing

No. 36077 (AMD): R156-1. General Rule of the Division of

Occupational and Professional Licensing

Published: 05/01/2012

Effective: 06/07/2012

Real Estate

No. 36079 (AMD): R162-2c. Utah Residential Mortgage Practices and Licensing Rules

Published: 05/01/2012

Effective: 06/07/2012

Education

Administration

No. 36067 (R&R): R277-104. USOE ADA Complaint

Procedure

Published: 05/01/2012

Effective: 06/07/2012

No. 36069 (AMD): R277-419-7. Student Identification and Tracking

Published: 05/01/2012

Effective: 06/07/2012

No. 36070 (AMD): R277-420. Aiding Financially Distressed School Districts

Published: 05/01/2012

Effective: 06/07/2012

No. 36071 (AMD): R277-483-4. Identification of Persistently Dangerous Schools

Published: 05/01/2012

Effective: 06/07/2012

No. 36072 (AMD): R277-486. Professional Staff Cost Program

Published: 05/01/2012

Effective: 06/07/2012

No. 36073 (AMD): R277-503. Licensing Routes

Published: 05/01/2012

Effective: 06/07/2012

No. 36074 (AMD): R277-520-6. Eminence

Published: 05/01/2012

Effective: 06/07/2012

No. 36075 (AMD): R277-700. The Elementary and Secondary School Core Curriculum

Published: 05/01/2012

Effective: 06/07/2012

No. 36076 (AMD): R277-733. Adult Education Programs

Published: 05/01/2012

Effective: 06/07/2012

Rehabilitation

No. 36068 (REP): R280-201. USOR ADA Complaint

Procedure

Published: 05/01/2012

Effective: 06/07/2012

Environmental Quality

Air Quality

No. 35922 (AMD): R307-214. National Emission Standards for Hazardous Air Pollutants

Published: 04/01/2012

Effective: 06/07/2012

Human Services

Child and Family Services

No. 35931 (AMD): R512-60. Children's Trust Account

Published: 04/01/2012

Effective: 06/07/2012

NOTICES OF RULE EFFECTIVE DATES

Tax Commission

Administration

No. 36061 (AMD): R861-1A-16. Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207

Published: 05/01/2012

Effective: 06/14/2012

Motor Vehicle Enforcement

No. 36062 (AMD): R877-23V-7. Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210

Published: 05/01/2012

Effective: 06/14/2012

No. 36063 (AMD): R877-23V-22. Reasonable Cause to Waive, Reduce, or Compromise a Penalty Pursuant to Utah Code Ann. Section 41-3-704

Published: 05/01/2012

Effective: 06/14/2012

Property Tax

No. 36064 (AMD): R884-24P-68. Property Tax Exemption for Taxable Tangible Personal Property With a Total Aggregate Fair Market Value of \$3,500 or Less Pursuant to Utah Code Ann. Section 59-2-1115

Published: 05/01/2012

Effective: 06/14/2012

Transportation

Operations, Traffic and Safety

No. 36082 (AMD): R920-50. Ropeway Operation Safety

Published: 05/01/2012

Effective: 06/07/2012

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, 2012 through June 15, 2012. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules 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).

Questions regarding the index and the information it contains should be addressed to 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 (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Archives</u>					
R17-9	Electronic Participation at Meetings	35304	NEW	01/30/2012	2011-20/6
<u>Child Welfare Parental Defense (Office of)</u>					
R19-1-6	Child Welfare Parental Defense Oversight Committee	35205	AMD	01/12/2012	2011-18/6
R19-1-7	Electronic Meetings	35206	AMD	01/12/2012	2011-18/7
<u>Facilities Construction and Management</u>					
R23-1	Procurement of Construction	36145	5YR	05/03/2012	2012-11/177
R23-19	Facility Use Rules	36146	5YR	05/03/2012	2012-11/177
R23-20	Free Speech Activities	36148	5YR	05/03/2012	2012-11/178
<u>Finance</u>					
R25-14	Payment of Attorneys Fees in Death Penalty Cases	35663	5YR	01/12/2012	2012-3/105
R25-20	Indigent Defense Funds Board, Procedures for Electronic Meetings	35975	NEW	05/22/2012	2012-8/5
<u>Fleet Operations</u>					
R27-4	Vehicle Replacement and Expansion of State Fleet	35622	5YR	01/05/2012	2012-3/105
R27-5	Fleet Tracking	35617	5YR	01/05/2012	2012-3/106
R27-5	Fleet Tracking	35623	NSC	01/31/2012	Not Printed
R27-6	Fuel Dispensing Program	35620	5YR	01/05/2012	2012-3/106
R27-8	State Vehicle Maintenance Program	35621	5YR	01/05/2012	2012-3/107
R27-9	Dispensing Compressed Natural Gas to the Public	35727	NEW	03/26/2012	2012-4/6
<u>Purchasing and General Services</u>					
R33-1	Utah State Procurement Rules Definitions	35664	AMD	03/30/2012	2012-3/4
R33-3	Source Selection and Contract Formation	35613	AMD	03/30/2012	2012-2/6
R33-3-7	Types of Contracts	35667	AMD	03/30/2012	2012-3/6
R33-4	Specifications	35665	AMD	03/30/2012	2012-3/10
R33-6-101	Revisions to Contract Clauses	35666	AMD	03/30/2012	2012-3/12
<u>Risk Management</u>					
R37-1	Risk Management General Rules	36286	5YR	05/30/2012	2012-12/81
R37-2	Risk Management State Workers' Compensation Insurance Administration	36287	5YR	05/30/2012	2012-12/81
R37-3	Risk Management Adjudicative Proceedings	36288	5YR	05/30/2012	2012-12/82
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	36289	5YR	05/30/2012	2012-12/83
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	35844	AMD	05/31/2012	2012-5/4

AGRICULTURE AND FOOD

Administration

R51-2	Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food	35614	5YR	01/04/2012	2012-3/107
-------	---	-------	-----	------------	------------

Animal Industry

R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	35691	5YR	01/18/2012	2012-4/59
R58-3	Brucellosis Vaccination Requirements	36143	EMR	05/08/2012	2012-11/167
R58-6	Poultry	35692	5YR	01/18/2012	2012-4/59
R58-11	Slaughter of Livestock	35866	AMD	05/15/2012	2012-5/5
R58-11	Slaughter of Livestock and Poultry	36144	NSC	05/30/2012	Not Printed
R58-18	Elk Farming	35695	5YR	01/18/2012	2012-4/60
R58-19	Compliance Procedures	35696	5YR	01/18/2012	2012-4/60
R58-22	Equine Infectious Anemia (EIA)	35694	5YR	01/18/2012	2012-4/61
R58-23	Equine Viral Arteritis (EVA)	35693	5YR	01/18/2012	2012-4/61

Plant Industry

R68-19	Compliance Procedures	35697	5YR	01/18/2012	2012-4/62
R68-21	Standard of Identity for Honey	35566	REP	03/07/2012	2012-2/16

Regulatory Services

R70-201	Compliance Procedures	35660	5YR	01/12/2012	2012-3/108
R70-320	Minimum Standards for Milk for Manufacturing Purposes, its Production and Processing	35661	5YR	01/12/2012	2012-3/109
R70-350	Ice Cream and Frozen Dairy Food Standards	35658	5YR	01/12/2012	2012-3/109
R70-360	Procedure for Obtaining a License to Test Milk for Payment	35657	5YR	01/12/2012	2012-3/110
R70-530	Food Protection	35920	5YR	03/07/2012	2012-7/63
R70-550	Utah Inland Shellfish Safety Program	35659	5YR	01/12/2012	2012-3/110
R70-560	Inspection and Regulation of Cottage Food Production Operations	35662	5YR	01/12/2012	2012-3/111

ALCOHOLIC BEVERAGE CONTROL

Administration

R81-1-6	Violation Schedule	35588	AMD	03/01/2012	2012-2/20
R81-4A-2	Application	35943	AMD	05/22/2012	2012-7/5
R81-4B-2	Application	35944	AMD	05/22/2012	2012-7/6
R81-4C-2	Application	35945	AMD	05/22/2012	2012-7/8
R81-4D-2	Application	35946	AMD	05/22/2012	2012-7/9
R81-4E-2	Application	35947	AMD	05/22/2012	2012-7/11
R81-4F-2	Application	35948	AMD	05/22/2012	2012-7/12
R81-5-2	Application	35949	AMD	05/22/2012	2012-7/13
R81-6-1	Application	35950	AMD	05/22/2012	2012-7/15
R81-8-1	Application	35951	AMD	05/22/2012	2012-7/16
R81-9-1	Application	35952	AMD	05/22/2012	2012-7/17
R81-10A-3	Application	35953	AMD	05/22/2012	2012-7/19
R81-10C-2	Application	35954	AMD	05/22/2012	2012-7/20
R81-10D-2	Application	35955	AMD	05/22/2012	2012-7/21
R81-11-1	Application	35956	AMD	05/22/2012	2012-7/23
R81-12-1	Application	35957	AMD	05/22/2012	2012-7/24

ATTORNEY GENERAL

Administration

R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	35904	NEW	04/24/2012	2012-6/6
--------	---	-------	-----	------------	----------

CAPITOL PRESERVATION BOARD (STATE)

Administration

R131-3	Use of Magnetometers on Capitol Grounds	35899	EXT	02/29/2012	2012-6/43
R131-3	Use of Magnetometers on Capitol Hill	36359	5YR	06/13/2012	Not Printed

RULES INDEX

R131-9	State Capitol Preservation Board Art Program and Policy	35686	R&R	03/09/2012	2012-3/13
R131-10	Commercial Solicitations	35687	5YR	01/17/2012	2012-3/111
R131-11	Preservation of Free Speech Activities	35688	5YR	01/17/2012	2012-3/112
R131-13	Health Reform - Health Insurance Coverage in State Contracts - Implementation	35611	EMR	01/03/2012	2012-2/105
R131-13	Health Reform - Health Insurance Coverage in State Contracts - Implementation	35610	AMD	02/21/2012	2012-2/24

CAREER SERVICE REVIEW OFFICE

Administration

R137-1-21	The Evidentiary/Step 4 Adjudicatory Procedures	35559	AMD	02/21/2012	2012-2/26
-----------	--	-------	-----	------------	-----------

COMMERCE

Administration

R151-3	Americans With Disabilities Act Rule	35897	5YR	02/28/2012	2012-6/35
R151-35	Powersport Vehicle Franchise Act Rule	36329	5YR	06/05/2012	Not Printed

Consumer Protection

R152-6	Utah Administrative Procedures Act Rules	35974	5YR	03/26/2012	2012-8/71
R152-15	Business Opportunity Disclosure Act Rules	35965	5YR	03/22/2012	2012-8/71
R152-20	New Motor Vehicle Warranties	35967	5YR	03/22/2012	2012-8/72
R152-22	Charitable Solicitations Act	35970	5YR	03/22/2012	2012-8/72
R152-23	Utah Health Spa Services	35971	5YR	03/22/2012	2012-8/73
R152-34	Postsecondary Proprietary School Act Rules	36360	5YR	06/14/2012	Not Printed
R152-42	Uniform Debt-Management Services Act Rules	35972	5YR	03/22/2012	2012-8/73

Occupational and Professional Licensing

R156-1	General Rule of the Division of Occupational and Professional Licensing	35624	5YR	01/05/2012	2012-3/112
R156-1	General Rule of the Division of Occupational and Professional Licensing	36077	AMD	06/07/2012	2012-9/8
R156-11a	Barber, Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rule	35853	5YR	02/06/2012	2012-5/101
R156-16a	Optometry Practice Act Rule	35893	5YR	02/21/2012	2012-6/35
R156-20a	Environmental Health Scientist Act Rule	35430	AMD	01/10/2012	2011-23/10
R156-37	Utah Controlled Substances Act Rule	35892	5YR	02/21/2012	2012-6/36
R156-47b	Massage Therapy Practice Act Rule	36132	5YR	05/01/2012	2012-10/87
R156-47b-102	Definitions	35498	AMD	01/26/2012	2011-24/6
R156-55d	Burglar Alarm Licensing Rule	35860	5YR	02/07/2012	2012-5/102
R156-55d	Burglar Alarm Licensing Rule	36191	NSC	05/30/2012	Not Printed
R156-56	Building Inspector and Factory Built Housing Licensing Act Rule	35735	5YR	01/31/2012	2012-4/62
R156-63b-102	Definitions	36192	NSC	05/30/2012	Not Printed
R156-64	Deception Detection Examiners Licensing Act Rule	35736	5YR	01/31/2012	2012-4/64
R156-67-503	Administrative Penalties	35389	AMD	03/09/2012	2011-22/14
R156-67-503	Administrative Penalties	35389	CPR	03/09/2012	2012-3/86
R156-68-503	Administrative Penalties	35388	AMD	03/09/2012	2011-22/19
R156-68-503	Administrative Penalties	35388	CPR	03/09/2012	2012-3/90
R156-76	Professional Geologist Licensing Act Rule	35894	5YR	02/21/2012	2012-6/37
R156-78B	Prelitigation Panel Review Rule	35820	5YR	02/02/2012	2012-5/102
R156-83-502	Unprofessional Conduct	35585	AMD	02/21/2012	2012-2/28

Real Estate

R162-2c	Utah Residential Mortgage Practices and Licensing Rules	36079	AMD	06/07/2012	2012-9/12
R162-2e-402	Administrative Proceedings	35915	AMD	05/23/2012	2012-7/25

Securities

R164-101	Securities Fraud Reporting Program Act	35558	NEW	02/21/2012	2012-2/29
----------	--	-------	-----	------------	-----------

COMMUNITY AND CULTURE

Arts and Museums

R207-1	Utah Arts Council General Program Rules	35723	5YR	01/24/2012	2012-4/64
R207-2	Policy for Commissions, Purchases, and Donations to, and Loans from, the Utah State Art Collection	35724	5YR	01/24/2012	2012-4/65

History

R212-1	Adjudicative Proceedings	36299	5YR	05/31/2012	2012-12/83
R212-12	Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds	36301	5YR	05/31/2012	2012-12/84

Home Energy Assistance Target (HEAT)

R195-1	Energy Assistance: General Provisions	35403	AMD	03/26/2012	2011-23/12
R195-2	Energy Assistance Programs Standards	36293	EXT	05/31/2012	2012-12/95
R195-3	Energy Assistance Income Standards, Income Eligibility, and Payment Determination	36294	EXT	05/31/2012	2012-12/95
R195-3-3	Unearned Income	35405	AMD	03/26/2012	2011-23/16
R195-4	Energy Assistance: Asset Standards	36295	EXT	05/31/2012	2012-12/95
R195-5	Energy Assistance: Program Benefits	35406	AMD	03/26/2012	2011-23/17
R195-5	Energy Assistance: Program Benefits	36296	EXT	05/31/2012	2012-12/96
R195-6	Energy Assistance: Eligibility Determination	35407	AMD	03/26/2012	2011-23/18
R195-6	Energy Assistance: Eligibility Determination	36297	EXT	05/31/2012	2012-12/96
R195-7	Energy Assistance: Records and Benefit Management	35408	AMD	03/26/2012	2011-23/19
R195-7	Energy Assistance: Records and Benefit Management	36298	EXT	05/31/2012	2012-12/96
R195-8	Energy Assistance: Special State Programs	35409	AMD	03/26/2012	2011-23/20
R195-8	Energy Assistance: Special State Programs	36302	EXT	05/31/2012	2012-12/96

Library

R223-1	Adjudicative Procedures	36328	5YR	06/05/2012	Not Printed
--------	-------------------------	-------	-----	------------	-------------

CORRECTIONS

Administration

R251-106	Media Relations	35760	EXD	01/18/2012	2012-4/123
R251-106	Media Relations	35767	EMR	02/01/2012	2012-4/45
R251-106	Media Relations	35805	NEW	04/09/2012	2012-5/11
R251-107	Executions	35761	EXD	01/18/2012	2012-4/123
R251-107	Executions	35768	EMR	02/01/2012	2012-4/47
R251-107	Executions	35806	NEW	04/09/2012	2012-5/13
R251-108	Adjudicative Proceedings	35762	EXD	01/18/2012	2012-4/123
R251-108	Adjudicative Proceedings	35769	EMR	02/01/2012	2012-4/49
R251-108	Adjudicative Proceedings	35807	NEW	04/09/2012	2012-5/15
R251-305	Visiting at Community Correctional Centers	35754	EXT	01/31/2012	2012-4/121
R251-305	Visiting at Community Correctional Centers	36039	5YR	04/06/2012	2012-9/77
R251-306	Sponsors in Community Correctional Centers	35755	EXT	01/31/2012	2012-4/121
R251-306	Sponsors in Community Correctional Centers	36040	5YR	04/06/2012	2012-9/77
R251-401	Supervision Fees	36312	5YR	06/05/2012	Not Printed
R251-703	Vehicle Direction Station	35763	EXD	01/18/2012	2012-4/124
R251-703	Vehicle Direction Station	35770	EMR	02/01/2012	2012-4/51
R251-703	Vehicle Direction Station	35808	NEW	04/09/2012	2012-5/17
R251-704	North Gate	35764	EXD	01/18/2012	2012-4/124
R251-704	North Gate	35771	EMR	02/01/2012	2012-4/52
R251-704	North Gate	35809	NEW	04/09/2012	2012-5/18
R251-705	Inmate Mail Procedures	35765	EXD	01/18/2012	2012-4/124
R251-705	Inmate Mail Procedures	35772	EMR	02/01/2012	2012-4/53
R251-705	Inmate Mail Procedures	35810	NEW	04/09/2012	2012-5/19
R251-706	Inmate Visiting	35766	EXD	01/18/2012	2012-4/124
R251-706	Inmate Visiting	35773	EMR	02/01/2012	2012-4/56
R251-706	Inmate Visiting	35811	NEW	04/09/2012	2012-5/22
R251-707	Legal Access	35756	EXT	01/31/2012	2012-4/121
R251-707	Legal Access	36041	5YR	04/06/2012	2012-9/78
R251-710	Search	35757	EXT	01/31/2012	2012-4/121

RULES INDEX

R251-710 Search 36042 5YR 04/06/2012 2012-9/78

EDUCATION

Administration

R277-100	Rulemaking Policy	35449	AMD	01/10/2012	2011-23/21
R277-102	Adjudicative Proceedings	35534	R&R	02/07/2012	2012-1/8
R277-102	Adjudicative Proceedings	35856	NSC	02/29/2012	Not Printed
R277-104	USOE ADA Complaint Procedure	36067	R&R	06/07/2012	2012-9/31
R277-107	Educational Services Outside of Educator's Regular Employment	35674	AMD	03/12/2012	2012-3/19
R277-107-6	Public Education Employees	35932	AMD	05/08/2012	2012-7/27
R277-419-5	Student Membership	35905	AMD	05/08/2012	2012-7/28
R277-419-7	Student Identification and Tracking	36069	AMD	06/07/2012	2012-9/34
R277-420	Aiding Financially Distressed School Districts	36070	AMD	06/07/2012	2012-9/35
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	35535	AMD	02/07/2012	2012-1/11
R277-426	Definition of Private and Non-Profit Schools for Federal Program Services	35536	AMD	02/07/2012	2012-1/13
R277-454	Construction Management of School Building Projects	35933	AMD	05/08/2012	2012-7/30
R277-467	Distribution of Funds Appropriated for Library Books and Electronic Resources	36365	5YR	06/15/2012	Not Printed
R277-470	Charter Schools	35451	AMD	01/10/2012	2011-23/28
R277-476	Incentives for Elementary Reading Program	35675	REP	03/12/2012	2012-3/22
R277-479	Charter School Special Education Student Funding Formula	35935	NEW	05/08/2012	2012-7/31
R277-479-1	Definitions	36160	NSC	05/30/2012	Not Printed
R277-480-1	Definitions	35582	NSC	01/31/2012	Not Printed
R277-480-1	Definitions	35817	NSC	02/29/2012	Not Printed
R277-481	Charter School Oversight, Monitoring and Appeals	35452	NEW	01/10/2012	2011-23/34
R277-482	Charter School Timelines and Approval Processes	35453	NEW	01/10/2012	2011-23/38
R277-483-4	Identification of Persistently Dangerous Schools	36071	AMD	06/07/2012	2012-9/36
R277-484-3	Deadlines for Data Submission	35676	AMD	03/12/2012	2012-3/23
R277-485	Loss of Enrollment	35936	AMD	05/08/2012	2012-7/33
R277-486	Professional Staff Cost Program	36072	AMD	06/07/2012	2012-9/37
R277-488	Critical Languages Program	36369	5YR	06/15/2012	Not Printed
R277-489	Optional Extended-Day Kindergarten - Responsibilities, Timelines, and Funding	36372	5YR	06/15/2012	Not Printed
R277-497	School Grading System	35875	NEW	04/10/2012	2012-5/24
R277-503	Licensing Routes	35677	AMD	03/12/2012	2012-3/24
R277-503	Licensing Routes	35939	5YR	03/15/2012	2012-7/63
R277-503	Licensing Routes	36073	AMD	06/07/2012	2012-9/39
R277-507	Driver Education Endorsement	35940	5YR	03/15/2012	2012-7/64
R277-511	Highly Qualified Teacher Grants	35671	5YR	01/17/2012	2012-3/113
R277-511	Highly Qualified Teacher Grants	35678	REP	03/12/2012	2012-3/28
R277-512	Online Licensure	35673	5YR	01/17/2012	2012-3/114
R277-513	Dual Certification	35679	REP	03/12/2012	2012-3/30
R277-519	Educator Inservice Procedures and Credit	35941	5YR	03/15/2012	2012-7/64
R277-520	Appropriate Licensing and Assignment of Teachers	35680	AMD	03/12/2012	2012-3/32
R277-520-6	Eminence	36074	AMD	06/07/2012	2012-9/43
R277-521	Professional Specialist Licensing	35876	REP	04/10/2012	2012-5/26
R277-600-7	Alternative Transportation	35877	AMD	04/10/2012	2012-5/28
R277-608	Prohibition of Corporal Punishment in Utah's Public Schools	35454	AMD	01/10/2012	2011-23/41
R277-612	Foreign Exchange Students	36153	5YR	05/07/2012	2012-11/179
R277-615	Standards and Procedures for Student Searches	35878	NEW	04/10/2012	2012-5/29
R277-700	The Elementary and Secondary School Core Curriculum	36075	AMD	06/07/2012	2012-9/45
R277-703	Centennial Scholarship for Early Graduation	35537	AMD	02/07/2012	2012-1/14
R277-705	Secondary School Completion and Diplomas	35818	5YR	02/02/2012	2012-5/103

R277-714	Dissemination of Information About Juvenile Offenders	35681	AMD	03/12/2012	2012-3/36
R277-718	Utah Career Teaching Scholarship Program	35682	REP	03/12/2012	2012-3/37
R277-720	Child Nutrition Programs	35937	AMD	05/08/2012	2012-7/34
R277-730	Alternative High School Curriculum	35538	REP	02/07/2012	2012-1/16
R277-733	Adult Education Programs	36076	AMD	06/07/2012	2012-9/49
R277-751	Special Education Extended School Year	35539	AMD	02/07/2012	2012-1/18
R277-915	Work-based Learning Programs for Interns	35819	5YR	02/02/2012	2012-5/104
R277-915	Work-based Learning Programs for Interns	35683	AMD	03/12/2012	2012-3/39
R277-916	Technology, Life, and Careers, and Work-Based Learning Programs	35938	AMD	05/08/2012	2012-7/35

Rehabilitation

R280-201	USOR ADA Complaint Procedure	36068	REP	06/07/2012	2012-9/56
----------	------------------------------	-------	-----	------------	-----------

ENVIRONMENTAL QUALITY

Administration

R305-1	Records Access and Management	35928	5YR	03/13/2012	2012-7/65
--------	-------------------------------	-------	-----	------------	-----------

Air Quality

R307-101-3	Version of Code of Federal Regulations Incorporated by Reference	35615	AMD	04/05/2012	2012-3/40
R307-105	General Requirements: Emergency Controls	36333	5YR	06/06/2012	Not Printed
R307-110	General Requirements: State Implementation Plan	35774	5YR	02/01/2012	2012-4/65
R307-120	General Requirements: Tax Exemption for Air Pollution Control Equipment	35775	5YR	02/01/2012	2012-4/81
R307-121	General Requirements: Clean Air and Efficient Vehicle Tax Credit	35716	5YR	01/23/2012	2012-4/81
R307-121-7	Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels	35718	NSC	02/09/2012	Not Printed
R307-130	General Penalty Policy	35776	5YR	02/01/2012	2012-4/82
R307-135	Enforcement Response Policy for Asbestos Hazard Emergency Response Act	35777	5YR	02/01/2012	2012-4/82
R307-210-1	Standards of Performance for New Stationary Sources (NSPS)	35496	AMD	03/07/2012	2011-24/7
R307-214	National Emission Standards for Hazardous Air Pollutants	35922	AMD	06/07/2012	2012-7/42
R307-220-3	Section II, Hospital, Medical, Infectious Waste Incinerators	35531	AMD	03/07/2012	2012-1/21
R307-222	Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste	35530	AMD	03/07/2012	2012-1/22
R307-222-1	Purpose and Applicability	36026	NSC	04/25/2012	Not Printed
R307-301	Utah and Weber Counties: Oxygenated Gasoline Program As a Contingency Measure	35778	5YR	02/01/2012	2012-4/83
R307-320	Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program	35779	5YR	02/01/2012	2012-4/84
R307-325	Ozone Nonattainment and Maintenance Areas: General Requirements	35780	5YR	02/01/2012	2012-4/84
R307-326	Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries	35781	5YR	02/01/2012	2012-4/85
R307-327	Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage	35782	5YR	02/01/2012	2012-4/86
R307-328	Gasoline Transfer and Storage	35783	5YR	02/01/2012	2012-4/86
R307-335	Ozone Nonattainment and Maintenance Areas: Degreasing and Solvent Cleaning Operations	35784	5YR	02/01/2012	2012-4/87
R307-340	Ozone Nonattainment and Maintenance Areas: Surface Coating Processes	35785	5YR	02/01/2012	2012-4/87
R307-341	Ozone Nonattainment and Maintenance Areas: Cutback Asphalt	35786	5YR	02/01/2012	2012-4/88
R307-343	Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture Manufacturing Operations	35787	5YR	02/01/2012	2012-4/89
R307-401	Permit: New and Modified Sources	36334	5YR	06/06/2012	Not Printed

RULES INDEX

R307-401-11	Replacement-in-Kind Equipment	36154	NSC	05/30/2012	Not Printed
R307-403	Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas	36335	5YR	06/06/2012	Not Printed
R307-405	Permits: Major Sources in Attainment or Unclassified Areas (PSD)	35413	AMD	02/02/2012	2011-23/42
R307-405-3	Definitions	35872	NSC	02/29/2012	Not Printed
R307-406	Visibility	36336	5YR	06/06/2012	Not Printed
R307-410	Permits: Emissions Impact Analysis	36337	5YR	06/06/2012	Not Printed
R307-414	Permits: Fees for Approval Orders	36338	5YR	06/06/2012	Not Printed
R307-415	Permits: Operating Permit Requirements	36339	5YR	06/06/2012	Not Printed
R307-415-2	Authority	35529	AMD	03/07/2012	2012-1/25
R307-417	Permits: Acid Rain Sources	36340	5YR	06/06/2012	Not Printed
R307-420	Permits: Ozone Offset Requirements in Davis and Salt Lake Counties	36341	5YR	06/06/2012	Not Printed
R307-421	Permits: PM10 Offset Requirements in Salt Lake County and Utah County	36342	5YR	06/06/2012	Not Printed
R307-424	Permits: Mercury Requirements for Electric Generating Units	36033	5YR	04/05/2012	2012-9/79
R307-840	Lead-Based Paint Program Purpose, Applicability, and Definitions	35857	AMD	05/03/2012	2012-5/33
R307-840-1	Purpose and Applicability	36161	NSC	05/30/2012	Not Printed
R307-841	Residential Property and Child-Occupied Facility Renovation	35858	AMD	05/03/2012	2012-5/39
R307-841	Residential Property and Child-Occupied Facility Renovation	36162	NSC	05/30/2012	Not Printed
R307-842	Lead-Based Paint Activities	35859	AMD	05/03/2012	2012-5/47
R307-842	Lead-Based Paint Activities	36163	NSC	05/30/2012	Not Printed
<u>Environmental Response and Remediation</u>					
R311-200	Underground Storage Tanks: Definitions	35668	AMD	03/09/2012	2012-3/42
R311-200	Underground Storage Tanks: Definitions	36057	5YR	04/10/2012	2012-9/82
R311-201	Underground Storage Tanks: Certification Programs and UST Operator Training	35447	AMD	01/13/2012	2011-23/45
R311-201	Underground Storage Tanks: Certification Programs and UST Operator Training	36045	5YR	04/10/2012	2012-9/82
R311-202	Underground Storage Tank Technical Standards	36046	5YR	04/10/2012	2012-9/84
R311-203	Underground Storage Tanks: Technical Standards	36047	5YR	04/10/2012	2012-9/84
R311-204	Underground Storage Tanks: Closure and Remediation	36048	5YR	04/10/2012	2012-9/85
R311-205	Underground Storage Tanks: Site Assessment Protocol	36049	5YR	04/10/2012	2012-9/86
R311-206	Underground Storage Tanks: Financial Assurance Mechanisms	36050	5YR	04/10/2012	2012-9/86
R311-207	Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks	36051	5YR	04/10/2012	2012-9/87
R311-208	Underground Storage Tank Penalty Guidance	36052	5YR	04/10/2012	2012-9/88
R311-209	Petroleum Storage Tank Cleanup Fund and State Cleanup Appropriation	36053	5YR	04/10/2012	2012-9/89
R311-210	Administrative Procedures	36054	5YR	04/10/2012	2012-9/89
R311-211	Corrective Action Cleanup Standards Policy - UST and CERCLA Sites	36055	5YR	04/10/2012	2012-9/90
R311-212	Administration of the Petroleum Storage Tank Loan Fund	36056	5YR	04/10/2012	2012-9/90
R311-401	Utah Hazardous Substances Priority List	36030	5YR	04/04/2012	2012-9/91
<u>Radiation Control</u>					
R313-17	Administrative Procedures	35416	AMD	03/19/2012	2011-23/50
R313-22-75	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material	35417	AMD	01/16/2012	2011-23/51
R313-24	Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements	36277	5YR	05/24/2012	2012-12/84
R313-35	Requirements for X-Ray Equipment Used for Non-Medical Applications	35906	5YR	03/02/2012	2012-7/65

R313-36	Special Requirements for Industrial Radiographic Operations	35418	AMD	01/16/2012	2011-23/54
<u>Solid and Hazardous Waste</u>					
R315-1	Utah Hazardous Waste Definitions and References	35349	AMD	01/13/2012	2011-21/27
R315-2	General Requirements - Identification and Listing of Hazardous Waste	35350	AMD	01/13/2012	2011-21/30
R315-3	Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	35351	AMD	01/13/2012	2011-21/38
R315-5	Hazardous Waste Generator Requirements	35352	AMD	01/13/2012	2011-21/53
R315-6	Hazardous Waste Transporter Requirements	35353	AMD	01/13/2012	2011-21/57
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	35354	AMD	01/13/2012	2011-21/60
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	35355	AMD	01/13/2012	2011-21/67
R315-13	Land Disposal Restrictions	35356	AMD	01/13/2012	2011-21/75
R315-14-8	Military Munitions	35357	AMD	01/13/2012	2011-21/76
R315-15	Standards for the Management of Used Oil	36246	5YR	05/17/2012	2012-12/85
R315-16	Standards for Universal Waste Management	35867	AMD	04/17/2012	2012-5/62
R315-50-9	Basis for Listing Hazardous Wastes	35358	AMD	01/13/2012	2011-21/77
R315-304	Industrial Solid Waste Landfill Requirements	35988	5YR	03/29/2012	2012-8/74
R315-312-1	Recycling and Composting Facility Standards	35432	AMD	01/13/2012	2011-23/59
R315-315-5	Special Waste Requirements	35433	AMD	01/13/2012	2011-23/60
R315-320-2	Definitions	35434	AMD	01/13/2012	2011-23/61
<u>Water Quality</u>					
R317-2	Standards of Quality for Waters of the State	35359	AMD	04/01/2012	2011-21/78
R317-2	Standards of Quality for Waters of the State	35359	CPR	04/01/2012	2012-4/40
R317-3	Design Requirements for Wastewater Collection, Treatment and Disposal Systems	36190	5YR	05/15/2012	2012-11/179
R317-8	Utah Pollutant Discharge Elimination System (UPDES)	35238	AMD	01/25/2012	2011-19/31
R317-12	General Requirements: Tax Exemption for Water Pollution Control Equipment	35726	5YR	01/25/2012	2012-4/89
EXAMINERS (BOARD OF)					
<u>Administration</u>					
R320-101	Procedures for Electronic Meetings	35497	NEW	02/10/2012	2011-24/10
FINANCIAL INSTITUTIONS					
<u>Administration</u>					
R331-7	Rule Governing Leasing Transactions by Depository Institutions Subject to the Jurisdiction of the Department of Financial Institutions	35684	AMD	03/09/2012	2012-3/46
R331-22	Rule Governing Reimbursement of Costs of Financial Institutions for Production of Records	36021	EXT	04/02/2012	2012-8/91
<u>Credit Unions</u>					
R337-10	Rule Designating Applicable Federal Law for Credit Unions Subject to the Jurisdiction of the Department of Financial Institutions	35700	5YR	01/20/2012	2012-4/90
<u>Nondepository Lenders</u>					
R343-1	Rule Governing Form of Disclosures For Title Lenders, Who Are Under the Jurisdiction of the Department of Financial Institutions	35628	5YR	01/06/2012	2012-3/114

RULES INDEX

GOVERNOR

Economic Development

R357-1 Rural Fast Track Program 36066 5YR 04/13/2012 2012-9/92

Economic Development, Pete Suazo Utah Athletic Commission

R359-1 Pete Suazo Utah Athletic Commission Act Rule 36002 5YR 03/30/2012 2012-8/74

Planning and Budget, Inspector General of Medicaid Services (Office of)

R367-1 Office of Inspector General of Medicaid Services 35879 NEW 04/23/2012 2012-5/74

R367-1-7 Utilization Review and Medicaid Services Provided under the Utah Medicaid Program 35973 NSC 04/23/2012 Not Printed

R367-1-15 Administrative Hearings 35958 AMD 05/23/2012 2012-8/6

HEALTH

Administration

R380-1 Petitions for Department Declaratory Orders 36096 5YR 04/26/2012 2012-10/88

R380-5 Petitions for Declaratory Orders on Orders Issued by Committees 36097 5YR 04/26/2012 2012-10/89

R380-10 Informal Adjudicative Proceedings 36098 5YR 04/26/2012 2012-10/89

R380-20 Government Records Access and Management 36025 5YR 04/03/2012 2012-9/92

R380-60 Local Health Department Emergency Protocols 35571 NEW 03/07/2012 2012-2/31

R380-100 Americans with Disabilities Act Grievance Procedures 36099 5YR 04/26/2012 2012-10/90

Center for Health Data, Health Care Statistics

R428-2 Health Data Authority Standards for Health Data 35868 AMD 04/26/2012 2012-5/80

R428-10 Health Data Authority Hospital Inpatient Reporting Rule 35870 AMD 05/31/2012 2012-5/85

R428-15 Health Data Authority Health Insurance Claims Reporting 35616 AMD 03/16/2012 2012-3/51

R428-20 Health Data Authority Request for Health Data Information 35492 REP 01/24/2012 2011-24/20

Children's Health Insurance Program

R382-10 Eligibility 35788 AMD 04/01/2012 2012-4/7

Disease Control and Prevention, Environmental Services

R392-100 Food Service Sanitation 35715 5YR 01/20/2012 2012-4/91

R392-100 Food Service Sanitation 35445 AMD 01/26/2012 2011-23/62

R392-200 Design, Construction, Operation, Sanitation, and Safety of Schools 35710 5YR 01/20/2012 2012-4/91

R392-300 Recreation Camp Sanitation 35709 5YR 01/20/2012 2012-4/92

R392-301 Recreational Vehicle Park Sanitation 35708 5YR 01/20/2012 2012-4/93

R392-302 Design, Construction and Operation of Public Pools 35707 5YR 01/20/2012 2012-4/93

R392-400 Temporary Mass Gatherings Sanitation 35711 5YR 01/20/2012 2012-4/94

R392-401 Roadway Rest Stop Sanitation 35714 5YR 01/20/2012 2012-4/94

R392-402 Mobile Home Park Sanitation 35712 5YR 01/20/2012 2012-4/95

R392-501 Labor Camp Sanitation 35713 5YR 01/20/2012 2012-4/96

R392-502 Hotel, Motel and Resort Sanitation 36017 5YR 04/02/2012 2012-8/75

R392-510 Utah Indoor Clean Air Act 36019 5YR 04/02/2012 2012-8/75

Disease Control and Prevention, Laboratory Improvement

R444-11 Rules for Approval to Perform Blood Alcohol Examinations 35701 5YR 01/20/2012 2012-4/99

Disease Control and Prevention, Laboratory Services

R438-12 Rule for Law Enforcement Blood Draws 35706 5YR 01/20/2012 2012-4/98

Family Health and Preparedness, Child Care Licensing

R430-1 General Licensing, Certificate, and Enforcement Provisions, Child Care Facilities 35581 NEW 05/01/2012 2012-2/37

R430-2	General Licensing Provisions, Child Care Facilities	35579	REP	05/01/2012	2012-2/40
R430-3	General Child Care Facility Rules Inspection and Enforcement	35580	REP	05/01/2012	2012-2/42
R430-4	General Certificate Provisions	35653	REP	05/01/2012	2012-3/57
R430-6	Background Screening	35573	AMD	05/01/2012	2012-2/46
R430-30	Adjudicative Procedure	35654	REP	05/01/2012	2012-3/61
R430-50	Residential Certificate Child Care	35574	AMD	05/01/2012	2012-2/47
R430-60	Hourly Child Care Center	35575	R&R	05/01/2012	2012-2/55
R430-70	Out of School Time Child Care Programs	35576	AMD	05/01/2012	2012-2/70
R430-90	Licensed Family Child Care	35577	AMD	05/01/2012	2012-2/77
R430-100	Child Care Centers	35578	AMD	05/01/2012	2012-2/82
<u>Family Health and Preparedness, Emergency Medical Services</u>					
R426-5	Statewide Trauma System Standards	36100	5YR	04/26/2012	2012-10/92
<u>Family Health and Preparedness, Licensing</u>					
R432-4	General Construction	35459	AMD	02/21/2012	2011-24/21
R432-4-8	Standards Compliance	35649	NSC	02/21/2012	Not Printed
R432-5	Nursing Facility Construction	35460	AMD	02/21/2012	2011-24/28
R432-6	Assisted Living Facility General Construction	35461	AMD	02/21/2012	2011-24/33
R432-7	Specialty Hospital -- Psychiatric Hospital Construction	35462	AMD	02/21/2012	2011-24/38
R432-8	Specialty Hospital - Chemical Dependency/Substance Abuse Construction	35463	AMD	02/21/2012	2011-24/40
R432-9	Specialty Hospital - Rehabilitation Construction Rule	35464	AMD	02/21/2012	2011-24/43
R432-10	Specialty Hospital -- Long-Term Acute Care Construction Rule	35465	AMD	02/21/2012	2011-24/46
R432-11	Orthopedic Hospital Construction	35466	AMD	02/21/2012	2011-24/50
R432-12	Small Health Care Facility (Four to Sixteen Beds) Construction Rule	35467	AMD	02/21/2012	2011-24/53
R432-13	Freestanding Ambulatory Surgical Center Construction Rule	35468	AMD	02/21/2012	2011-24/57
R432-14	Birthing Center Construction Rule	35469	AMD	02/21/2012	2011-24/59
R432-16	Hospice Inpatient Facility Construction	35470	AMD	02/21/2012	2011-24/61
R432-31	Life with Dignity Order	35976	5YR	03/28/2012	2012-8/76
R432-40	Long-Term Care Facility Immunizations	35977	5YR	03/28/2012	2012-8/77
R432-100	General Hospital Standards	35500	AMD	02/08/2012	2011-24/67
R432-100	General Hospital Standards	35471	AMD	02/21/2012	2011-24/65
R432-150	Nursing Care Facility	35978	5YR	03/28/2012	2012-8/77
R432-151	Mental Disease Facility	35979	5YR	03/28/2012	2012-8/78
R432-152	Mental Retardation Facility	35980	5YR	03/28/2012	2012-8/78
R432-200	Small Health Care Facility (Four to Sixteen Beds)	35981	5YR	03/28/2012	2012-8/79
R432-201	Mental Retardation Facility: Supplement "A" to the Small Health Care Facility Rule	35982	5YR	03/28/2012	2012-8/79
R432-270-6	Administrator Qualifications	35499	AMD	02/08/2012	2011-24/73
R432-300	Small Health Care Facility - Type N	35983	5YR	03/28/2012	2012-8/80
R432-650	End Stage Renal Disease Facility Rules	35472	AMD	02/21/2012	2011-24/74
R432-650	End Stage Renal Disease Facility Rules	35652	AMD	03/28/2012	2012-3/63
R432-650	End Stage Renal Disease Facility Rules	35984	5YR	03/28/2012	2012-8/80
R432-700	Home Health Agency Rule	35985	5YR	03/28/2012	2012-8/81
R432-750	Hospice Rule	35986	5YR	03/28/2012	2012-8/81
R432-950	Mammography Quality Assurance	35987	5YR	03/28/2012	2012-8/82
<u>Family Health and Preparedness, WIC Services</u>					
R406-100	Special Supplemental Nutrition Program for Women, Infants and Children	35812	5YR	02/02/2012	2012-5/104
R406-200	Program Overview	35813	5YR	02/02/2012	2012-5/105
R406-201	Outreach Program	35814	5YR	02/02/2012	2012-5/105
R406-202	Eligibility	35815	5YR	02/02/2012	2012-5/106
R406-301	Clinic Guidelines	35816	5YR	02/02/2012	2012-5/106
<u>Health Care Financing</u>					
R410-14	Administrative Hearing Procedures	35901	AMD	04/27/2012	2012-6/16

RULES INDEX

Health Care Financing, Coverage and Reimbursement Policy

R414-1	Utah Medicaid Program	35907	5YR	03/02/2012	2012-7/66
R414-1-2	Definitions	35902	AMD	04/27/2012	2012-6/21
R414-1-5	Incorporations by Reference	35584	AMD	02/21/2012	2012-2/33
R414-1-5	Incorporations by Reference	35994	AMD	05/24/2012	2012-8/9
R414-1A	Medicaid Policy for Experimental, Investigational or Unproven Medical Practices	36128	5YR	04/30/2012	2012-10/90
R414-2A	Inpatient Hospital Services	35390	AMD	01/11/2012	2011-22/30
R414-7C	Alternative Remedies for Nursing Facilities	35719	5YR	01/24/2012	2012-4/96
R414-10	Physician Services	35720	5YR	01/24/2012	2012-4/97
R414-10A	Transplant Services Standards	35722	5YR	01/24/2012	2012-4/97
R414-14A	Hospice Care	35503	AMD	02/01/2012	2011-24/11
R414-21	Physical and Occupational Therapy	35908	5YR	03/02/2012	2012-7/66
R414-38	Personal Care Service	35921	5YR	03/07/2012	2012-7/67
R414-45	Personal Supervision by a Physician	35721	5YR	01/24/2012	2012-4/98
R414-60	Medicaid Policy for Pharmacy Program	36129	5YR	04/30/2012	2012-10/91
R414-61-2	Incorporation by Reference	35504	AMD	01/24/2012	2011-24/18
R414-100	Medicaid Primary Care Network Services	36184	5YR	05/14/2012	2012-11/180
R414-200	Non-Traditional Medicaid Health Plan Services	36185	5YR	05/14/2012	2012-11/180
R414-303	Coverage Groups	35789	AMD	04/01/2012	2012-4/12
R414-305	Resources	35437	AMD	02/06/2012	2011-23/65
R414-307	Eligibility for Home and Community-Based Services Waivers	36085	5YR	04/17/2012	2012-10/91
R414-308	Application, Eligibility Determinations and Improper Medical Assistance	35441	AMD	02/06/2012	2011-23/70
R414-308	Application, Eligibility Determinations and Improper Medical Assistance	35790	AMD	04/01/2012	2012-4/14
R414-310	Medicaid Primary Care Network Demonstration Waiver	36309	5YR	06/04/2012	Not Printed
R414-401-5	Penalties and Interest	35583	AMD	02/21/2012	2012-2/36
R414-510	Intermediate Care Facility for Individuals with Mental Retardation Transition Program	35639	5YR	01/09/2012	2012-3/115

HUMAN RESOURCE MANAGEMENT

Administration

R477-1	Definitions	35821	5YR	02/02/2012	2012-5/107
R477-2	Administration	35822	5YR	02/02/2012	2012-5/108
R477-3	Classification	35823	5YR	02/02/2012	2012-5/108
R477-4	Filling Positions	35824	5YR	02/02/2012	2012-5/109
R477-5	Employee Status and Probation	35825	5YR	02/02/2012	2012-5/109
R477-6	Compensation	35826	5YR	02/02/2012	2012-5/110
R477-7	Leave	35827	5YR	02/02/2012	2012-5/111
R477-8	Working Conditions	35828	5YR	02/02/2012	2012-5/112
R477-9	Employee Conduct	35829	5YR	02/02/2012	2012-5/112
R477-10	Employee Development	35830	5YR	02/03/2012	2012-5/113
R477-11	Discipline	35831	5YR	02/03/2012	2012-5/114
R477-12	Separations	35832	5YR	02/03/2012	2012-5/114
R477-13	Volunteer Programs	35834	5YR	02/03/2012	2012-5/115
R477-15	Workplace Harassment Prevention Policy and Procedure	35835	5YR	02/03/2012	2012-5/115

HUMAN SERVICES

Administration

R495-810	Government Records Access and Management Act	35689	5YR	01/17/2012	2012-3/115
R495-878	Americans with Disabilities Act Grievance Procedures	35717	5YR	01/23/2012	2012-4/99

Child and Family Services

R512-1	Description of Division Services, Eligibility, and Service Access	35895	5YR	02/23/2012	2012-6/38
R512-2	Title IV-B Child Welfare/Family Preservation and Support Services and Title IV-E Foster Care, Adoption, and Independent Living	35910	5YR	03/05/2012	2012-7/68
R512-31	Foster Parent Due Process	35911	5YR	03/05/2012	2012-7/68

R512-32	Children with Reportable Communicable Diseases	35912	5YR	03/05/2012	2012-7/69
R512-40	Adoptive Home Studies, Recruitment, Approval	35913	5YR	03/05/2012	2012-7/69
R512-42	Adoption by Relatives	35914	5YR	03/05/2012	2012-7/70
R512-51	Fee Collection for Criminal Background Screening for Prospective Foster and Adoptive Parents and for Employees of Other Department of Human Services Licensed Programs	36044	5YR	04/09/2012	2012-9/93
R512-60	Children's Trust Account	35931	AMD	06/07/2012	2012-7/47
R512-80	Definitions of Abuse, Neglect, and Dependency	35630	NEW	03/15/2012	2012-3/64
<u>Juvenile Justice Services</u>					
R547-1	Residential and Non-Residential, Nonsecure Community Program Standards	36136	5YR	05/01/2012	2012-10/92
R547-3	Juvenile Jail Standards	36137	5YR	05/01/2012	2012-10/93
R547-6	Youth Parole Authority Policies and Procedures	36226	5YR	05/16/2012	2012-12/85
R547-7	Juvenile Holding Room Standards	36140	5YR	05/01/2012	2012-10/93
R547-10	Ex-Offender Policy	36227	5YR	05/16/2012	2012-12/86
R547-12	Division of Juvenile Justice Services Classification of Records	36138	5YR	05/01/2012	2012-10/94
R547-13	Guidelines for Admission to Secure Youth Detention Facilities	36139	5YR	05/01/2012	2012-10/94
R547-14	Possession of Prohibited Items in Juvenile Detention Facilities	36043	5YR	04/09/2012	2012-9/93
<u>Public Guardian (Office of)</u>					
R549-1	Eligibility and Services Priority	35759	5YR	02/01/2012	2012-4/100
<u>Recovery Services</u>					
R527-3	Definitions	36346	5YR	06/12/2012	Not Printed
R527-5	Release of Information	35631	5YR	01/06/2012	2012-3/116
R527-34	Non IV-A Services	35728	AMD	03/27/2012	2012-4/19
R527-35	Non IV-A Fee Schedule	35729	AMD	03/27/2012	2012-4/20
R527-37	Closure Criteria for Support Cases	36347	5YR	06/12/2012	Not Printed
R527-201	Medical Support Services	35619	AMD	03/27/2012	2012-3/70
R527-253	Collection of Child Support Judgments	36348	5YR	06/12/2012	Not Printed
R527-255	Substantial Change in Circumstances	36349	5YR	06/12/2012	Not Printed
R527-258	Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program	36350	5YR	06/12/2012	Not Printed
R527-330	Posting Priority of Payments Received	36351	5YR	06/12/2012	Not Printed
<u>Substance Abuse and Mental Health</u>					
R523-20	Division Rules of Administration	36310	5YR	06/05/2012	Not Printed
R523-23-4	Provider Responsibilities	35626	AMD	03/09/2012	2012-3/66
R523-24	Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration	35625	AMD	03/09/2012	2012-3/67
<u>Substance Abuse and Mental Health, State Hospital</u>					
R525-2	Patient Rights	35589	AMD	02/21/2012	2012-2/95
R525-3	Medication Treatment of Patients	35590	AMD	02/21/2012	2012-2/96
R525-5	Background Checks	35591	AMD	02/21/2012	2012-2/97
R525-6	Prohibited Items and Devices	35593	AMD	02/21/2012	2012-2/98
R525-7	Complaints/Suggestions/Concerns	35594	AMD	02/21/2012	2012-2/99
R525-7	Complaints/Suggestions/Concerns	35855	NSC	02/29/2012	Not Printed
R525-8	Forensic Mental Health Facility	35596	AMD	02/21/2012	2012-2/100
INSURANCE					
<u>Administration</u>					
R590-68	Insider Trading of Equity Securities of Domestic Stock Insurance Companies	36037	5YR	04/05/2012	2012-9/94
R590-70	Insurance Holding Companies	35643	5YR	01/10/2012	2012-3/116
R590-85	Individual Accident and Health Insurance and Individual and Group Medicare Supplement Rates	36034	5YR	04/05/2012	2012-9/94

RULES INDEX

R590-95	Rule to Permit the Same Minimum Nonforfeiture Standards for Men and Women Insureds Under the 1980 CSO and 1980 CET Mortality Tables	35641	5YR	01/10/2012	2012-3/117
R590-102-1	Authority	35725	NSC	02/09/2012	Not Printed
R590-108	Interest Rate During Grace Period or Upon Reinstatement of Policy	36032	5YR	04/04/2012	2012-9/95
R590-114	Letters of Credit	35644	5YR	01/10/2012	2012-3/117
R590-116	Valuation of Assets	35850	5YR	02/06/2012	2012-5/116
R590-117	Valuation of Liabilities	35851	5YR	02/06/2012	2012-5/116
R590-120	Surety Bond Forms	36059	5YR	04/11/2012	2012-9/95
R590-142	Continuing Education Rule	35642	5YR	01/10/2012	2012-3/118
R590-142	Continuing Education Rule	35543	AMD	02/08/2012	2012-1/26
R590-143	Life and Health Reinsurance Agreements	35646	5YR	01/10/2012	2012-3/118
R590-146	Medicare Supplement Insurance Standards	36036	5YR	04/05/2012	2012-9/96
R590-147	Annual and Quarterly Statement Filing Instructions	35647	5YR	01/10/2012	2012-3/119
R590-150	Commissioner's Acceptance of Examination Reports	35645	5YR	01/10/2012	2012-3/120
R590-203	Health Grievance Review Process	36035	5YR	04/05/2012	2012-9/96
R590-230	Suitability in Annuity Transactions	35699	AMD	03/26/2012	2012-4/21
R590-238	Captive Insurance Companies	36142	5YR	05/02/2012	2012-11/181
R590-239	Exemption of Student Health Centers From Insurance Code	36031	5YR	04/04/2012	2012-9/97
R590-240	Procedure to Obtain Exemption of Student Health Programs From Insurance Code	36344	5YR	06/07/2012	Not Printed
R590-261-11	Expedited Independent Review	35918	NSC	03/22/2012	Not Printed
R590-262	Health Data Authority Health Insurance Claims Reporting	35201	NEW	03/07/2012	2011-18/41
R590-262	Health Data Authority Health Insurance Claims Reporting	35201	CPR	03/07/2012	2011-24/84
R590-263-3	Most Commonly Selected	35483	AMD	01/25/2012	2011-24/76
<u>Title and Escrow Commission</u>					
R592-8	Application Process for an Attorney Exemption for Title Agency Licensing	35898	NSC	03/12/2012	Not Printed
R592-14	Delay or Failure to Record Documents and the Insuring of Properties with the False Appearance of Unmarketability as Unfair Title Insurance Practices	35648	5YR	01/10/2012	2012-3/120
JUDICIAL PERFORMANCE EVALUATION COMMISSION					
<u>Administration</u>					
R597-3	Judicial Performance Evaluations	35930	EMR	03/15/2012	2012-7/57
R597-3	Judicial Performance Evaluations	35934	AMD	06/01/2012	2012-7/50
LABOR COMMISSION					
<u>Administration</u>					
R600-3-1	Authority and Scope	35446	NSC	02/01/2012	Not Printed
<u>Antidiscrimination and Labor, Labor</u>					
R610-3-21	Uniforms	35833	AMD	04/16/2012	2012-5/88
<u>Boiler and Elevator Safety</u>					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	35963	AMD	05/22/2012	2012-8/12
R616-2-15	Deputy Boiler/Pressure Vessel Inspectors	35961	AMD	05/22/2012	2012-8/14
R616-3-3	Safety Codes for Elevators	35962	AMD	05/22/2012	2012-8/16
MONEY MANAGEMENT COUNCIL					
<u>Administration</u>					
R628-17	Limitations on Commercial Paper and Corporate Notes	35640	5YR	01/09/2012	2012-3/121

NATURAL RESOURCES

Forestry, Fire and State Lands

R652-1	Definition of Terms	36005	5YR	04/02/2012	2012-8/82
R652-3	Applicant Qualification and Application Forms	36006	5YR	04/02/2012	2012-8/83
R652-4	Application Fees and Assessments	36007	5YR	04/02/2012	2012-8/83
R652-5	Payments, Royalties, Audits and Reinstatements	36008	5YR	04/02/2012	2012-8/84
R652-6	Government Records Access and Management	36018	5YR	04/02/2012	2012-8/84
R652-20	Mineral Resources	36009	5YR	04/02/2012	2012-8/85
R652-30	Special Use Leases	36010	5YR	04/02/2012	2012-8/85
R652-40	Easements	36011	5YR	04/02/2012	2012-8/86
R652-50	Range Management	36012	5YR	04/02/2012	2012-8/86
R652-60	Cultural Resources	36013	5YR	04/02/2012	2012-8/87
R652-70	Sovereign Lands	36014	5YR	04/02/2012	2012-8/87
R652-90	Sovereign Land Management Planning	36015	5YR	04/02/2012	2012-8/88
R652-100	Materials Permits	36016	5YR	04/02/2012	2012-8/88
R652-140	Utah Forest Practices Act	35698	5YR	01/19/2012	2012-4/108

Geological Survey

R638-3	Energy Efficiency Fund	35685	EMR	02/01/2012	2012-3/97
--------	------------------------	-------	-----	------------	-----------

Oil, Gas and Mining: Abandoned Mine Reclamation

R643-870	Abandoned Mine Reclamation Regulation Definitions	35792	5YR	02/01/2012	2012-4/101
R643-872	Abandoned Mine Reclamation Fund	35793	5YR	02/01/2012	2012-4/101
R643-874	General Reclamation Requirements	35794	5YR	02/01/2012	2012-4/102
R643-875	Noncoal Reclamation	35795	5YR	02/01/2012	2012-4/102
R643-877	Rights of Entry	35796	5YR	02/01/2012	2012-4/103
R643-879	Acquisition, Management, and Disposition of Lands and Water	35797	5YR	02/01/2012	2012-4/104
R643-882	Reclamation on Private Land	35798	5YR	02/01/2012	2012-4/104
R643-884	State Reclamation Plan	35799	5YR	02/01/2012	2012-4/105
R643-886	State Reclamation Grants	35800	5YR	02/01/2012	2012-4/105

Oil, Gas and Mining: Administration

R642-100	Records of the Division and Board of Oil, Gas and Mining	35791	5YR	02/01/2012	2012-4/100
----------	--	-------	-----	------------	------------

Oil, Gas and Mining: Coal

R645-100	Administrative: Introduction	35801	5YR	02/01/2012	2012-4/106
R645-100-200	Definitions	35995	AMD	05/23/2012	2012-8/18
R645-103	Areas Unsuited for Coal Mining and Reclamation Operations	35802	5YR	02/01/2012	2012-4/106
R645-200	Coal Exploration: Introduction	35803	5YR	02/01/2012	2012-4/107
R645-201	Coal Exploration: Requirements for Exploration Approval	35804	5YR	02/01/2012	2012-4/107
R645-202	Coal Exploration: Compliance Duties	35836	5YR	02/03/2012	2012-5/117
R645-203	Coal Exploration: Public Availability of Information	35837	5YR	02/03/2012	2012-5/117
R645-300	Coal Mine Permitting: Administrative Procedures	35838	5YR	02/03/2012	2012-5/118
R645-300-100	Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions	35996	AMD	05/23/2012	2012-8/31
R645-301	Coal Mine Permitting: Permit Application Requirements	35839	5YR	02/03/2012	2012-5/118
R645-301-100	General Contents	35997	AMD	05/23/2012	2012-8/39
R645-301-500	Engineering	36151	NSC	05/30/2012	Not Printed
R645-302	Coal Mine Permitting: Special Categories and Areas of Mining	35840	5YR	02/03/2012	2012-5/119
R645-302-200	Special Categories of Mining	35998	AMD	05/23/2012	2012-8/43
R645-303	Coal Mine Permitting: Change, Renewal, and Transfer, Assignment, or Sale of Permit Rights	35841	5YR	02/03/2012	2012-5/120
R645-303-300	Transfer, Assignment, or Sale of Permit Rights	35999	AMD	05/23/2012	2012-8/52
R645-400-300	Provisions of State Enforcement	36000	AMD	05/23/2012	2012-8/54

RULES INDEX

R645-402	Inspection and Enforcement: Individual Civil Penalties	35842	5YR	02/03/2012	2012-5/120
R645-403	Alternative Enforcement	36001	NEW	05/23/2012	2012-8/58

Oil, Gas and Mining: Oil and Gas

R649-1	Oil and Gas General Rules	35843	5YR	02/03/2012	2012-5/121
R649-1	Oil and Gas General Rules	35871	NSC	02/29/2012	Not Printed
R649-2	General Rules	35845	5YR	02/03/2012	2012-5/121
R649-3	Drilling and Operating Practices	35846	5YR	02/03/2012	2012-5/122
R649-3-1	Bonding	36177	NSC	05/30/2012	Not Printed
R649-5	Underground Injection Control of Recovery Operations and Class II Injection Wells	35847	5YR	02/03/2012	2012-5/122
R649-8	Reporting and Report Forms	35848	5YR	02/03/2012	2012-5/123
R649-9	Waste Management and Disposal	35849	5YR	02/03/2012	2012-5/123

Parks and Recreation

R651-102	Government Records Access Management Act	36060	5YR	04/11/2012	2012-9/98
R651-301	State Recreation Fiscal Assistance Programs	36225	5YR	05/16/2012	2012-12/86

Water Rights

R655-1	Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah	36376	5YR	06/15/2012	Not Printed
R655-2	Procedure for Administrative Proceedings Before the Division of Water Rights Commenced Prior to January 1, 1988	36380	5YR	06/15/2012	Not Printed
R655-6	Administrative Procedures for Informal Proceedings Before the Division of Water Rights	36381	5YR	06/15/2012	Not Printed
R655-15	Administrative Procedures for Distribution Systems and Water Commissioners	36382	5YR	06/15/2012	Not Printed

Wildlife Resources

R657-2	Adjudicative Proceedings	36149	5YR	05/04/2012	2012-11/181
R657-4	Possession of Live Game Birds	36280	5YR	05/29/2012	2012-12/87
R657-5	Taking Big Game	35520	AMD	02/07/2012	2012-1/29
R657-13	Taking Fish and Crayfish	35440	AMD	01/10/2012	2011-23/75
R657-17	Lifetime Hunting and Fishing License	35209	AMD	01/10/2012	2011-18/63
R657-20	Falconry	35734	AMD	04/02/2012	2012-4/25
R657-22	Commercial Hunting Areas	36150	5YR	05/04/2012	2012-11/182
R657-27	License Agent Procedures	36003	5YR	04/02/2012	2012-8/89
R657-29	Government Records Access Management Act	36131	5YR	05/01/2012	2012-10/95
R657-30	Fishing License for the Terminally Ill	36152	5YR	05/04/2012	2012-11/182
R657-33	Taking Bear	35733	AMD	04/02/2012	2012-4/32
R657-38	Dedicated Hunter Program	35211	AMD	01/10/2012	2011-18/65
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	35435	AMD	01/10/2012	2011-23/76
R657-43	Landowner Permits	35210	AMD	01/10/2012	2011-18/71
R657-43	Landowner Permits	35909	5YR	03/05/2012	2012-7/70
R657-50	Error Remedy	36004	5YR	04/02/2012	2012-8/89
R657-58	Fishing Contests and Clinics	35439	AMD	01/10/2012	2011-23/79
R657-59	Private Fish Ponds	35438	AMD	01/10/2012	2011-23/80
R657-62	Drawing Application Procedures	35436	AMD	01/10/2012	2011-23/85

PARDONS (BOARD OF)

Administration

R671-101	Rules	35730	5YR	01/26/2012	2012-4/108
R671-102	Americans with Disabilities Act Complaint Procedures	35731	5YR	01/26/2012	2012-4/109
R671-201	Original Parole Grant Hearing Schedule and Notice.	35732	5YR	01/26/2012	2012-4/109
R671-202	Notification of Hearings	35737	5YR	01/31/2012	2012-4/110
R671-203	Victim Input and Notification	35738	5YR	01/31/2012	2012-4/110
R671-205	Credit for Time Served	35739	5YR	01/31/2012	2012-4/111
R671-206	Competency of Offenders	35758	5YR	02/01/2012	2012-4/111
R671-207	Mentally Ill and Deteriorated Offender Custody Transfer	35740	5YR	01/31/2012	2012-4/112

R671-301	Personal Appearance	35741	5YR	01/31/2012	2012-4/112
R671-302	News Media and Public Access to Hearings	35742	5YR	01/31/2012	2012-4/113
R671-303	Information Received, Maintained or Used by the Board	35743	5YR	01/31/2012	2012-4/113
R671-304	Hearing Record	35744	5YR	01/31/2012	2012-4/113
R671-305	Notification of Board Decision	35745	5YR	01/31/2012	2012-4/114
R671-305	Notification of Board Decision	35551	AMD	03/26/2012	2012-2/101
R671-308	Offender Hearing Assistance	35746	5YR	01/31/2012	2012-4/114
R671-309	Impartial Hearings	35747	5YR	01/31/2012	2012-4/115
R671-310	Rescission Hearings	35748	5YR	01/31/2012	2012-4/115
R671-311	Special Attention Hearings and Reviews	35749	5YR	01/31/2012	2012-4/116
R671-315	Pardons	35750	5YR	01/31/2012	2012-4/116
R671-316	Redetermination	35751	5YR	01/31/2012	2012-4/117
R671-402	Special Conditions of Parole	35752	5YR	01/31/2012	2012-4/117
R671-405	Parole Termination	35753	5YR	01/31/2012	2012-4/118

PUBLIC LANDS POLICY COORDINATING OFFICE

Administration

R694-1	Archeological Permits	35874	NEW	04/30/2012	2012-5/90
--------	-----------------------	-------	-----	------------	-----------

PUBLIC SAFETY

Criminal Investigations and Technical Services, Criminal Identification

R722-300	Concealed Firearm Permit and Instructor Rule	35650	AMD	03/09/2012	2012-3/79
R722-350-3	Application for a Certificate of Eligibility	35487	AMD	01/24/2012	2011-24/77

Driver License

R708-2	Commercial Driver Training Schools	35702	5YR	01/20/2012	2012-4/118
R708-3	Driver License Point System Administration	35636	5YR	01/09/2012	2012-3/121
R708-7	Functional Ability in Driving: Guidelines for Physicians	35632	5YR	01/09/2012	2012-3/122
R708-8	Review Process: Driver License Medical Section	35633	5YR	01/09/2012	2012-3/123
R708-10	Classified License System	35629	EMR	01/07/2012	2012-3/101
R708-10	Classified License System	36330	EMR	06/06/2012	Not Printed
R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	35637	5YR	01/09/2012	2012-3/123
R708-21	Third-Party Testing	35703	5YR	01/20/2012	2012-4/119
R708-25	Commercial Driver License Applicant Fitness Certification	35704	5YR	01/20/2012	2012-4/119
R708-27	Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests	35705	5YR	01/20/2012	2012-4/120
R708-34	Medical Waivers for Intrastate Commercial Driving Privileges	35634	5YR	01/09/2012	2012-3/124
R708-34	Medical Waivers for Intrastate Commercial Driving Privileges	35635	NSC	01/31/2012	Not Printed
R708-35	Adjudicative Proceedings For Driver License Offenses Not Involving Alcohol or Drug Actions	35638	5YR	01/09/2012	2012-3/124
R708-39	Physical and Mental Fitness Testing	35854	5YR	02/06/2012	2012-5/124

Fire Marshal

R710-1	Concerns Servicing Portable Fire Extinguishers	36198	5YR	05/15/2012	2012-11/183
R710-2	Rules Pursuant to the Utah Fireworks Act	35690	AMD	03/09/2012	2012-3/73
R710-2	Rules Pursuant to the Utah Fireworks Act	36251	5YR	05/21/2012	2012-12/87
R710-3	Assisted Living Facilities	36273	5YR	05/23/2012	2012-12/88
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	36278	5YR	05/24/2012	2012-12/89
R710-4-3	Amendments and Additions	36022	AMD	05/22/2012	2012-8/60
R710-7	Concerns Servicing Automatic Fire Suppression Systems	36250	5YR	05/21/2012	2012-12/89
R710-8	Day Care Rules	35929	5YR	03/13/2012	2012-7/71
R710-9	Rules Pursuant to the Utah Fire Prevention and Safety Act	36343	5YR	06/07/2012	Not Printed
R710-10-5	Fire Service Standards and Training Council	36023	AMD	05/22/2012	2012-8/62

RULES INDEX

Peace Officer Standards and Training

R728-408	POST Academy and the Emergency Vehicle Operations Range are Secure Facilities	35568	REP	05/14/2012	2012-2/102
R728-411	Guidelines Regarding Administrative Action Taken Against Individuals Functioning As Peace Officers Without Peace Officer Certification Or Powers	35627	5YR	01/06/2012	2012-3/125
R728-505	Service Dog Program Rules	36245	5YR	05/17/2012	2012-12/90

PUBLIC SERVICE COMMISSION

Administration

R746-100	Practice and Procedures Governing Formal Hearings	35508	AMD	02/07/2012	2012-1/30
R746-100	Practice and Procedures Governing Formal Hearings	35900	AMD	05/07/2012	2012-6/24
R746-310-1	General Provisions	35505	AMD	02/07/2012	2012-1/38
R746-310-2	Customer Relations	35925	NSC	03/22/2012	Not Printed
R746-320	Uniform Rules Governing Natural Gas Service	35926	NSC	03/22/2012	Not Printed
R746-342	Rule on One-Way Paging	35509	REP	02/07/2012	2012-1/40
R746-348	Interconnection	35651	5YR	01/11/2012	2012-3/126
R746-349	Competitive Entry and Reporting Requirements	35916	5YR	03/06/2012	2012-7/71
R746-351	Pricing Flexibility	35917	5YR	03/06/2012	2012-7/72
R746-365	Intercarrier Service Quality	35927	NSC	03/22/2012	Not Printed
R746-400	Public Utility Reports	36358	5YR	06/13/2012	Not Printed
R746-405-2	Format and Construction of Tariffs	35507	AMD	02/07/2012	2012-1/41
R746-405-2	Format and Construction of Tariffs	35896	AMD	05/07/2012	2012-6/31
R746-420	Requests for Approval of a Solicitation Process	36166	5YR	05/10/2012	2012-11/183
R746-430	Procedural and Informational Requirements for Action Plans, for an Approval of a Significant Energy Resource, for Determination of Whether to Proceed, and for Waivers of a Solicitation Process or of an Approval of a Significant Energy Resource	36167	5YR	05/10/2012	2012-11/184
R746-440	Voluntary Resource Decision	35924	5YR	03/08/2012	2012-7/73
R746-800	Working 4 Utah Operations	35506	REP	02/07/2012	2012-1/43

REGENTS (BOARD OF)

University of Utah, Commuter Services

R810-2	Parking Meters	35888	5YR	02/17/2012	2012-6/38
R810-5	Permit Types, Eligibility and Designated Parking Areas	35889	5YR	02/17/2012	2012-6/39
R810-6	Permit Prices and Refunds	35882	5YR	02/16/2012	2012-6/39
R810-9	Contractors and Their Employees	35883	5YR	02/17/2012	2012-6/40
R810-10	Enforcement System	35884	5YR	02/17/2012	2012-6/40
R810-11	Appeals System	35890	5YR	02/17/2012	2012-6/41

SCHOOL AND INSTITUTIONAL TRUST LANDS

Administration

R850-1	Definition of Terms	36274	5YR	05/23/2012	2012-12/90
R850-2	Trust Land Management Objectives	36275	5YR	05/23/2012	2012-12/91
R850-3	Applicant Qualifications, Application Forms, and Application Processing	36276	5YR	05/23/2012	2012-12/91
R850-11	Procurement	36088	5YR	04/24/2012	2012-10/95
R850-41	Rights of Entry	35542	NEW	02/07/2012	2012-1/44
R850-90	Land Exchanges	35655	5YR	01/12/2012	2012-3/126
R850-120	Beneficiary Use of Institutional Trust Land	35656	5YR	01/12/2012	2012-3/127

SCIENCE TECHNOLOGY AND RESEARCH GOVERNING AUTH.

Administration

R856-1	Formation and Funding of Utah Science Technology and Research Innovation Teams	36083	EXD	04/05/2012	2012-9/101
R856-2	Distribution of Utah Science Technology and Research Commercialization Revenues	36084	EXD	04/05/2012	2012-9/101

TAX COMMISSION

Administration

R861-1A	Administrative Procedures	35595	5YR	01/03/2012	2012-2/122
R861-1A-9	Tax Commission as Board of Equalization Pursuant to Utah Code Ann. Sections 59-2-212, 59-2-1004, and 59-2-1006	35862	AMD	04/12/2012	2012-5/93
R861-1A-16	Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207	36061	AMD	06/14/2012	2012-9/65

Auditing

R865-3C	Corporation Income Tax	35597	5YR	01/03/2012	2012-2/125
R865-3C-1	Allocation of Net Income Pursuant to Utah Code Ann. Section 59-7-204	35863	AMD	04/12/2012	2012-5/95
R865-4D	Special Fuel Tax	35598	5YR	01/03/2012	2012-2/125
R865-6F	Franchise Tax	35599	5YR	01/03/2012	2012-2/126
R865-9I	Income Tax	35600	5YR	01/03/2012	2012-2/127
R865-11Q	Self-Insured Employer Assessment	35601	5YR	01/03/2012	2012-2/130
R865-12L	Local Sales and Use Tax	35602	5YR	01/03/2012	2012-2/130
R865-13G	Motor Fuel Tax	35603	5YR	01/03/2012	2012-2/131
R865-14W	Mineral Producers' Withholding Tax	35604	5YR	01/03/2012	2012-2/132
R865-15O	Oil and Gas Tax	35605	5YR	01/03/2012	2012-2/133
R865-19S	Sales and Use Tax	35606	5YR	01/03/2012	2012-2/133
R865-19S-32	Leases and Rentals Pursuant to Utah Code Ann. Section 59-12-103	35511	AMD	02/09/2012	2012-1/48
R865-20T	Tobacco Tax	35607	5YR	01/03/2012	2012-2/137

Motor Vehicle

R873-22M	Motor Vehicle	35608	5YR	01/03/2012	2012-2/138
----------	---------------	-------	-----	------------	------------

Motor Vehicle Enforcement

R877-23V	Motor Vehicle Enforcement	35609	5YR	01/03/2012	2012-2/140
R877-23V-7	Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210	36062	AMD	06/14/2012	2012-9/67
R877-23V-20	Reasonable Cause to Deny, Suspend, or Revoke a License Issued Under Title 41, Chapter 3 Pursuant to Utah Code Ann. Section 41-3-209	35512	AMD	02/09/2012	2012-1/49
R877-23V-21	Automated License Plate Recognition System Pursuant to Utah Code Ann. Section 41-3-105	35513	AMD	02/09/2012	2012-1/50
R877-23V-22	Reasonable Cause to Waive, Reduce, or Compromise a Penalty Pursuant to Utah Code Ann. Section 41-3-704	36063	AMD	06/14/2012	2012-9/70

Property Tax

R884-24P	Property Tax	35592	5YR	01/03/2012	2012-2/141
R884-24P-62	Valuation of State Assessed Unitary Properties Pursuant to Utah Code Ann. Section 59-2-201	35514	AMD	02/09/2012	2012-1/51
R884-24P-66	Appeal to County Board of Equalization Pursuant to Utah Code Ann. Section 59-2-1004	35864	AMD	04/12/2012	2012-5/96
R884-24P-68	Property Tax Exemption for Taxable Tangible Personal Property With a Total Aggregate Fair Market Value of \$3,500 or Less Pursuant to Utah Code Ann. Section 59-2-1115	36064	AMD	06/14/2012	2012-9/71

TECHNOLOGY SERVICES

Administration

R895-3	Computer Software Licensing, Copyright, Control, Retention, and Transfer	35989	EXT	03/29/2012	2012-8/91
--------	--	-------	-----	------------	-----------

RULES INDEX

TRANSPORTATION

Administration

R907-60	Handling of Publications Prepared by the Utah Department of Transportation Either for Sale or Free Copy	35670	REP	03/12/2012	2012-3/80
R907-69	Records Access	35672	NEW	03/12/2012	2012-3/81

Motor Carrier

R909-1	Safety Regulations for Motor Carriers	35425	AMD	01/10/2012	2011-23/90
R909-1	Safety Regulations for Motor Carriers	35873	AMD	04/11/2012	2012-5/99
R909-16	Overall Motor Carrier Safety Standing	35427	REP	01/10/2012	2011-23/92
R909-17	Appeal Process for Utah Commercial Vehicle Safety Alliance Inspections	35428	REP	01/10/2012	2011-23/94
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	35256	AMD	02/07/2012	2011-20/41
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	35256	CPR	02/07/2012	2012-1/64
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	35426	AMD	01/10/2012	2011-23/96

Operations, Maintenance

R918-3	Snow Removal	35515	AMD	02/07/2012	2012-1/55
R918-4	Using Volunteer Groups for the Adopt-a-Highway Program	35669	AMD	03/12/2012	2012-3/82

Operations, Traffic and Safety

R920-50	Ropeway Operation Safety	36081	5YR	04/16/2012	2012-9/98
R920-50	Ropeway Operation Safety	36082	AMD	06/07/2012	2012-9/72

Preconstruction

R930-3	Highway Noise Abatement	35516	AMD	02/07/2012	2012-1/57
--------	-------------------------	-------	-----	------------	-----------

Preconstruction, Right-of-Way Acquisition

R933-1	Right of Way Acquisition	35429	AMD	01/10/2012	2011-23/97
R933-2	Control of Outdoor Advertising Signs	36180	EMR	05/14/2012	2012-11/168

Program Development

R926-4	Establishing and Defining a Functional Classification of Highways in the State of Utah	35959	5YR	03/20/2012	2012-8/90
R926-4	Establishing and Defining a Functional Classification of Highways in the State of Utah	35960	NSC	04/11/2012	Not Printed
R926-6 (Changed to R940-7)	Transportation Corridor Preservation Revolving Loan Fund	36179	NSC	05/30/2012	Not Printed

WORKFORCE SERVICES

Administration

R982-101	Americans with Disabilities Complaint Procedure	36354	5YR	06/12/2012	Not Printed
R982-201	Government Records Access and Management Act	36355	5YR	06/12/2012	Not Printed
R982-301	Councils	36356	5YR	06/12/2012	Not Printed
R982-601	Provider Code of Conduct	36357	5YR	06/12/2012	Not Printed

Employment Development

R986-200-214	Assistance for Specified Relatives	35919	AMD	05/22/2012	2012-7/54
R986-200-247	Utah Back to Work Pilot Program (BWP)	35501	AMD	02/01/2012	2011-24/78
R986-700-713	Amount of CC Payment	35586	AMD	04/01/2012	2012-2/104

Unemployment Insurance

R994-102	Employment Security Act, Public Policy and Authority	36091	5YR	04/25/2012	2012-10/96
R994-106	Combined Wage Claims	36092	5YR	04/25/2012	2012-10/96

R994-207-102	General Requirements for Eligibility	35992	NSC	04/11/2012	Not Printed
R994-303	Contribution Rates	36093	5YR	04/25/2012	2012-10/97
R994-401	Payment of Benefits	36094	5YR	04/25/2012	2012-10/97
R994-402	Extended Benefits (EB)	36095	5YR	04/25/2012	2012-10/98
R994-403-112c	Available	35448	AMD	01/17/2012	2011-23/98
R994-404	Payments Following Workers' Compensation	36256	5YR	05/22/2012	2012-12/92
R994-406	Fraud, Fault and Nonfault Overpayments	36257	5YR	05/22/2012	2012-12/92
R994-508	Appeal Procedures	35455	AMD	02/01/2012	2011-23/101

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>accessing records</u> Human Services, Recovery Services	35631	R527-5	5YR	01/06/2012	2012-3/116
<u>acid rain</u> Environmental Quality, Air Quality	36340	R307-417	5YR	06/06/2012	Not Printed
<u>action plan</u> Public Service Commission, Administration	36167	R746-430	5YR	05/10/2012	2012-11/184
<u>adjudicative procedures</u> Community and Culture, Library	36328	R223-1	5YR	06/05/2012	Not Printed
<u>adjudicative proceedings</u> Community and Culture, History	36299	R212-1	5YR	05/31/2012	2012-12/83
Environmental Quality, Environmental Response and Remediation	36054	R311-210	5YR	04/10/2012	2012-9/89
Environmental Quality, Radiation Control	35416	R313-17	AMD	03/19/2012	2011-23/50
Public Safety, Driver License	35637	R708-14	5YR	01/09/2012	2012-3/123
	35638	R708-35	5YR	01/09/2012	2012-3/124
<u>administrative law</u> Human Services, Recovery Services	36348	R527-253	5YR	06/12/2012	Not Printed
	36350	R527-258	5YR	06/12/2012	Not Printed
<u>administrative procedures</u> Commerce, Consumer Protection	35974	R152-6	5YR	03/26/2012	2012-8/71
Community and Culture, History	36299	R212-1	5YR	05/31/2012	2012-12/83
Community and Culture, Library	36328	R223-1	5YR	06/05/2012	Not Printed
Corrections, Administration	35762	R251-108	EXD	01/18/2012	2012-4/123
	35769	R251-108	EMR	02/01/2012	2012-4/49
	35807	R251-108	NEW	04/09/2012	2012-5/15
Education, Administration	35449	R277-100	AMD	01/10/2012	2011-23/21
	35534	R277-102	R&R	02/07/2012	2012-1/8
	35856	R277-102	NSC	02/29/2012	Not Printed
Environmental Quality, Radiation Control	35416	R313-17	AMD	03/19/2012	2011-23/50
Health, Administration	36096	R380-1	5YR	04/26/2012	2012-10/88
	36097	R380-5	5YR	04/26/2012	2012-10/89
	36098	R380-10	5YR	04/26/2012	2012-10/89

RULES INDEX

Human Resource Management, Administration	35823	R477-3	5YR	02/02/2012	2012-5/108
	35832	R477-12	5YR	02/03/2012	2012-5/114
	35835	R477-15	5YR	02/03/2012	2012-5/115
Natural Resources, Forestry, Fire and State Lands	36005	R652-1	5YR	04/02/2012	2012-8/82
	36006	R652-3	5YR	04/02/2012	2012-8/83
	36007	R652-4	5YR	04/02/2012	2012-8/83
	36008	R652-5	5YR	04/02/2012	2012-8/84
	36009	R652-20	5YR	04/02/2012	2012-8/85
	36010	R652-30	5YR	04/02/2012	2012-8/85
	36011	R652-40	5YR	04/02/2012	2012-8/86
	36012	R652-50	5YR	04/02/2012	2012-8/86
	36014	R652-70	5YR	04/02/2012	2012-8/87
	36016	R652-100	5YR	04/02/2012	2012-8/88
Natural Resources, Water Rights	36381	R655-6	5YR	06/15/2012	Not Printed
Natural Resources, Wildlife Resources	36149	R657-2	5YR	05/04/2012	2012-11/181
Public Safety, Driver License	35632	R708-7	5YR	01/09/2012	2012-3/122
	35633	R708-8	5YR	01/09/2012	2012-3/123
School and Institutional Trust Lands, Administration	36274	R850-1	5YR	05/23/2012	2012-12/90
	36276	R850-3	5YR	05/23/2012	2012-12/91
	35542	R850-41	NEW	02/07/2012	2012-1/44
	35655	R850-90	5YR	01/12/2012	2012-3/126
	35656	R850-120	5YR	01/12/2012	2012-3/127
<u>administrative proceedings</u>					
Commerce, Real Estate	35915	R162-2e-402	AMD	05/23/2012	2012-7/25
Environmental Quality, Environmental Response and Remediation	35447	R311-201	AMD	01/13/2012	2011-23/45
	36045	R311-201	5YR	04/10/2012	2012-9/82
	36054	R311-210	5YR	04/10/2012	2012-9/89
<u>administrative responsibility</u>					
Human Resource Management, Administration	35822	R477-2	5YR	02/02/2012	2012-5/108
<u>administrative rules</u>					
Human Resource Management, Administration	35834	R477-13	5YR	02/03/2012	2012-5/115
<u>adopt-a-highway</u>					
Transportation, Operations, Maintenance	35669	R918-4	AMD	03/12/2012	2012-3/82
<u>adoption</u>					
Human Services, Child and Family Services	35910	R512-2	5YR	03/05/2012	2012-7/68
	35913	R512-40	5YR	03/05/2012	2012-7/69
	35914	R512-42	5YR	03/05/2012	2012-7/70
	36044	R512-51	5YR	04/09/2012	2012-9/93
<u>adult education</u>					
Education, Administration	36076	R277-733	AMD	06/07/2012	2012-9/49
<u>affidavit of merit</u>					
Commerce, Occupational and Professional Licensing	35820	R156-78B	5YR	02/02/2012	2012-5/102
<u>agricultural laws</u>					
Agriculture and Food, Animal Industry	35696	R58-19	5YR	01/18/2012	2012-4/60
Agriculture and Food, Plant Industry	35697	R68-19	5YR	01/18/2012	2012-4/62
Agriculture and Food, Regulatory Services	35660	R70-201	5YR	01/12/2012	2012-3/108
<u>air pollution</u>					
Environmental Quality, Air Quality	35615	R307-101-3	AMD	04/05/2012	2012-3/40
	36333	R307-105	5YR	06/06/2012	Not Printed
	35774	R307-110	5YR	02/01/2012	2012-4/65
	35775	R307-120	5YR	02/01/2012	2012-4/81
	35716	R307-121	5YR	01/23/2012	2012-4/81
	35718	R307-121-7	NSC	02/09/2012	Not Printed
	35776	R307-130	5YR	02/01/2012	2012-4/82
	35777	R307-135	5YR	02/01/2012	2012-4/82
	35496	R307-210-1	AMD	03/07/2012	2011-24/7
	35922	R307-214	AMD	06/07/2012	2012-7/42

	35531	R307-220-3	AMD	03/07/2012	2012-1/21
	35530	R307-222	AMD	03/07/2012	2012-1/22
	36026	R307-222-1	NSC	04/25/2012	Not Printed
	35779	R307-320	5YR	02/01/2012	2012-4/84
	35780	R307-325	5YR	02/01/2012	2012-4/84
	35781	R307-326	5YR	02/01/2012	2012-4/85
	35782	R307-327	5YR	02/01/2012	2012-4/86
	35783	R307-328	5YR	02/01/2012	2012-4/86
	35784	R307-335	5YR	02/01/2012	2012-4/87
	35785	R307-340	5YR	02/01/2012	2012-4/87
	35786	R307-341	5YR	02/01/2012	2012-4/88
	35787	R307-343	5YR	02/01/2012	2012-4/89
	36334	R307-401	5YR	06/06/2012	Not Printed
	36154	R307-401-11	NSC	05/30/2012	Not Printed
	35413	R307-405	AMD	02/02/2012	2011-23/42
	35872	R307-405-3	NSC	02/29/2012	Not Printed
	36336	R307-406	5YR	06/06/2012	Not Printed
	36337	R307-410	5YR	06/06/2012	Not Printed
	36338	R307-414	5YR	06/06/2012	Not Printed
	36339	R307-415	5YR	06/06/2012	Not Printed
	35529	R307-415-2	AMD	03/07/2012	2012-1/25
	36341	R307-420	5YR	06/06/2012	Not Printed
	36342	R307-421	5YR	06/06/2012	Not Printed
	36033	R307-424	5YR	04/05/2012	2012-9/79
<u>air pollution control</u>					
Environmental Quality, Air Quality	35778	R307-301	5YR	02/01/2012	2012-4/83
<u>air quality</u>					
Environmental Quality, Air Quality	36335	R307-403	5YR	06/06/2012	Not Printed
	36340	R307-417	5YR	06/06/2012	Not Printed
<u>aircraft</u>					
Tax Commission, Motor Vehicle	35608	R873-22M	5YR	01/03/2012	2012-2/138
<u>alarm company</u>					
Commerce, Occupational and Professional Licensing	35860	R156-55d	5YR	02/07/2012	2012-5/102
	36191	R156-55d	NSC	05/30/2012	Not Printed
<u>alcohol</u>					
Human Services, Substance Abuse and Mental Health	35625	R523-24	AMD	03/09/2012	2012-3/67
<u>alcoholic beverages</u>					
Alcoholic Beverage Control, Administration	35588	R81-1-6	AMD	03/01/2012	2012-2/20
	35943	R81-4A-2	AMD	05/22/2012	2012-7/5
	35944	R81-4B-2	AMD	05/22/2012	2012-7/6
	35945	R81-4C-2	AMD	05/22/2012	2012-7/8
	35946	R81-4D-2	AMD	05/22/2012	2012-7/9
	35947	R81-4E-2	AMD	05/22/2012	2012-7/11
	35948	R81-4F-2	AMD	05/22/2012	2012-7/12
	35949	R81-5-2	AMD	05/22/2012	2012-7/13
	35950	R81-6-1	AMD	05/22/2012	2012-7/15
	35951	R81-8-1	AMD	05/22/2012	2012-7/16
	35952	R81-9-1	AMD	05/22/2012	2012-7/17
	35953	R81-10A-3	AMD	05/22/2012	2012-7/19
	35954	R81-10C-2	AMD	05/22/2012	2012-7/20
	35955	R81-10D-2	AMD	05/22/2012	2012-7/21
	35956	R81-11-1	AMD	05/22/2012	2012-7/23
	35957	R81-12-1	AMD	05/22/2012	2012-7/24
<u>all payer database</u>					
Health, Center for Health Data, Health Care Statistics	35616	R428-15	AMD	03/16/2012	2012-3/51
<u>alternative fuels</u>					
Environmental Quality, Air Quality	35716	R307-121	5YR	01/23/2012	2012-4/81
	35718	R307-121-7	NSC	02/09/2012	Not Printed

RULES INDEX

<u>alternative licensing</u>					
Education, Administration	35677	R277-503	AMD	03/12/2012	2012-3/24
	35939	R277-503	5YR	03/15/2012	2012-7/63
	36073	R277-503	AMD	06/07/2012	2012-9/39
<u>alternative school</u>					
Education, Administration	35538	R277-730	REP	02/07/2012	2012-1/16
<u>anchor location</u>					
Administrative Services, Archives	35304	R17-9	NEW	01/30/2012	2011-20/6
<u>annuity suitability</u>					
Insurance, Administration	35699	R590-230	AMD	03/26/2012	2012-4/21
<u>appeals</u>					
Education, Administration	35452	R277-481	NEW	01/10/2012	2011-23/34
Transportation, Motor Carrier	35428	R909-17	REP	01/10/2012	2011-23/94
<u>appellate procedures</u>					
Agriculture and Food, Administration	35614	R51-2	5YR	01/04/2012	2012-3/107
Workforce Services, Unemployment Insurance	35455	R994-508	AMD	02/01/2012	2011-23/101
<u>applications</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	35441	R414-308	AMD	02/06/2012	2011-23/70
	35790	R414-308	AMD	04/01/2012	2012-4/14
<u>appraisal management company</u>					
Commerce, Real Estate	35915	R162-2e-402	AMD	05/23/2012	2012-7/25
<u>appraisals</u>					
Tax Commission, Property Tax	35592	R884-24P	5YR	01/03/2012	2012-2/141
	35514	R884-24P-62	AMD	02/09/2012	2012-1/51
	35864	R884-24P-66	AMD	04/12/2012	2012-5/96
	36064	R884-24P-68	AMD	06/14/2012	2012-9/71
<u>approval orders</u>					
Environmental Quality, Air Quality	36334	R307-401	5YR	06/06/2012	Not Printed
	36154	R307-401-11	NSC	05/30/2012	Not Printed
<u>aquaculture</u>					
Natural Resources, Wildlife Resources	35438	R657-59	AMD	01/10/2012	2011-23/80
<u>archeological permits</u>					
Public Lands Policy Coordinating Office, Administration	35874	R694-1	NEW	04/30/2012	2012-5/90
<u>armored car company</u>					
Commerce, Occupational and Professional Licensing	36192	R156-63b-102	NSC	05/30/2012	Not Printed
<u>armored car security officers</u>					
Commerce, Occupational and Professional Licensing	36192	R156-63b-102	NSC	05/30/2012	Not Printed
<u>art</u>					
Capitol Preservation Board (State), Administration	35686	R131-9	R&R	03/09/2012	2012-3/13
<u>art donations</u>					
Community and Culture, Arts and Museums	35724	R207-2	5YR	01/24/2012	2012-4/65
<u>art financing</u>					
Community and Culture, Arts and Museums	35723	R207-1	5YR	01/24/2012	2012-4/64
<u>art in public places</u>					
Community and Culture, Arts and Museums	35723	R207-1	5YR	01/24/2012	2012-4/64
	35724	R207-2	5YR	01/24/2012	2012-4/65

<u>art loans</u>						
Community and Culture, Arts and Museums	35724	R207-2	5YR	01/24/2012	2012-4/65	
<u>art preservation</u>						
Community and Culture, Arts and Museums	35723	R207-1	5YR	01/24/2012	2012-4/64	
<u>art work</u>						
Community and Culture, Arts and Museums	35724	R207-2	5YR	01/24/2012	2012-4/65	
<u>asbestos</u>						
Environmental Quality, Air Quality	35777	R307-135	5YR	02/01/2012	2012-4/82	
<u>asphalt</u>						
Environmental Quality, Air Quality	35786	R307-341	5YR	02/01/2012	2012-4/88	
<u>assembly</u>						
Administrative Services, Facilities Construction and Management	36148	R23-20	5YR	05/03/2012	2012-11/178	
<u>assessment instruments</u>						
Human Services, Substance Abuse and Mental Health	36310	R523-20	5YR	06/05/2012	Not Printed	
<u>assignments</u>						
Education, Administration	35680	R277-520	AMD	03/12/2012	2012-3/32	
	36074	R277-520-6	AMD	06/07/2012	2012-9/43	
<u>assistance</u>						
Natural Resources, Parks and Recreation	36225	R651-301	5YR	05/16/2012	2012-12/86	
<u>assisted living facilities</u>						
Public Safety, Fire Marshal	36273	R710-3	5YR	05/23/2012	2012-12/88	
<u>attorney exemption application process</u>						
Insurance, Title and Escrow Commission	35898	R592-8	NSC	03/12/2012	Not Printed	
<u>Attorney General</u>						
Attorney General, Administration	35904	R105-1	NEW	04/24/2012	2012-6/6	
<u>attorneys</u>						
Administrative Services, Finance	35663	R25-14	5YR	01/12/2012	2012-3/105	
<u>automobile repair</u>						
Commerce, Consumer Protection	35967	R152-20	5YR	03/22/2012	2012-8/72	
<u>automobiles</u>						
Commerce, Consumer Protection	35967	R152-20	5YR	03/22/2012	2012-8/72	
<u>aviculture</u>						
Natural Resources, Wildlife Resources	36280	R657-4	5YR	05/29/2012	2012-12/87	
<u>background checks</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	35591	R525-5	AMD	02/21/2012	2012-2/97	
<u>barrier</u>						
Transportation, Preconstruction	35516	R930-3	AMD	02/07/2012	2012-1/57	
<u>bear</u>						
Natural Resources, Wildlife Resources	35733	R657-33	AMD	04/02/2012	2012-4/32	
<u>beneficiaries</u>						
School and Institutional Trust Lands, Administration	35656	R850-120	5YR	01/12/2012	2012-3/127	
<u>benefits</u>						
Community and Culture, Home Energy Assistance Target (HEAT)	35406	R195-5	AMD	03/26/2012	2011-23/17	

RULES INDEX

	36296	R195-5	EXT	05/31/2012	2012-12/96
	35408	R195-7	AMD	03/26/2012	2011-23/19
	36298	R195-7	EXT	05/31/2012	2012-12/96
Workforce Services, Unemployment Insurance	36094	R994-401	5YR	04/25/2012	2012-10/97
<u>big game seasons</u>					
Natural Resources, Wildlife Resources	35520	R657-5	AMD	02/07/2012	2012-1/29
	35210	R657-43	AMD	01/10/2012	2011-18/71
	35909	R657-43	5YR	03/05/2012	2012-7/70
<u>birds</u>					
Natural Resources, Wildlife Resources	36280	R657-4	5YR	05/29/2012	2012-12/87
	35734	R657-20	AMD	04/02/2012	2012-4/25
<u>bison</u>					
Agriculture and Food, Animal Industry	36143	R58-3	EMR	05/08/2012	2012-11/167
<u>Board of Examiners</u>					
Examiners (Board of), Administration	35497	R320-101	NEW	02/10/2012	2011-24/10
<u>boilers</u>					
Labor Commission, Boiler and Elevator Safety	35963	R616-2-3	AMD	05/22/2012	2012-8/12
	35961	R616-2-15	AMD	05/22/2012	2012-8/14
<u>boxing</u>					
Governor, Economic Development, Pete Suazo Utah Athletic Commission	36002	R359-1	5YR	03/30/2012	2012-8/74
<u>breaks</u>					
Human Resource Management, Administration	35828	R477-8	5YR	02/02/2012	2012-5/112
<u>broad scope</u>					
Environmental Quality, Radiation Control	35417	R313-22-75	AMD	01/16/2012	2011-23/51
<u>brucellosis</u>					
Agriculture and Food, Animal Industry	36143	R58-3	EMR	05/08/2012	2012-11/167
<u>building inspections</u>					
Commerce, Occupational and Professional Licensing	35735	R156-56	5YR	01/31/2012	2012-4/62
<u>building inspectors</u>					
Commerce, Occupational and Professional Licensing	35735	R156-56	5YR	01/31/2012	2012-4/62
<u>burglar alarms</u>					
Commerce, Occupational and Professional Licensing	35860	R156-55d	5YR	02/07/2012	2012-5/102
	36191	R156-55d	NSC	05/30/2012	Not Printed
<u>burial</u>					
Community and Culture, History	36301	R212-12	5YR	05/31/2012	2012-12/84
<u>capital punishment</u>					
Administrative Services, Finance	35663	R25-14	5YR	01/12/2012	2012-3/105
Pardons (Board Of), Administration	35739	R671-205	5YR	01/31/2012	2012-4/111
<u>captive insurance</u>					
Insurance, Administration	36142	R590-238	5YR	05/02/2012	2012-11/181
<u>career education</u>					
Education, Administration	35682	R277-718	REP	03/12/2012	2012-3/37
<u>cattle</u>					
Agriculture and Food, Animal Industry	36143	R58-3	EMR	05/08/2012	2012-11/167
<u>cemetery</u>					
Community and Culture, History	36301	R212-12	5YR	05/31/2012	2012-12/84

<u>census</u>					
Transportation, Program Development	35959	R926-4	5YR	03/20/2012	2012-8/90
	35960	R926-4	NSC	04/11/2012	Not Printed
<u>certificate of compliance</u>					
Commerce, Occupational and Professional Licensing	35820	R156-78B	5YR	02/02/2012	2012-5/102
<u>certificate of eligibility</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	35487	R722-350-3	AMD	01/24/2012	2011-24/77
<u>certifications</u>					
Labor Commission, Boiler and Elevator Safety	35963	R616-2-3	AMD	05/22/2012	2012-8/12
	35961	R616-2-15	AMD	05/22/2012	2012-8/14
	35962	R616-3-3	AMD	05/22/2012	2012-8/16
Transportation, Motor Carrier	35256	R909-19	AMD	02/07/2012	2011-20/41
	35256	R909-19	CPR	02/07/2012	2012-1/64
<u>charities</u>					
Commerce, Consumer Protection	35970	R152-22	5YR	03/22/2012	2012-8/72
Tax Commission, Auditing	35606	R865-19S	5YR	01/03/2012	2012-2/133
	35511	R865-19S-32	AMD	02/09/2012	2012-1/48
<u>charter schools</u>					
Education, Administration	35451	R277-470	AMD	01/10/2012	2011-23/28
	35935	R277-479	NEW	05/08/2012	2012-7/31
	36160	R277-479-1	NSC	05/30/2012	Not Printed
	35582	R277-480-1	NSC	01/31/2012	Not Printed
	35817	R277-480-1	NSC	02/29/2012	Not Printed
	35452	R277-481	NEW	01/10/2012	2011-23/34
<u>child abuse</u>					
Human Services, Child and Family Services	35931	R512-60	AMD	06/07/2012	2012-7/47
<u>child care</u>					
Workforce Services, Employment Development	35586	R986-700-713	AMD	04/01/2012	2012-2/104
<u>child care facilities</u>					
Health, Family Health and Preparedness, Child Care Licensing	35581	R430-1	NEW	05/01/2012	2012-2/37
	35579	R430-2	REP	05/01/2012	2012-2/40
	35580	R430-3	REP	05/01/2012	2012-2/42
	35653	R430-4	REP	05/01/2012	2012-3/57
	35573	R430-6	AMD	05/01/2012	2012-2/46
	35654	R430-30	REP	05/01/2012	2012-3/61
	35574	R430-50	AMD	05/01/2012	2012-2/47
	35575	R430-60	R&R	05/01/2012	2012-2/55
	35576	R430-70	AMD	05/01/2012	2012-2/70
	35577	R430-90	AMD	05/01/2012	2012-2/77
	35578	R430-100	AMD	05/01/2012	2012-2/82
<u>child support</u>					
Human Services, Recovery Services	36346	R527-3	5YR	06/12/2012	Not Printed
	35728	R527-34	AMD	03/27/2012	2012-4/19
	35729	R527-35	AMD	03/27/2012	2012-4/20
	36347	R527-37	5YR	06/12/2012	Not Printed
	35619	R527-201	AMD	03/27/2012	2012-3/70
	36348	R527-253	5YR	06/12/2012	Not Printed
	36349	R527-255	5YR	06/12/2012	Not Printed
	36350	R527-258	5YR	06/12/2012	Not Printed
	36351	R527-330	5YR	06/12/2012	Not Printed
<u>child welfare</u>					
Administrative Services, Child Welfare Parental Defense (Office of)	35205	R19-1-6	AMD	01/12/2012	2011-18/6
	35206	R19-1-7	AMD	01/12/2012	2011-18/7
Human Services, Child and Family Services	35895	R512-1	5YR	02/23/2012	2012-6/38

RULES INDEX

	35910	R512-2	5YR	03/05/2012	2012-7/68
	35911	R512-31	5YR	03/05/2012	2012-7/68
	35912	R512-32	5YR	03/05/2012	2012-7/69
	35931	R512-60	AMD	06/07/2012	2012-7/47
	35630	R512-80	NEW	03/15/2012	2012-3/64
<u>children</u>					
Health, Family Health and Preparedness, WIC Services	35812	R406-100	5YR	02/02/2012	2012-5/104
	35813	R406-200	5YR	02/02/2012	2012-5/105
	35814	R406-201	5YR	02/02/2012	2012-5/105
	35815	R406-202	5YR	02/02/2012	2012-5/106
	35816	R406-301	5YR	02/02/2012	2012-5/106
<u>Children's Account</u>					
Human Services, Child and Family Services	35931	R512-60	AMD	06/07/2012	2012-7/47
<u>children's health benefits</u>					
Health, Children's Health Insurance Program	35788	R382-10	AMD	04/01/2012	2012-4/7
<u>Class I area</u>					
Environmental Quality, Air Quality	35413	R307-405	AMD	02/02/2012	2011-23/42
	35872	R307-405-3	NSC	02/29/2012	Not Printed
<u>classified license</u>					
Public Safety, Driver License	35629	R708-10	EMR	01/07/2012	2012-3/101
	36330	R708-10	EMR	06/06/2012	Not Printed
<u>client rights</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	35403	R195-1	AMD	03/26/2012	2011-23/12
<u>CNG</u>					
Administrative Services, Fleet Operations	35727	R27-9	NEW	03/26/2012	2012-4/6
<u>coal mines</u>					
Natural Resources, Oil, Gas and Mining; Coal	35801	R645-100	5YR	02/01/2012	2012-4/106
	35995	R645-100-200	AMD	05/23/2012	2012-8/18
	35802	R645-103	5YR	02/01/2012	2012-4/106
	35803	R645-200	5YR	02/01/2012	2012-4/107
	35804	R645-201	5YR	02/01/2012	2012-4/107
	35836	R645-202	5YR	02/03/2012	2012-5/117
	35837	R645-203	5YR	02/03/2012	2012-5/117
	35838	R645-300	5YR	02/03/2012	2012-5/118
	35996	R645-300-100	AMD	05/23/2012	2012-8/31
	35839	R645-301	5YR	02/03/2012	2012-5/118
	35997	R645-301-100	AMD	05/23/2012	2012-8/39
	36151	R645-301-500	NSC	05/30/2012	Not Printed
	35840	R645-302	5YR	02/03/2012	2012-5/119
	35998	R645-302-200	AMD	05/23/2012	2012-8/43
	35841	R645-303	5YR	02/03/2012	2012-5/120
	35999	R645-303-300	AMD	05/23/2012	2012-8/52
	36000	R645-400-300	AMD	05/23/2012	2012-8/54
	35842	R645-402	5YR	02/03/2012	2012-5/120
	36001	R645-403	NEW	05/23/2012	2012-8/58
<u>coatings</u>					
Environmental Quality, Air Quality	35787	R307-343	5YR	02/01/2012	2012-4/89
<u>code of conduct</u>					
Workforce Services, Administration	36357	R982-601	5YR	06/12/2012	Not Printed
<u>collections</u>					
Tax Commission, Auditing	35602	R865-12L	5YR	01/03/2012	2012-2/130
<u>comments</u>					
Environmental Quality, Radiation Control	35416	R313-17	AMD	03/19/2012	2011-23/50

<u>commercial solicitations</u>						
Capitol Preservation Board (State), Administration	35687	R131-10	5YR	01/17/2012	2012-3/111	
<u>commercialization revenues</u>						
Science Technology and Research Governing Auth., Administration	36084	R856-2	EXD	04/05/2012	2012-9/101	
<u>community-based corrections</u>						
Corrections, Administration	35755	R251-306	EXT	01/31/2012	2012-4/121	
	36040	R251-306	5YR	04/06/2012	2012-9/77	
<u>complaints</u>						
Commerce, Administration	35897	R151-3	5YR	02/28/2012	2012-6/35	
Education, Administration	36067	R277-104	R&R	06/07/2012	2012-9/31	
Education, Rehabilitation	36068	R280-201	REP	06/07/2012	2012-9/56	
Human Services, Substance Abuse and Mental Health, State Hospital	35594	R525-7	AMD	02/21/2012	2012-2/99	
	35855	R525-7	NSC	02/29/2012	Not Printed	
Workforce Services, Administration	36354	R982-101	5YR	06/12/2012	Not Printed	
<u>compressed natural gas</u>						
Administrative Services, Fleet Operations	35727	R27-9	NEW	03/26/2012	2012-4/6	
<u>computer software</u>						
Technology Services, Administration	35989	R895-3	EXT	03/29/2012	2012-8/91	
<u>concealed firearm permit instructor</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	35650	R722-300	AMD	03/09/2012	2012-3/79	
<u>concerns</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	35594	R525-7	AMD	02/21/2012	2012-2/99	
	35855	R525-7	NSC	02/29/2012	Not Printed	
<u>condemnation</u>						
Transportation, Preconstruction, Right-of-Way Acquisition	35429	R933-1	AMD	01/10/2012	2011-23/97	
<u>conduct</u>						
Commerce, Real Estate	35915	R162-2e-402	AMD	05/23/2012	2012-7/25	
<u>confidential information</u>						
Public Service Commission, Administration	35508	R746-100	AMD	02/07/2012	2012-1/30	
	35900	R746-100	AMD	05/07/2012	2012-6/24	
<u>confidentiality of information</u>						
Community and Culture, Home Energy Assistance Target (HEAT)	35403	R195-1	AMD	03/26/2012	2011-23/12	
Human Resource Management, Administration	35822	R477-2	5YR	02/02/2012	2012-5/108	
<u>conflict of interest</u>						
Human Resource Management, Administration	35829	R477-9	5YR	02/02/2012	2012-5/112	
<u>consumer protection</u>						
Commerce, Consumer Protection	35974	R152-6	5YR	03/26/2012	2012-8/71	
	35965	R152-15	5YR	03/22/2012	2012-8/71	
	35967	R152-20	5YR	03/22/2012	2012-8/72	
	35970	R152-22	5YR	03/22/2012	2012-8/72	
	35971	R152-23	5YR	03/22/2012	2012-8/73	
	36360	R152-34	5YR	06/14/2012	Not Printed	
	35972	R152-42	5YR	03/22/2012	2012-8/73	
<u>contractors</u>						
Capitol Preservation Board (State), Administration	35611	R131-13	EMR	01/03/2012	2012-2/105	
	35610	R131-13	AMD	02/21/2012	2012-2/24	

RULES INDEX

<u>contracts</u>						
Administrative Services, Facilities Construction and Management	36145	R23-1	5YR	05/03/2012	2012-11/177	
Capitol Preservation Board (State), Administration	35611	R131-13	EMR	01/03/2012	2012-2/105	
	35610	R131-13	AMD	02/21/2012	2012-2/24	
<u>controlled substance database</u>						
Commerce, Occupational and Professional Licensing	35892	R156-37	5YR	02/21/2012	2012-6/36	
<u>controlled substances</u>						
Commerce, Occupational and Professional Licensing	35892	R156-37	5YR	02/21/2012	2012-6/36	
<u>copyright</u>						
Technology Services, Administration	35989	R895-3	EXT	03/29/2012	2012-8/91	
<u>corporation tax</u>						
Tax Commission, Auditing	35597	R865-3C	5YR	01/03/2012	2012-2/125	
	35863	R865-3C-1	AMD	04/12/2012	2012-5/95	
<u>correctional institutions</u>						
Corrections, Administration	35764	R251-704	EXD	01/18/2012	2012-4/124	
	35771	R251-704	EMR	02/01/2012	2012-4/52	
	35809	R251-704	NEW	04/09/2012	2012-5/18	
<u>corrections</u>						
Corrections, Administration	35760	R251-106	EXD	01/18/2012	2012-4/123	
	35767	R251-106	EMR	02/01/2012	2012-4/45	
	35805	R251-106	NEW	04/09/2012	2012-5/11	
	35761	R251-107	EXD	01/18/2012	2012-4/123	
	35768	R251-107	EMR	02/01/2012	2012-4/47	
	35806	R251-107	NEW	04/09/2012	2012-5/13	
	35762	R251-108	EXD	01/18/2012	2012-4/123	
	35769	R251-108	EMR	02/01/2012	2012-4/49	
	35807	R251-108	NEW	04/09/2012	2012-5/15	
	35754	R251-305	EXT	01/31/2012	2012-4/121	
	36039	R251-305	5YR	04/06/2012	2012-9/77	
	35755	R251-306	EXT	01/31/2012	2012-4/121	
	36040	R251-306	5YR	04/06/2012	2012-9/77	
	35763	R251-703	EXD	01/18/2012	2012-4/124	
	35770	R251-703	EMR	02/01/2012	2012-4/51	
	35808	R251-703	NEW	04/09/2012	2012-5/17	
	35765	R251-705	EXD	01/18/2012	2012-4/124	
	35772	R251-705	EMR	02/01/2012	2012-4/53	
	35810	R251-705	NEW	04/09/2012	2012-5/19	
	35766	R251-706	EXD	01/18/2012	2012-4/124	
	35773	R251-706	EMR	02/01/2012	2012-4/56	
	35811	R251-706	NEW	04/09/2012	2012-5/22	
	35756	R251-707	EXT	01/31/2012	2012-4/121	
	36041	R251-707	5YR	04/06/2012	2012-9/78	
	35757	R251-710	EXT	01/31/2012	2012-4/121	
	36042	R251-710	5YR	04/06/2012	2012-9/78	
<u>cosmetologists/barbers</u>						
Commerce, Occupational and Professional Licensing	35853	R156-11a	5YR	02/06/2012	2012-5/101	
<u>cost sharing</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	36185	R414-200	5YR	05/14/2012	2012-11/180	
<u>costs</u>						
Financial Institutions, Administration	36021	R331-22	EXT	04/02/2012	2012-8/91	
<u>cottage foods</u>						
Agriculture and Food, Regulatory Services	35662	R70-560	5YR	01/12/2012	2012-3/111	

<u>councils</u>						
Workforce Services, Administration	36356	R982-301	5YR	06/12/2012	Not Printed	
<u>coverage groups</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	35789	R414-303	AMD	04/01/2012	2012-4/12	
<u>covered-at-work</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	36309	R414-310	5YR	06/04/2012	Not Printed	
<u>CPB</u>						
Capitol Preservation Board (State), Administration	35686	R131-9	R&R	03/09/2012	2012-3/13	
<u>criminal background screening</u>						
Human Services, Child and Family Services	36044	R512-51	5YR	04/09/2012	2012-9/93	
<u>criminal competency</u>						
Pardons (Board Of), Administration	35758	R671-206	5YR	02/01/2012	2012-4/111	
	35740	R671-207	5YR	01/31/2012	2012-4/112	
<u>critical languages</u>						
Education, Administration	36369	R277-488	5YR	06/15/2012	Not Printed	
<u>cultural resources</u>						
Natural Resources, Forestry, Fire and State Lands	36013	R652-60	5YR	04/02/2012	2012-8/87	
<u>curricula</u>						
Education, Administration	36075	R277-700	AMD	06/07/2012	2012-9/45	
	35537	R277-703	AMD	02/07/2012	2012-1/14	
	35818	R277-705	5YR	02/02/2012	2012-5/103	
<u>data standards</u>						
Education, Administration	35676	R277-484-3	AMD	03/12/2012	2012-3/23	
<u>day care</u>						
Public Safety, Fire Marshal	35929	R710-8	5YR	03/13/2012	2012-7/71	
<u>deadlines</u>						
Education, Administration	35676	R277-484-3	AMD	03/12/2012	2012-3/23	
<u>debt</u>						
Human Services, Recovery Services	36351	R527-330	5YR	06/12/2012	Not Printed	
<u>debt-management</u>						
Commerce, Consumer Protection	35972	R152-42	5YR	03/22/2012	2012-8/73	
<u>deception detection examiners</u>						
Commerce, Occupational and Professional Licensing	35736	R156-64	5YR	01/31/2012	2012-4/64	
<u>deception detection interns</u>						
Commerce, Occupational and Professional Licensing	35736	R156-64	5YR	01/31/2012	2012-4/64	
<u>declaratory orders</u>						
Health, Administration	36096	R380-1	5YR	04/26/2012	2012-10/88	
	36097	R380-5	5YR	04/26/2012	2012-10/89	
<u>decommissioning</u>						
Environmental Quality, Radiation Control	35417	R313-22-75	AMD	01/16/2012	2011-23/51	
<u>definitions</u>						
Environmental Quality, Air Quality	35615	R307-101-3	AMD	04/05/2012	2012-3/40	
	35857	R307-840	AMD	05/03/2012	2012-5/33	
	36161	R307-840-1	NSC	05/30/2012	Not Printed	
Human Resource Management, Administration	35821	R477-1	5YR	02/02/2012	2012-5/107	
Natural Resources, Forestry, Fire and State Lands	36005	R652-1	5YR	04/02/2012	2012-8/82	
School and Institutional Trust Lands, Administration	36274	R850-1	5YR	05/23/2012	2012-12/90	

RULES INDEX

<u>degreasing</u>						
Environmental Quality, Air Quality	35784	R307-335	5YR	02/01/2012	2012-4/87	
<u>demonstration</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	36309	R414-310	5YR	06/04/2012	Not Printed	
<u>design</u>						
Health, Disease Control and Prevention, Environmental Services	35710	R392-200	5YR	01/20/2012	2012-4/91	
<u>developmental disabilities</u>						
Tax Commission, Administration	35595	R861-1A	5YR	01/03/2012	2012-2/122	
	35862	R861-1A-9	AMD	04/12/2012	2012-5/93	
	36061	R861-1A-16	AMD	06/14/2012	2012-9/65	
<u>disabilities</u>						
Commerce, Administration	35897	R151-3	5YR	02/28/2012	2012-6/35	
Pardons (Board Of), Administration	35731	R671-102	5YR	01/26/2012	2012-4/109	
Workforce Services, Administration	36354	R982-101	5YR	06/12/2012	Not Printed	
<u>disabled persons</u>						
Education, Administration	36067	R277-104	R&R	06/07/2012	2012-9/31	
Education, Rehabilitation	36068	R280-201	REP	06/07/2012	2012-9/56	
Health, Administration	36099	R380-100	5YR	04/26/2012	2012-10/90	
Human Services, Administration	35717	R495-878	5YR	01/23/2012	2012-4/99	
<u>discharge permits</u>						
Environmental Quality, Water Quality	35238	R317-8	AMD	01/25/2012	2011-19/31	
<u>disciplinary problems</u>						
Education, Administration	35454	R277-608	AMD	01/10/2012	2011-23/41	
<u>discipline of employees</u>						
Human Resource Management, Administration	35831	R477-11	5YR	02/03/2012	2012-5/114	
<u>disclosure requirements</u>						
Tax Commission, Administration	35595	R861-1A	5YR	01/03/2012	2012-2/122	
	35862	R861-1A-9	AMD	04/12/2012	2012-5/93	
	36061	R861-1A-16	AMD	06/14/2012	2012-9/65	
<u>disease control</u>						
Agriculture and Food, Animal Industry	35691	R58-1	5YR	01/18/2012	2012-4/59	
	35692	R58-6	5YR	01/18/2012	2012-4/59	
<u>dismissal of employees</u>						
Human Resource Management, Administration	35831	R477-11	5YR	02/03/2012	2012-5/114	
<u>dissemination of information</u>						
Education, Administration	35681	R277-714	AMD	03/12/2012	2012-3/36	
<u>distribution</u>						
Natural Resources, Water Rights	36382	R655-15	5YR	06/15/2012	Not Printed	
<u>distribution of revenues</u>						
Science Technology and Research Governing Auth., Administration	36084	R856-2	EXD	04/05/2012	2012-9/101	
<u>distribution system</u>						
Natural Resources, Water Rights	36382	R655-15	5YR	06/15/2012	Not Printed	
<u>diversion programs</u>						
Commerce, Occupational and Professional Licensing	35624	R156-1	5YR	01/05/2012	2012-3/112	
	36077	R156-1	AMD	06/07/2012	2012-9/8	
Human Services, Juvenile Justice Services	36136	R547-1	5YR	05/01/2012	2012-10/92	

<u>do not resuscitate</u>						
Health, Family Health and Preparedness, Licensing	35976	R432-31	5YR	03/28/2012	2012-8/76	
<u>domestic violence</u>						
Human Services, Child and Family Services	35895	R512-1	5YR	02/23/2012	2012-6/38	
<u>driver education</u>						
Education, Administration	35940	R277-507	5YR	03/15/2012	2012-7/64	
Public Safety, Driver License	35702	R708-2	5YR	01/20/2012	2012-4/118	
	35703	R708-21	5YR	01/20/2012	2012-4/119	
	35705	R708-27	5YR	01/20/2012	2012-4/120	
<u>dual employment</u>						
Human Resource Management, Administration	35828	R477-8	5YR	02/02/2012	2012-5/112	
<u>dual language immersion</u>						
Education, Administration	36369	R277-488	5YR	06/15/2012	Not Printed	
<u>due process</u>						
Human Services, Child and Family Services	35911	R512-31	5YR	03/05/2012	2012-7/68	
<u>economic development</u>						
Workforce Services, Administration	36357	R982-601	5YR	06/12/2012	Not Printed	
<u>economic opportunity</u>						
Governor, Economic Development	36066	R357-1	5YR	04/13/2012	2012-9/92	
<u>education</u>						
Commerce, Consumer Protection	36360	R152-34	5YR	06/14/2012	Not Printed	
Education, Administration	35451	R277-470	AMD	01/10/2012	2011-23/28	
	35876	R277-521	REP	04/10/2012	2012-5/26	
	35682	R277-718	REP	03/12/2012	2012-3/37	
	35538	R277-730	REP	02/07/2012	2012-1/16	
<u>education finance</u>						
Education, Administration	35905	R277-419-5	AMD	05/08/2012	2012-7/28	
	36069	R277-419-7	AMD	06/07/2012	2012-9/34	
	36070	R277-420	AMD	06/07/2012	2012-9/35	
	35535	R277-425	AMD	02/07/2012	2012-1/11	
	35536	R277-426	AMD	02/07/2012	2012-1/13	
	35933	R277-454	AMD	05/08/2012	2012-7/30	
<u>educational facilities</u>						
Education, Administration	35933	R277-454	AMD	05/08/2012	2012-7/30	
<u>educational media</u>						
Education, Administration	36365	R277-467	5YR	06/15/2012	Not Printed	
<u>educational tuition</u>						
Human Resource Management, Administration	35830	R477-10	5YR	02/03/2012	2012-5/113	
<u>educator licensure</u>						
Education, Administration	35940	R277-507	5YR	03/15/2012	2012-7/64	
<u>educators</u>						
Education, Administration	35680	R277-520	AMD	03/12/2012	2012-3/32	
	36074	R277-520-6	AMD	06/07/2012	2012-9/43	
<u>electric generating units</u>						
Environmental Quality, Air Quality	35531	R307-220-3	AMD	03/07/2012	2012-1/21	
	36033	R307-424	5YR	04/05/2012	2012-9/79	
<u>electric utility industries</u>						
Public Service Commission, Administration	35505	R746-310-1	AMD	02/07/2012	2012-1/38	
	35925	R746-310-2	NSC	03/22/2012	Not Printed	

RULES INDEX

<u>electrologists</u>						
Commerce, Occupational and Professional Licensing	35853	R156-11a	5YR	02/06/2012	2012-5/101	
<u>electronic meetings</u>						
Administrative Services, Child Welfare Parental Defense (Office of)	35206	R19-1-7	AMD	01/12/2012	2011-18/7	
Administrative Services, Finance	35975	R25-20	NEW	05/22/2012	2012-8/5	
Examiners (Board of), Administration	35497	R320-101	NEW	02/10/2012	2011-24/10	
<u>electronic participation</u>						
Administrative Services, Archives	35304	R17-9	NEW	01/30/2012	2011-20/6	
<u>elevators</u>						
Labor Commission, Boiler and Elevator Safety	35962	R616-3-3	AMD	05/22/2012	2012-8/16	
<u>eligibility</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	36085	R414-307	5YR	04/17/2012	2012-10/91	
	35441	R414-308	AMD	02/06/2012	2011-23/70	
	35790	R414-308	AMD	04/01/2012	2012-4/14	
Human Services, Child and Family Services	35895	R512-1	5YR	02/23/2012	2012-6/38	
	35910	R512-2	5YR	03/05/2012	2012-7/68	
<u>eligibility and priority</u>						
Human Services, Public Guardian (Office of)	35759	R549-1	5YR	02/01/2012	2012-4/100	
<u>emergency medical services</u>						
Health, Family Health and Preparedness, Emergency Medical Services	36100	R426-5	5YR	04/26/2012	2012-10/92	
<u>emergency powers</u>						
Environmental Quality, Air Quality	36333	R307-105	5YR	06/06/2012	Not Printed	
<u>emergency vehicle operations range</u>						
Public Safety, Peace Officer Standards and Training	35568	R728-408	REP	05/14/2012	2012-2/102	
<u>emission controls</u>						
Environmental Quality, Air Quality	35780	R307-325	5YR	02/01/2012	2012-4/84	
	35785	R307-340	5YR	02/01/2012	2012-4/87	
	35786	R307-341	5YR	02/01/2012	2012-4/88	
<u>emission fees</u>						
Environmental Quality, Air Quality	36339	R307-415	5YR	06/06/2012	Not Printed	
	35529	R307-415-2	AMD	03/07/2012	2012-1/25	
<u>employee benefit plans</u>						
Human Resource Management, Administration	35826	R477-6	5YR	02/02/2012	2012-5/110	
<u>employee performance evaluations</u>						
Human Resource Management, Administration	35830	R477-10	5YR	02/03/2012	2012-5/113	
<u>employee productivity</u>						
Human Resource Management, Administration	35830	R477-10	5YR	02/03/2012	2012-5/113	
<u>employee recruitment</u>						
Workforce Services, Unemployment Insurance	36095	R994-402	5YR	04/25/2012	2012-10/98	
<u>employees' rights</u>						
Human Resource Management, Administration	35832	R477-12	5YR	02/03/2012	2012-5/114	
<u>employment</u>						
Human Resource Management, Administration	35824	R477-4	5YR	02/02/2012	2012-5/109	
	35825	R477-5	5YR	02/02/2012	2012-5/109	
<u>energy assistance</u>						
Community and Culture, Home Energy Assistance Target (HEAT)	36293	R195-2	EXT	05/31/2012	2012-12/95	

	36294	R195-3	EXT	05/31/2012	2012-12/95
	35405	R195-3-3	AMD	03/26/2012	2011-23/16
	36295	R195-4	EXT	05/31/2012	2012-12/95
	35406	R195-5	AMD	03/26/2012	2011-23/17
	36296	R195-5	EXT	05/31/2012	2012-12/96
	35407	R195-6	AMD	03/26/2012	2011-23/18
	36297	R195-6	EXT	05/31/2012	2012-12/96
	35408	R195-7	AMD	03/26/2012	2011-23/19
	36298	R195-7	EXT	05/31/2012	2012-12/96
	35409	R195-8	AMD	03/26/2012	2011-23/20
	36302	R195-8	EXT	05/31/2012	2012-12/96
<u>energy efficiency</u>					
Natural Resources, Geological Survey	35685	R638-3	EMR	02/01/2012	2012-3/97
<u>energy industries</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	35409	R195-8	AMD	03/26/2012	2011-23/20
	36302	R195-8	EXT	05/31/2012	2012-12/96
<u>energy utility</u>					
Public Service Commission, Administration	35924	R746-440	5YR	03/08/2012	2012-7/73
<u>enforcement</u>					
Commerce, Real Estate	36079	R162-2c	AMD	06/07/2012	2012-9/12
Natural Resources, Oil, Gas and Mining; Coal	36001	R645-403	NEW	05/23/2012	2012-8/58
<u>enrollment</u>					
Education, Administration	35936	R277-485	AMD	05/08/2012	2012-7/33
	36153	R277-612	5YR	05/07/2012	2012-11/179
<u>enterprise zones</u>					
Tax Commission, Auditing	35600	R865-9I	5YR	01/03/2012	2012-2/127
<u>environment</u>					
Tax Commission, Auditing	35603	R865-13G	5YR	01/03/2012	2012-2/131
<u>environmental analysis</u>					
Environmental Quality, Radiation Control	36277	R313-24	5YR	05/24/2012	2012-12/84
<u>environmental assessment</u>					
Natural Resources, Forestry, Fire and State Lands	36015	R652-90	5YR	04/02/2012	2012-8/88
<u>environmental health scientist</u>					
Commerce, Occupational and Professional Licensing	35430	R156-20a	AMD	01/10/2012	2011-23/10
<u>environmental health scientist-in-training</u>					
Commerce, Occupational and Professional Licensing	35430	R156-20a	AMD	01/10/2012	2011-23/10
<u>Equine Viral Arteritis (EVA)</u>					
Agriculture and Food, Animal Industry	35693	R58-23	5YR	01/18/2012	2012-4/61
<u>equipment</u>					
Environmental Quality, Air Quality	35775	R307-120	5YR	02/01/2012	2012-4/81
Environmental Quality, Water Quality	35726	R317-12	5YR	01/25/2012	2012-4/89
<u>essential facilities</u>					
Public Service Commission, Administration	35916	R746-349	5YR	03/06/2012	2012-7/71
<u>estheticians</u>					
Commerce, Occupational and Professional Licensing	35853	R156-11a	5YR	02/06/2012	2012-5/101
<u>evaluation cycles</u>					
Judicial Performance Evaluation Commission, Administration	35930	R597-3	EMR	03/15/2012	2012-7/57
	35934	R597-3	AMD	06/01/2012	2012-7/50

RULES INDEX

<u>ex-convicts</u>						
Human Services, Juvenile Justice Services	36227	R547-10	5YR	05/16/2012	2012-12/86	
<u>exceptional children</u>						
Education, Administration	35539	R277-751	AMD	02/07/2012	2012-1/18	
<u>executions</u>						
Corrections, Administration	35761	R251-107	EXD	01/18/2012	2012-4/123	
	35768	R251-107	EMR	02/01/2012	2012-4/47	
	35806	R251-107	NEW	04/09/2012	2012-5/13	
<u>expansion</u>						
Education, Administration	35453	R277-482	NEW	01/10/2012	2011-23/38	
<u>expelled</u>						
Education, Administration	36071	R277-483-4	AMD	06/07/2012	2012-9/36	
<u>expert witnesses</u>						
Attorney General, Administration	35904	R105-1	NEW	04/24/2012	2012-6/6	
<u>extended benefits</u>						
Workforce Services, Unemployment Insurance	36095	R994-402	5YR	04/25/2012	2012-10/98	
<u>extended school year</u>						
Education, Administration	35539	R277-751	AMD	02/07/2012	2012-1/18	
<u>extended-day</u>						
Education, Administration	36372	R277-489	5YR	06/15/2012	Not Printed	
<u>extinguishers</u>						
Public Safety, Fire Marshal	36198	R710-1	5YR	05/15/2012	2012-11/183	
<u>facilities</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	35596	R525-8	AMD	02/21/2012	2012-2/100	
<u>facilities use</u>						
Administrative Services, Facilities Construction and Management	36146	R23-19	5YR	05/03/2012	2012-11/177	
Capitol Preservation Board (State), Administration	35899	R131-3	EXT	02/29/2012	2012-6/43	
	36359	R131-3	5YR	06/13/2012	Not Printed	
<u>factory built housing</u>						
Commerce, Occupational and Professional Licensing	35735	R156-56	5YR	01/31/2012	2012-4/62	
<u>fair employment practices</u>						
Human Resource Management, Administration	35822	R477-2	5YR	02/02/2012	2012-5/108	
	35824	R477-4	5YR	02/02/2012	2012-5/109	
<u>falconry</u>						
Natural Resources, Wildlife Resources	35734	R657-20	AMD	04/02/2012	2012-4/25	
<u>family employment program</u>						
Workforce Services, Employment Development	35919	R986-200-214	AMD	05/22/2012	2012-7/54	
	35501	R986-200-247	AMD	02/01/2012	2011-24/78	
<u>federal law</u>						
Financial Institutions, Credit Unions	35700	R337-10	5YR	01/20/2012	2012-4/90	
<u>fees</u>						
Administrative Services, Finance	35663	R25-14	5YR	01/12/2012	2012-3/105	
Corrections, Administration	36312	R251-401	5YR	06/05/2012	Not Printed	
Environmental Quality, Air Quality	36338	R307-414	5YR	06/06/2012	Not Printed	
Environmental Quality, Environmental Response and Remediation	36047	R311-203	5YR	04/10/2012	2012-9/84	
Human Services, Child and Family Services	36044	R512-51	5YR	04/09/2012	2012-9/93	

<u>filing</u>						
Public Service Commission, Administration	35506	R746-800	REP	02/07/2012	2012-1/43	
<u>filing deadlines</u>						
Workforce Services, Unemployment Insurance	35448	R994-403-112c	AMD	01/17/2012	2011-23/98	
<u>filing fees</u>						
Natural Resources, Forestry, Fire and State Lands	36007	R652-4	5YR	04/02/2012	2012-8/83	
<u>filing requirements</u>						
Public Service Commission, Administration	36166	R746-420	5YR	05/10/2012	2012-11/183	
	35924	R746-440	5YR	03/08/2012	2012-7/73	
<u>financial disclosures</u>						
Community and Culture, Home Energy Assistance Target (HEAT)	36295	R195-4	EXT	05/31/2012	2012-12/95	
<u>financial institutions</u>						
Financial Institutions, Administration	35684	R331-7	AMD	03/09/2012	2012-3/46	
	36021	R331-22	EXT	04/02/2012	2012-8/91	
Financial Institutions, Credit Unions	35700	R337-10	5YR	01/20/2012	2012-4/90	
Financial Institutions, Nondepository Lenders	35628	R343-1	5YR	01/06/2012	2012-3/114	
<u>financial responsibility</u>						
Environmental Quality, Environmental Response and Remediation	36051	R311-207	5YR	04/10/2012	2012-9/87	
<u>financing of programs</u>						
Human Services, Substance Abuse and Mental Health	36310	R523-20	5YR	06/05/2012	Not Printed	
<u>fire prevention</u>						
Public Safety, Fire Marshal	36198	R710-1	5YR	05/15/2012	2012-11/183	
	36278	R710-4	5YR	05/24/2012	2012-12/89	
	36022	R710-4-3	AMD	05/22/2012	2012-8/60	
	35929	R710-8	5YR	03/13/2012	2012-7/71	
<u>fire prevention law</u>						
Public Safety, Fire Marshal	36343	R710-9	5YR	06/07/2012	Not Printed	
<u>fire prevention systems</u>						
Public Safety, Fire Marshal	36250	R710-7	5YR	05/21/2012	2012-12/89	
<u>fire training</u>						
Public Safety, Fire Marshal	36023	R710-10-5	AMD	05/22/2012	2012-8/62	
<u>firearms</u>						
Human Services, Juvenile Justice Services	36043	R547-14	5YR	04/09/2012	2012-9/93	
Public Safety, Peace Officer Standards and Training	35568	R728-408	REP	05/14/2012	2012-2/102	
<u>fireworks</u>						
Public Safety, Fire Marshal	35690	R710-2	AMD	03/09/2012	2012-3/73	
	36251	R710-2	5YR	05/21/2012	2012-12/87	
<u>fiscal</u>						
Natural Resources, Parks and Recreation	36225	R651-301	5YR	05/16/2012	2012-12/86	
<u>fish</u>						
Natural Resources, Wildlife Resources	35440	R657-13	AMD	01/10/2012	2011-23/75	
	35439	R657-58	AMD	01/10/2012	2011-23/79	
	35438	R657-59	AMD	01/10/2012	2011-23/80	
<u>fishing</u>						
Natural Resources, Wildlife Resources	35440	R657-13	AMD	01/10/2012	2011-23/75	
	36152	R657-30	5YR	05/04/2012	2012-11/182	
	35439	R657-58	AMD	01/10/2012	2011-23/79	

RULES INDEX

<u>fleet expansion</u>						
Administrative Services, Fleet Operations	35622	R27-4	5YR	01/05/2012	2012-3/105	
<u>food establishment registration</u>						
Agriculture and Food, Regulatory Services	35662	R70-560	5YR	01/12/2012	2012-3/111	
<u>food inspections</u>						
Agriculture and Food, Animal Industry	35866	R58-11	AMD	05/15/2012	2012-5/5	
	36144	R58-11	NSC	05/30/2012	Not Printed	
Agriculture and Food, Regulatory Services	35661	R70-320	5YR	01/12/2012	2012-3/109	
	35658	R70-350	5YR	01/12/2012	2012-3/109	
	35657	R70-360	5YR	01/12/2012	2012-3/110	
<u>food safety</u>						
Agriculture and Food, Regulatory Services	35920	R70-530	5YR	03/07/2012	2012-7/63	
	35662	R70-560	5YR	01/12/2012	2012-3/111	
<u>food services</u>						
Health, Disease Control and Prevention, Environmental Services	35715	R392-100	5YR	01/20/2012	2012-4/91	
	35445	R392-100	AMD	01/26/2012	2011-23/62	
<u>foreign exchange students</u>						
Education, Administration	36153	R277-612	5YR	05/07/2012	2012-11/179	
<u>forensic</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	35596	R525-8	AMD	02/21/2012	2012-2/100	
<u>forest practices</u>						
Natural Resources, Forestry, Fire and State Lands	35698	R652-140	5YR	01/19/2012	2012-4/108	
<u>foster care</u>						
Human Services, Child and Family Services	35910	R512-2	5YR	03/05/2012	2012-7/68	
	35911	R512-31	5YR	03/05/2012	2012-7/68	
	35912	R512-32	5YR	03/05/2012	2012-7/69	
	36044	R512-51	5YR	04/09/2012	2012-9/93	
<u>franchises</u>						
Commerce, Administration	36329	R151-35	5YR	06/05/2012	Not Printed	
Commerce, Consumer Protection	35965	R152-15	5YR	03/22/2012	2012-8/71	
Tax Commission, Auditing	35599	R865-6F	5YR	01/03/2012	2012-2/126	
<u>free speech</u>						
Administrative Services, Facilities Construction and Management	36148	R23-20	5YR	05/03/2012	2012-11/178	
<u>free speech activities</u>						
Capitol Preservation Board (State), Administration	35688	R131-11	5YR	01/17/2012	2012-3/112	
<u>freedom of information</u>						
Natural Resources, Parks and Recreation	36060	R651-102	5YR	04/11/2012	2012-9/98	
Natural Resources, Wildlife Resources	36131	R657-29	5YR	05/01/2012	2012-10/95	
<u>fuel</u>						
Tax Commission, Auditing	35598	R865-4D	5YR	01/03/2012	2012-2/125	
<u>fuel dispensing</u>						
Administrative Services, Fleet Operations	35620	R27-6	5YR	01/05/2012	2012-3/106	
<u>functional classification</u>						
Transportation, Program Development	35959	R926-4	5YR	03/20/2012	2012-8/90	
	35960	R926-4	NSC	04/11/2012	Not Printed	
<u>game birds</u>						
Natural Resources, Wildlife Resources	36150	R657-22	5YR	05/04/2012	2012-11/182	

<u>game laws</u>						
Natural Resources, Wildlife Resources	36280	R657-4	5YR	05/29/2012	2012-12/87	
	35520	R657-5	AMD	02/07/2012	2012-1/29	
	35209	R657-17	AMD	01/10/2012	2011-18/63	
	35733	R657-33	AMD	04/02/2012	2012-4/32	
<u>gasoline</u>						
Environmental Quality, Air Quality	35778	R307-301	5YR	02/01/2012	2012-4/83	
	35781	R307-326	5YR	02/01/2012	2012-4/85	
	35782	R307-327	5YR	02/01/2012	2012-4/86	
Tax Commission, Auditing	35603	R865-13G	5YR	01/03/2012	2012-2/131	
<u>gasoline transport</u>						
Environmental Quality, Air Quality	35783	R307-328	5YR	02/01/2012	2012-4/86	
<u>geology</u>						
Commerce, Occupational and Professional Licensing	35894	R156-76	5YR	02/21/2012	2012-6/37	
<u>geothermal resources</u>						
Natural Resources, Water Rights	36376	R655-1	5YR	06/15/2012	Not Printed	
<u>government documents</u>						
Community and Culture, Home Energy Assistance Target (HEAT)	35408	R195-7	AMD	03/26/2012	2011-23/19	
	36298	R195-7	EXT	05/31/2012	2012-12/96	
Environmental Quality, Administration	35928	R305-1	5YR	03/13/2012	2012-7/65	
Health, Administration	36025	R380-20	5YR	04/03/2012	2012-9/92	
Human Services, Administration	35689	R495-810	5YR	01/17/2012	2012-3/115	
Natural Resources, Forestry, Fire and State Lands	36018	R652-6	5YR	04/02/2012	2012-8/84	
Natural Resources, Parks and Recreation	36060	R651-102	5YR	04/11/2012	2012-9/98	
Natural Resources, Wildlife Resources	36131	R657-29	5YR	05/01/2012	2012-10/95	
Transportation, Administration	35672	R907-69	NEW	03/12/2012	2012-3/81	
<u>government ethics</u>						
Human Resource Management, Administration	35829	R477-9	5YR	02/02/2012	2012-5/112	
<u>government hearings</u>						
Agriculture and Food, Administration	35614	R51-2	5YR	01/04/2012	2012-3/107	
Commerce, Consumer Protection	35974	R152-6	5YR	03/26/2012	2012-8/71	
Human Resource Management, Administration	35831	R477-11	5YR	02/03/2012	2012-5/114	
Pardons (Board Of), Administration	35739	R671-205	5YR	01/31/2012	2012-4/111	
	35744	R671-304	5YR	01/31/2012	2012-4/113	
	35745	R671-305	5YR	01/31/2012	2012-4/114	
	35551	R671-305	AMD	03/26/2012	2012-2/101	
Public Service Commission, Administration	35508	R746-100	AMD	02/07/2012	2012-1/30	
	35900	R746-100	AMD	05/07/2012	2012-6/24	
<u>government paperwork</u>						
Transportation, Administration	35670	R907-60	REP	03/12/2012	2012-3/80	
<u>government purchasing</u>						
Administrative Services, Purchasing and General Services	35664	R33-1	AMD	03/30/2012	2012-3/4	
	35613	R33-3	AMD	03/30/2012	2012-2/6	
	35667	R33-3-7	AMD	03/30/2012	2012-3/6	
	35665	R33-4	AMD	03/30/2012	2012-3/10	
	35666	R33-6-101	AMD	03/30/2012	2012-3/12	
School and Institutional Trust Lands, Administration	36088	R850-11	5YR	04/24/2012	2012-10/95	
<u>governmental immunity act caps</u>						
Administrative Services, Risk Management	36289	R37-4	5YR	05/30/2012	2012-12/83	
	35844	R37-4	AMD	05/31/2012	2012-5/4	
<u>governor</u>						
Environmental Quality, Air Quality	36333	R307-105	5YR	06/06/2012	Not Printed	

RULES INDEX

<u>grading system</u>						
Education, Administration	35875	R277-497	NEW	04/10/2012	2012-5/24	
<u>graduation requirements</u>						
Education, Administration	35537	R277-703	AMD	02/07/2012	2012-1/14	
<u>GRAMA</u>						
Environmental Quality, Administration	35928	R305-1	5YR	03/13/2012	2012-7/65	
Health, Administration	36025	R380-20	5YR	04/03/2012	2012-9/92	
Natural Resources, Forestry, Fire and State Lands	36018	R652-6	5YR	04/02/2012	2012-8/84	
Transportation, Administration	35672	R907-69	NEW	03/12/2012	2012-3/81	
<u>GRAMA compliance</u>						
Human Services, Recovery Services	35631	R527-5	5YR	01/06/2012	2012-3/116	
<u>grants</u>						
Education, Administration	35671	R277-511	5YR	01/17/2012	2012-3/113	
	35678	R277-511	REP	03/12/2012	2012-3/28	
Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	35800	R643-886	5YR	02/01/2012	2012-4/105	
<u>greenhouse gases</u>						
Environmental Quality, Air Quality	36334	R307-401	5YR	06/06/2012	Not Printed	
	36154	R307-401-11	NSC	05/30/2012	Not Printed	
	35413	R307-405	AMD	02/02/2012	2011-23/42	
	35872	R307-405-3	NSC	02/29/2012	Not Printed	
	36339	R307-415	5YR	06/06/2012	Not Printed	
	35529	R307-415-2	AMD	03/07/2012	2012-1/25	
<u>grievance procedures</u>						
Career Service Review Office, Administration	35559	R137-1-21	AMD	02/21/2012	2012-2/26	
Health, Administration	36099	R380-100	5YR	04/26/2012	2012-10/90	
Human Services, Administration	35717	R495-878	5YR	01/23/2012	2012-4/99	
Tax Commission, Administration	35595	R861-1A	5YR	01/03/2012	2012-2/122	
	35862	R861-1A-9	AMD	04/12/2012	2012-5/93	
	36061	R861-1A-16	AMD	06/14/2012	2012-9/65	
<u>grievances</u>						
Commerce, Administration	35897	R151-3	5YR	02/28/2012	2012-6/35	
Human Resource Management, Administration	35823	R477-3	5YR	02/02/2012	2012-5/108	
	35831	R477-11	5YR	02/03/2012	2012-5/114	
	35832	R477-12	5YR	02/03/2012	2012-5/114	
<u>guardianship</u>						
Human Services, Public Guardian (Office of)	35759	R549-1	5YR	02/01/2012	2012-4/100	
<u>halfway houses</u>						
Corrections, Administration	35755	R251-306	EXT	01/31/2012	2012-4/121	
	36040	R251-306	5YR	04/06/2012	2012-9/77	
<u>Hatch Act</u>						
Human Resource Management, Administration	35829	R477-9	5YR	02/02/2012	2012-5/112	
<u>hazardous air pollutant</u>						
Environmental Quality, Air Quality	35922	R307-214	AMD	06/07/2012	2012-7/42	
	36337	R307-410	5YR	06/06/2012	Not Printed	
<u>hazardous materials transportation</u>						
Transportation, Motor Carrier	35426	R909-75	AMD	01/10/2012	2011-23/96	
<u>hazardous pollutant</u>						
Environmental Quality, Air Quality	35777	R307-135	5YR	02/01/2012	2012-4/82	
<u>hazardous substance priority list</u>						
Environmental Quality, Environmental Response and Remediation	36030	R311-401	5YR	04/04/2012	2012-9/91	

hazardous substances

Environmental Quality, Environmental Response and Remediation	35447	R311-201	AMD	01/13/2012	2011-23/45
	36045	R311-201	5YR	04/10/2012	2012-9/82
	36046	R311-202	5YR	04/10/2012	2012-9/84
	36047	R311-203	5YR	04/10/2012	2012-9/84
	36048	R311-204	5YR	04/10/2012	2012-9/85
	36050	R311-206	5YR	04/10/2012	2012-9/86
	36056	R311-212	5YR	04/10/2012	2012-9/90
	36030	R311-401	5YR	04/04/2012	2012-9/91
Transportation, Motor Carrier	35426	R909-75	AMD	01/10/2012	2011-23/96

hazardous waste

Environmental Quality, Solid and Hazardous Waste	35349	R315-1	AMD	01/13/2012	2011-21/27
	35350	R315-2	AMD	01/13/2012	2011-21/30
	35351	R315-3	AMD	01/13/2012	2011-21/38
	35352	R315-5	AMD	01/13/2012	2011-21/53
	35353	R315-6	AMD	01/13/2012	2011-21/57
	35354	R315-7	AMD	01/13/2012	2011-21/60
	35355	R315-8	AMD	01/13/2012	2011-21/67
	35356	R315-13	AMD	01/13/2012	2011-21/75
	35357	R315-14-8	AMD	01/13/2012	2011-21/76
	35867	R315-16	AMD	04/17/2012	2012-5/62
	35358	R315-50-9	AMD	01/13/2012	2011-21/77
Transportation, Motor Carrier	35426	R909-75	AMD	01/10/2012	2011-23/96

health

Governor, Planning and Budget, Inspector General of Medicaid Services (Office of)	35879	R367-1	NEW	04/23/2012	2012-5/74
	35973	R367-1-7	NSC	04/23/2012	Not Printed
	35958	R367-1-15	AMD	05/23/2012	2012-8/6
Health, Center for Health Data, Health Care Statistics	35868	R428-2	AMD	04/26/2012	2012-5/80
	35870	R428-10	AMD	05/31/2012	2012-5/85
	35492	R428-20	REP	01/24/2012	2011-24/20

health administration

Health, Administration	36098	R380-10	5YR	04/26/2012	2012-10/89
------------------------	-------	---------	-----	------------	------------

health benefit plan insurance

Insurance, Administration	35918	R590-261-11	NSC	03/22/2012	Not Printed
---------------------------	-------	-------------	-----	------------	-------------

health care facilities

Health, Family Health and Preparedness, Licensing	35459	R432-4	AMD	02/21/2012	2011-24/21
	35649	R432-4-8	NSC	02/21/2012	Not Printed
	35460	R432-5	AMD	02/21/2012	2011-24/28
	35461	R432-6	AMD	02/21/2012	2011-24/33
	35462	R432-7	AMD	02/21/2012	2011-24/38
	35463	R432-8	AMD	02/21/2012	2011-24/40
	35464	R432-9	AMD	02/21/2012	2011-24/43
	35465	R432-10	AMD	02/21/2012	2011-24/46
	35466	R432-11	AMD	02/21/2012	2011-24/50
	35467	R432-12	AMD	02/21/2012	2011-24/53
	35468	R432-13	AMD	02/21/2012	2011-24/57
	35469	R432-14	AMD	02/21/2012	2011-24/59
	35470	R432-16	AMD	02/21/2012	2011-24/61
	35977	R432-40	5YR	03/28/2012	2012-8/77
	35500	R432-100	AMD	02/08/2012	2011-24/67
	35471	R432-100	AMD	02/21/2012	2011-24/65
	35978	R432-150	5YR	03/28/2012	2012-8/77
	35979	R432-151	5YR	03/28/2012	2012-8/78
	35980	R432-152	5YR	03/28/2012	2012-8/78
	35981	R432-200	5YR	03/28/2012	2012-8/79
	35982	R432-201	5YR	03/28/2012	2012-8/79
	35499	R432-270-6	AMD	02/08/2012	2011-24/73
	35983	R432-300	5YR	03/28/2012	2012-8/80
	35472	R432-650	AMD	02/21/2012	2011-24/74
	35652	R432-650	AMD	03/28/2012	2012-3/63

RULES INDEX

	35984	R432-650	5YR	03/28/2012	2012-8/80
	35985	R432-700	5YR	03/28/2012	2012-8/81
	35986	R432-750	5YR	03/28/2012	2012-8/81
	35987	R432-950	5YR	03/28/2012	2012-8/82
<u>health care professionals</u>					
Public Safety, Driver License	35632	R708-7	5YR	01/09/2012	2012-3/122
<u>health care quality</u>					
Health, Center for Health Data, Health Care Statistics	35616	R428-15	AMD	03/16/2012	2012-3/51
<u>health claims insurance reporting</u>					
Health, Center for Health Data, Health Care Statistics	35616	R428-15	AMD	03/16/2012	2012-3/51
<u>health insurance</u>					
Capitol Preservation Board (State), Administration	35611	R131-13	EMR	01/03/2012	2012-2/105
	35610	R131-13	AMD	02/21/2012	2012-2/24
Human Services, Recovery Services	35619	R527-201	AMD	03/27/2012	2012-3/70
<u>health insurance claims reporting</u>					
Insurance, Administration	35201	R590-262	NEW	03/07/2012	2011-18/41
	35201	R590-262	CPR	03/07/2012	2011-24/84
<u>health insurance exemptions</u>					
Insurance, Administration	36031	R590-239	5YR	04/04/2012	2012-9/97
	36344	R590-240	5YR	06/07/2012	Not Printed
<u>health planning</u>					
Health, Center for Health Data, Health Care Statistics	35868	R428-2	AMD	04/26/2012	2012-5/80
	35870	R428-10	AMD	05/31/2012	2012-5/85
	35492	R428-20	REP	01/24/2012	2011-24/20
<u>health policy</u>					
Health, Center for Health Data, Health Care Statistics	35868	R428-2	AMD	04/26/2012	2012-5/80
	35492	R428-20	REP	01/24/2012	2011-24/20
<u>health spas</u>					
Commerce, Consumer Protection	35971	R152-23	5YR	03/22/2012	2012-8/73
<u>hearings</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	35403	R195-1	AMD	03/26/2012	2011-23/12
Environmental Quality, Environmental Response and Remediation	36054	R311-210	5YR	04/10/2012	2012-9/89
Environmental Quality, Radiation Control	35416	R313-17	AMD	03/19/2012	2011-23/50
<u>HEAT</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	36293	R195-2	EXT	05/31/2012	2012-12/95
<u>highly qualified</u>					
Education, Administration	35671	R277-511	5YR	01/17/2012	2012-3/113
	35678	R277-511	REP	03/12/2012	2012-3/28
<u>highways</u>					
Transportation, Preconstruction	35516	R930-3	AMD	02/07/2012	2012-1/57
<u>hiring practices</u>					
Human Resource Management, Administration	35824	R477-4	5YR	02/02/2012	2012-5/109
<u>historic preservation</u>					
Tax Commission, Auditing	35599	R865-6F	5YR	01/03/2012	2012-2/126
	35600	R865-9I	5YR	01/03/2012	2012-2/127
<u>holidays</u>					
Human Resource Management, Administration	35827	R477-7	5YR	02/02/2012	2012-5/111

<u>honey</u>						
Agriculture and Food, Plant Industry	35566	R68-21	REP	03/07/2012	2012-2/16	
<u>hospital policy</u>						
Health, Center for Health Data, Health Care Statistics	35870	R428-10	AMD	05/31/2012	2012-5/85	
<u>hospitals</u>						
Environmental Quality, Air Quality	35530	R307-222	AMD	03/07/2012	2012-1/22	
	36026	R307-222-1	NSC	04/25/2012	Not Printed	
<u>hostile work environment</u>						
Human Resource Management, Administration	35835	R477-15	5YR	02/03/2012	2012-5/115	
<u>hotels</u>						
Health, Disease Control and Prevention, Environmental Services	36017	R392-502	5YR	04/02/2012	2012-8/75	
<u>hours of business</u>						
Labor Commission, Administration	35446	R600-3-1	NSC	02/01/2012	Not Printed	
<u>hunting</u>						
Natural Resources, Wildlife Resources	35211	R657-38	AMD	01/10/2012	2011-18/65	
<u>hunting and fishing licenses</u>						
Natural Resources, Wildlife Resources	35209	R657-17	AMD	01/10/2012	2011-18/63	
<u>implements of husbandry</u>						
Transportation, Motor Carrier	35425	R909-1	AMD	01/10/2012	2011-23/90	
	35873	R909-1	AMD	04/11/2012	2012-5/99	
<u>import requirements</u>						
Agriculture and Food, Animal Industry	35691	R58-1	5YR	01/18/2012	2012-4/59	
<u>imputation</u>						
Public Service Commission, Administration	35916	R746-349	5YR	03/06/2012	2012-7/71	
<u>incapacitated</u>						
Human Services, Public Guardian (Office of)	35759	R549-1	5YR	02/01/2012	2012-4/100	
<u>incinerators</u>						
Environmental Quality, Air Quality	35531	R307-220-3	AMD	03/07/2012	2012-1/21	
<u>income</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	35789	R414-303	AMD	04/01/2012	2012-4/12	
<u>income eligibility</u>						
Community and Culture, Home Energy Assistance Target (HEAT)	36294	R195-3	EXT	05/31/2012	2012-12/95	
	35405	R195-3-3	AMD	03/26/2012	2011-23/16	
<u>income tax</u>						
Tax Commission, Auditing	35600	R865-9I	5YR	01/03/2012	2012-2/127	
<u>independent foster care adolescent</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	35789	R414-303	AMD	04/01/2012	2012-4/12	
<u>Indigent Defense Funds board</u>						
Administrative Services, Finance	35975	R25-20	NEW	05/22/2012	2012-8/5	
<u>indoor air pollution</u>						
Health, Disease Control and Prevention, Environmental Services	36019	R392-510	5YR	04/02/2012	2012-8/75	
<u>industry</u>						
Environmental Quality, Radiation Control	35906	R313-35	5YR	03/02/2012	2012-7/65	

RULES INDEX

	35418	R313-36	AMD	01/16/2012	2011-23/54
<u>infants</u>					
Health, Family Health and Preparedness, WIC Services	35812	R406-100	5YR	02/02/2012	2012-5/104
	35813	R406-200	5YR	02/02/2012	2012-5/105
	35814	R406-201	5YR	02/02/2012	2012-5/105
	35815	R406-202	5YR	02/02/2012	2012-5/106
	35816	R406-301	5YR	02/02/2012	2012-5/106
<u>infectious waste</u>					
Environmental Quality, Air Quality	35530	R307-222	AMD	03/07/2012	2012-1/22
	36026	R307-222-1	NSC	04/25/2012	Not Printed
<u>informal procedures</u>					
Community and Culture, Library	36328	R223-1	5YR	06/05/2012	Not Printed
<u>inmate visiting</u>					
Corrections, Administration	35766	R251-706	EXD	01/18/2012	2012-4/124
	35773	R251-706	EMR	02/01/2012	2012-4/56
	35811	R251-706	NEW	04/09/2012	2012-5/22
<u>inmates</u>					
Corrections, Administration	35766	R251-706	EXD	01/18/2012	2012-4/124
	35773	R251-706	EMR	02/01/2012	2012-4/56
	35811	R251-706	NEW	04/09/2012	2012-5/22
Pardons (Board Of), Administration	35732	R671-201	5YR	01/26/2012	2012-4/109
	35737	R671-202	5YR	01/31/2012	2012-4/110
	35741	R671-301	5YR	01/31/2012	2012-4/112
	35743	R671-303	5YR	01/31/2012	2012-4/113
	35746	R671-308	5YR	01/31/2012	2012-4/114
	35747	R671-309	5YR	01/31/2012	2012-4/115
	35748	R671-310	5YR	01/31/2012	2012-4/115
	35749	R671-311	5YR	01/31/2012	2012-4/116
	35751	R671-316	5YR	01/31/2012	2012-4/117
<u>inmates' rights</u>					
Pardons (Board Of), Administration	35743	R671-303	5YR	01/31/2012	2012-4/113
<u>inspections</u>					
Agriculture and Food, Animal Industry	35695	R58-18	5YR	01/18/2012	2012-4/60
	35694	R58-22	5YR	01/18/2012	2012-4/61
	35693	R58-23	5YR	01/18/2012	2012-4/61
Agriculture and Food, Regulatory Services	35920	R70-530	5YR	03/07/2012	2012-7/63
	35662	R70-560	5YR	01/12/2012	2012-3/111
Transportation, Motor Carrier	35428	R909-17	REP	01/10/2012	2011-23/94
<u>Inspector General</u>					
Governor, Planning and Budget, Inspector General of Medicaid Services (Office of)	35879	R367-1	NEW	04/23/2012	2012-5/74
	35973	R367-1-7	NSC	04/23/2012	Not Printed
	35958	R367-1-15	AMD	05/23/2012	2012-8/6
<u>insurance</u>					
Human Resource Management, Administration	35826	R477-6	5YR	02/02/2012	2012-5/110
Insurance, Administration	35644	R590-114	5YR	01/10/2012	2012-3/117
	36036	R590-146	5YR	04/05/2012	2012-9/96
	35647	R590-147	5YR	01/10/2012	2012-3/119
	36035	R590-203	5YR	04/05/2012	2012-9/96
	35699	R590-230	AMD	03/26/2012	2012-4/21
<u>insurance companies</u>					
Insurance, Administration	36032	R590-108	5YR	04/04/2012	2012-9/95
	35850	R590-116	5YR	02/06/2012	2012-5/116
	35851	R590-117	5YR	02/06/2012	2012-5/116
	35645	R590-150	5YR	01/10/2012	2012-3/120

<u>insurance continuing education</u>					
Insurance, Administration	35642	R590-142	5YR	01/10/2012	2012-3/118
	35543	R590-142	AMD	02/08/2012	2012-1/26
<u>insurance fees</u>					
Insurance, Administration	35725	R590-102-1	NSC	02/09/2012	Not Printed
<u>insurance health benefit plans</u>					
Insurance, Administration	35483	R590-263-3	AMD	01/25/2012	2011-24/76
<u>insurance law</u>					
Insurance, Administration	36037	R590-68	5YR	04/05/2012	2012-9/94
	35643	R590-70	5YR	01/10/2012	2012-3/116
	36034	R590-85	5YR	04/05/2012	2012-9/94
	35641	R590-95	5YR	01/10/2012	2012-3/117
	35646	R590-143	5YR	01/10/2012	2012-3/118
Insurance, Title and Escrow Commission	35648	R592-14	5YR	01/10/2012	2012-3/120
<u>insurance rule</u>					
Insurance, Administration	36059	R590-120	5YR	04/11/2012	2012-9/95
<u>interconnection</u>					
Public Service Commission, Administration	35651	R746-348	5YR	01/11/2012	2012-3/126
	35927	R746-365	NSC	03/22/2012	Not Printed
<u>intern program</u>					
Education, Administration	35819	R277-915	5YR	02/02/2012	2012-5/104
	35683	R277-915	AMD	03/12/2012	2012-3/39
<u>internet facilitators</u>					
Commerce, Occupational and Professional Licensing	35585	R156-83-502	AMD	02/21/2012	2012-2/28
<u>interstate compacts</u>					
Workforce Services, Unemployment Insurance	36092	R994-106	5YR	04/25/2012	2012-10/96
<u>interstate shellfish safety</u>					
Agriculture and Food, Regulatory Services	35659	R70-550	5YR	01/12/2012	2012-3/110
<u>intrastate driver license waivers</u>					
Public Safety, Driver License	35634	R708-34	5YR	01/09/2012	2012-3/124
	35635	R708-34	NSC	01/31/2012	Not Printed
<u>job creation</u>					
Governor, Economic Development	36066	R357-1	5YR	04/13/2012	2012-9/92
<u>job descriptions</u>					
Human Resource Management, Administration	35823	R477-3	5YR	02/02/2012	2012-5/108
<u>judges</u>					
Judicial Performance Evaluation Commission, Administration	35930	R597-3	EMR	03/15/2012	2012-7/57
	35934	R597-3	AMD	06/01/2012	2012-7/50
<u>judicial performance evaluations</u>					
Judicial Performance Evaluation Commission, Administration	35930	R597-3	EMR	03/15/2012	2012-7/57
	35934	R597-3	AMD	06/01/2012	2012-7/50
<u>juvenile corrections</u>					
Human Services, Juvenile Justice Services	36136	R547-1	5YR	05/01/2012	2012-10/92
	36137	R547-3	5YR	05/01/2012	2012-10/93
	36226	R547-6	5YR	05/16/2012	2012-12/85
	36140	R547-7	5YR	05/01/2012	2012-10/93
	36227	R547-10	5YR	05/16/2012	2012-12/86
	36138	R547-12	5YR	05/01/2012	2012-10/94
	36139	R547-13	5YR	05/01/2012	2012-10/94

RULES INDEX

<u>juvenile detention</u>						
Human Services, Juvenile Justice Services	36139	R547-13	5YR	05/01/2012	2012-10/94	
<u>juvenile offenders</u>						
Education, Administration	35681	R277-714	AMD	03/12/2012	2012-3/36	
<u>K-9 training</u>						
Public Safety, Peace Officer Standards and Training	36245	R728-505	5YR	05/17/2012	2012-12/90	
<u>kindergarten</u>						
Education, Administration	36372	R277-489	5YR	06/15/2012	Not Printed	
<u>labor</u>						
Labor Commission, Antidiscrimination and Labor, Labor	35833	R610-3-21	AMD	04/16/2012	2012-5/88	
<u>labor commission</u>						
Labor Commission, Administration	35446	R600-3-1	NSC	02/01/2012	Not Printed	
<u>land exchanges</u>						
School and Institutional Trust Lands, Administration	35655	R850-90	5YR	01/12/2012	2012-3/126	
<u>land use</u>						
Natural Resources, Forestry, Fire and State Lands	36015	R652-90	5YR	04/02/2012	2012-8/88	
School and Institutional Trust Lands, Administration	35656	R850-120	5YR	01/12/2012	2012-3/127	
<u>landfills</u>						
Environmental Quality, Air Quality	35531	R307-220-3	AMD	03/07/2012	2012-1/21	
<u>landowner permits</u>						
Natural Resources, Wildlife Resources	35210	R657-43	AMD	01/10/2012	2011-18/71	
	35909	R657-43	5YR	03/05/2012	2012-7/70	
<u>law enforcement officers</u>						
Public Safety, Peace Officer Standards and Training	35568	R728-408	REP	05/14/2012	2012-2/102	
<u>lead-based paint</u>						
Environmental Quality, Air Quality	35857	R307-840	AMD	05/03/2012	2012-5/33	
	36161	R307-840-1	NSC	05/30/2012	Not Printed	
	35858	R307-841	AMD	05/03/2012	2012-5/39	
	36162	R307-841	NSC	05/30/2012	Not Printed	
	35859	R307-842	AMD	05/03/2012	2012-5/47	
	36163	R307-842	NSC	05/30/2012	Not Printed	
<u>lead-based paint abatement</u>						
Environmental Quality, Air Quality	35859	R307-842	AMD	05/03/2012	2012-5/47	
	36163	R307-842	NSC	05/30/2012	Not Printed	
<u>lead-based paint renovation</u>						
Environmental Quality, Air Quality	35858	R307-841	AMD	05/03/2012	2012-5/39	
	36162	R307-841	NSC	05/30/2012	Not Printed	
<u>leafletting</u>						
Capitol Preservation Board (State), Administration	35687	R131-10	5YR	01/17/2012	2012-3/111	
	35688	R131-11	5YR	01/17/2012	2012-3/112	
<u>leases</u>						
Financial Institutions, Administration	35684	R331-7	AMD	03/09/2012	2012-3/46	
Natural Resources, Forestry, Fire and State Lands	36010	R652-30	5YR	04/02/2012	2012-8/85	
<u>leave benefits</u>						
Human Resource Management, Administration	35827	R477-7	5YR	02/02/2012	2012-5/111	
<u>legal aid</u>						
Corrections, Administration	35756	R251-707	EXT	01/31/2012	2012-4/121	
	36041	R251-707	5YR	04/06/2012	2012-9/78	

<u>legislative procedures</u>						
Public Safety, Driver License	35633	R708-8	5YR	01/09/2012	2012-3/123	
<u>libraries</u>						
Education, Administration	36365	R277-467	5YR	06/15/2012	Not Printed	
<u>library</u>						
Community and Culture, Library	36328	R223-1	5YR	06/05/2012	Not Printed	
<u>license</u>						
Education, Administration	35876	R277-521	REP	04/10/2012	2012-5/26	
<u>license plates</u>						
Tax Commission, Motor Vehicle	35608	R873-22M	5YR	01/03/2012	2012-2/138	
<u>licenses</u>						
Education, Administration	35680	R277-520	AMD	03/12/2012	2012-3/32	
	36074	R277-520-6	AMD	06/07/2012	2012-9/43	
<u>licensing</u>						
Commerce, Occupational and Professional Licensing	35624	R156-1	5YR	01/05/2012	2012-3/112	
	36077	R156-1	AMD	06/07/2012	2012-9/8	
	35893	R156-16a	5YR	02/21/2012	2012-6/35	
	35430	R156-20a	AMD	01/10/2012	2011-23/10	
	35892	R156-37	5YR	02/21/2012	2012-6/36	
	36132	R156-47b	5YR	05/01/2012	2012-10/87	
	35498	R156-47b-102	AMD	01/26/2012	2011-24/6	
	35860	R156-55d	5YR	02/07/2012	2012-5/102	
	36191	R156-55d	NSC	05/30/2012	Not Printed	
	35735	R156-56	5YR	01/31/2012	2012-4/62	
	36192	R156-63b-102	NSC	05/30/2012	Not Printed	
	35736	R156-64	5YR	01/31/2012	2012-4/64	
	35389	R156-67-503	AMD	03/09/2012	2011-22/14	
	35389	R156-67-503	CPR	03/09/2012	2012-3/86	
	35388	R156-68-503	AMD	03/09/2012	2011-22/19	
	35388	R156-68-503	CPR	03/09/2012	2012-3/90	
	35894	R156-76	5YR	02/21/2012	2012-6/37	
	35585	R156-83-502	AMD	02/21/2012	2012-2/28	
Commerce, Real Estate	36079	R162-2c	AMD	06/07/2012	2012-9/12	
Environmental Quality, Radiation Control	35418	R313-36	AMD	01/16/2012	2011-23/54	
Governor, Economic Development, Pete Suazo Utah Athletic Commission	36002	R359-1	5YR	03/30/2012	2012-8/74	
Human Services, Juvenile Justice Services	36136	R547-1	5YR	05/01/2012	2012-10/92	
	36140	R547-7	5YR	05/01/2012	2012-10/93	
Natural Resources, Wildlife Resources	36003	R657-27	5YR	04/02/2012	2012-8/89	
	36152	R657-30	5YR	05/04/2012	2012-11/182	
Public Safety, Driver License	35629	R708-10	EMR	01/07/2012	2012-3/101	
	36330	R708-10	EMR	06/06/2012	Not Printed	
	35704	R708-25	5YR	01/20/2012	2012-4/119	
Technology Services, Administration	35989	R895-3	EXT	03/29/2012	2012-8/91	
<u>licensure</u>						
Education, Administration	35673	R277-512	5YR	01/17/2012	2012-3/114	
<u>Life with Dignity Order</u>						
Health, Family Health and Preparedness, Licensing	35976	R432-31	5YR	03/28/2012	2012-8/76	
<u>limitation on judgments</u>						
Administrative Services, Risk Management	36289	R37-4	5YR	05/30/2012	2012-12/83	
	35844	R37-4	AMD	05/31/2012	2012-5/4	
<u>litigation support</u>						
Attorney General, Administration	35904	R105-1	NEW	04/24/2012	2012-6/6	
<u>litter</u>						
Transportation, Operations, Maintenance	35669	R918-4	AMD	03/12/2012	2012-3/82	

RULES INDEX

<u>livestock</u>						
Agriculture and Food, Animal Industry	35866	R58-11	AMD	05/15/2012	2012-5/5	
	36144	R58-11	NSC	05/30/2012	Not Printed	
<u>loan origination</u>						
Commerce, Real Estate	36079	R162-2c	AMD	06/07/2012	2012-9/12	
<u>loans</u>						
Natural Resources, Geological Survey	35685	R638-3	EMR	02/01/2012	2012-3/97	
<u>MACT</u>						
Environmental Quality, Air Quality	35922	R307-214	AMD	06/07/2012	2012-7/42	
<u>mammography</u>						
Health, Family Health and Preparedness, Licensing	35987	R432-950	5YR	03/28/2012	2012-8/82	
<u>management</u>						
Natural Resources, Forestry, Fire and State Lands	36011	R652-40	5YR	04/02/2012	2012-8/86	
	36015	R652-90	5YR	04/02/2012	2012-8/88	
School and Institutional Trust Lands, Administration	35542	R850-41	NEW	02/07/2012	2012-1/44	
<u>Marda Dillree Corridor Preservation Fund</u>						
Transportation, Program Development	36179	R926-6	NSC	05/30/2012	Not Printed	
<u>marketing</u>						
Commerce, Consumer Protection	35965	R152-15	5YR	03/22/2012	2012-8/71	
<u>massage apprentice</u>						
Commerce, Occupational and Professional Licensing	36132	R156-47b	5YR	05/01/2012	2012-10/87	
	35498	R156-47b-102	AMD	01/26/2012	2011-24/6	
<u>massage therapist</u>						
Commerce, Occupational and Professional Licensing	36132	R156-47b	5YR	05/01/2012	2012-10/87	
	35498	R156-47b-102	AMD	01/26/2012	2011-24/6	
<u>massage therapy</u>						
Commerce, Occupational and Professional Licensing	36132	R156-47b	5YR	05/01/2012	2012-10/87	
	35498	R156-47b-102	AMD	01/26/2012	2011-24/6	
<u>materials handling</u>						
Natural Resources, Forestry, Fire and State Lands	36016	R652-100	5YR	04/02/2012	2012-8/88	
<u>media</u>						
Corrections, Administration	35760	R251-106	EXD	01/18/2012	2012-4/123	
	35767	R251-106	EMR	02/01/2012	2012-4/45	
	35805	R251-106	NEW	04/09/2012	2012-5/11	
<u>Medicaid</u>						
Health, Health Care Financing	35901	R410-14	AMD	04/27/2012	2012-6/16	
Health, Health Care Financing, Coverage and Reimbursement Policy	35907	R414-1	5YR	03/02/2012	2012-7/66	
	35902	R414-1-2	AMD	04/27/2012	2012-6/21	
	35584	R414-1-5	AMD	02/21/2012	2012-2/33	
	35994	R414-1-5	AMD	05/24/2012	2012-8/9	
	36128	R414-1A	5YR	04/30/2012	2012-10/90	
	35390	R414-2A	AMD	01/11/2012	2011-22/30	
	35719	R414-7C	5YR	01/24/2012	2012-4/96	
	35720	R414-10	5YR	01/24/2012	2012-4/97	
	35722	R414-10A	5YR	01/24/2012	2012-4/97	
	35503	R414-14A	AMD	02/01/2012	2011-24/11	
	35908	R414-21	5YR	03/02/2012	2012-7/66	
	35921	R414-38	5YR	03/07/2012	2012-7/67	
	35721	R414-45	5YR	01/24/2012	2012-4/98	
	36129	R414-60	5YR	04/30/2012	2012-10/91	
	35504	R414-61-2	AMD	01/24/2012	2011-24/18	
	36184	R414-100	5YR	05/14/2012	2012-11/180	
	36185	R414-200	5YR	05/14/2012	2012-11/180	

	35437	R414-305	AMD	02/06/2012	2011-23/65
	35441	R414-308	AMD	02/06/2012	2011-23/70
	35790	R414-308	AMD	04/01/2012	2012-4/14
	36309	R414-310	5YR	06/04/2012	Not Printed
	35583	R414-401-5	AMD	02/21/2012	2012-2/36
	35639	R414-510	5YR	01/09/2012	2012-3/115
Human Services, Recovery Services	35619	R527-201	AMD	03/27/2012	2012-3/70
<u>Medicaid fraud waste abuse</u>					
Governor, Planning and Budget, Inspector General of Medicaid Services (Office of)	35879	R367-1	NEW	04/23/2012	2012-5/74
	35973	R367-1-7	NSC	04/23/2012	Not Printed
	35958	R367-1-15	AMD	05/23/2012	2012-8/6
<u>medical incinerator</u>					
Environmental Quality, Air Quality	35530	R307-222	AMD	03/07/2012	2012-1/22
<u>medical incinerators</u>					
Environmental Quality, Air Quality	36026	R307-222-1	NSC	04/25/2012	Not Printed
<u>medical laboratories</u>					
Health, Disease Control and Prevention, Laboratory Improvement	35701	R444-11	5YR	01/20/2012	2012-4/99
<u>medical malpractice</u>					
Commerce, Occupational and Professional Licensing	35820	R156-78B	5YR	02/02/2012	2012-5/102
<u>medication treatment</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	35590	R525-3	AMD	02/21/2012	2012-2/96
<u>mental health</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	35596	R525-8	AMD	02/21/2012	2012-2/100
<u>mercury</u>					
Environmental Quality, Air Quality	36033	R307-424	5YR	04/05/2012	2012-9/79
<u>migrant labor</u>					
Health, Disease Control and Prevention, Environmental Services	35713	R392-501	5YR	01/20/2012	2012-4/96
<u>mineral resources</u>					
Tax Commission, Auditing	35604	R865-14W	5YR	01/03/2012	2012-2/132
<u>mines</u>					
Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	35792	R643-870	5YR	02/01/2012	2012-4/101
	35793	R643-872	5YR	02/01/2012	2012-4/101
	35794	R643-874	5YR	02/01/2012	2012-4/102
	35795	R643-875	5YR	02/01/2012	2012-4/102
	35796	R643-877	5YR	02/01/2012	2012-4/103
	35797	R643-879	5YR	02/01/2012	2012-4/104
	35798	R643-882	5YR	02/01/2012	2012-4/104
	35799	R643-884	5YR	02/01/2012	2012-4/105
	35800	R643-886	5YR	02/01/2012	2012-4/105
<u>mining law</u>					
Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	35796	R643-877	5YR	02/01/2012	2012-4/103
	35797	R643-879	5YR	02/01/2012	2012-4/104
<u>minors</u>					
Labor Commission, Antidiscrimination and Labor, Labor	35833	R610-3-21	AMD	04/16/2012	2012-5/88

RULES INDEX

<u>mobile homes</u>						
Health, Disease Control and Prevention, Environmental Services	35712	R392-402	5YR	01/20/2012	2012-4/95	
<u>modeling</u>						
Environmental Quality, Air Quality	36337	R307-410	5YR	06/06/2012	Not Printed	
<u>monitoring</u>						
Education, Administration	35452	R277-481	NEW	01/10/2012	2011-23/34	
Environmental Quality, Radiation Control	36277	R313-24	5YR	05/24/2012	2012-12/84	
<u>motels</u>						
Health, Disease Control and Prevention, Environmental Services	36017	R392-502	5YR	04/02/2012	2012-8/75	
<u>motor fuel</u>						
Tax Commission, Auditing	35603	R865-13G	5YR	01/03/2012	2012-2/131	
<u>motor vehicles</u>						
Commerce, Consumer Protection	35967	R152-20	5YR	03/22/2012	2012-8/72	
Environmental Quality, Air Quality	35716	R307-121	5YR	01/23/2012	2012-4/81	
	35718	R307-121-7	NSC	02/09/2012	Not Printed	
	35778	R307-301	5YR	02/01/2012	2012-4/83	
	35779	R307-320	5YR	02/01/2012	2012-4/84	
Tax Commission, Motor Vehicle	35608	R873-22M	5YR	01/03/2012	2012-2/138	
Tax Commission, Motor Vehicle Enforcement	35609	R877-23V	5YR	01/03/2012	2012-2/140	
	36062	R877-23V-7	AMD	06/14/2012	2012-9/67	
	35512	R877-23V-20	AMD	02/09/2012	2012-1/49	
	35513	R877-23V-21	AMD	02/09/2012	2012-1/50	
	36063	R877-23V-22	AMD	06/14/2012	2012-9/70	
<u>motorcycles</u>						
Commerce, Administration	36329	R151-35	5YR	06/05/2012	Not Printed	
<u>nail technicians</u>						
Commerce, Occupational and Professional Licensing	35853	R156-11a	5YR	02/06/2012	2012-5/101	
<u>natural resources</u>						
Natural Resources, Forestry, Fire and State Lands	36011	R652-40	5YR	04/02/2012	2012-8/86	
School and Institutional Trust Lands, Administration	35542	R850-41	NEW	02/07/2012	2012-1/44	
<u>network interconnection</u>						
Public Service Commission, Administration	35651	R746-348	5YR	01/11/2012	2012-3/126	
<u>new source review</u>						
Environmental Quality, Air Quality	35496	R307-210-1	AMD	03/07/2012	2011-24/7	
<u>news agencies</u>						
Pardons (Board Of), Administration	35742	R671-302	5YR	01/31/2012	2012-4/113	
<u>non-traditional</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	36185	R414-200	5YR	05/14/2012	2012-11/180	
<u>nonattainment</u>						
Environmental Quality, Air Quality	36335	R307-403	5YR	06/06/2012	Not Printed	
<u>notification</u>						
Natural Resources, Forestry, Fire and State Lands	35698	R652-140	5YR	01/19/2012	2012-4/108	
<u>nursing facility</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	35583	R414-401-5	AMD	02/21/2012	2012-2/36	
<u>nutrition</u>						
Education, Administration	35937	R277-720	AMD	05/08/2012	2012-7/34	

Health, Family Health and Preparedness, WIC Services	35812	R406-100	5YR	02/02/2012	2012-5/104
	35813	R406-200	5YR	02/02/2012	2012-5/105
	35814	R406-201	5YR	02/02/2012	2012-5/105
	35815	R406-202	5YR	02/02/2012	2012-5/106
	35816	R406-301	5YR	02/02/2012	2012-5/106
<u>occupational licensing</u>					
Commerce, Occupational and Professional Licensing	35624	R156-1	5YR	01/05/2012	2012-3/112
	36077	R156-1	AMD	06/07/2012	2012-9/8
<u>off road vehicles</u>					
Commerce, Administration	36329	R151-35	5YR	06/05/2012	Not Printed
<u>off-premises</u>					
Human Services, Substance Abuse and Mental Health	35625	R523-24	AMD	03/09/2012	2012-3/67
<u>offenders</u>					
Corrections, Administration	36312	R251-401	5YR	06/05/2012	Not Printed
<u>office hours</u>					
Public Service Commission, Administration	35506	R746-800	REP	02/07/2012	2012-1/43
<u>offset</u>					
Environmental Quality, Air Quality	36335	R307-403	5YR	06/06/2012	Not Printed
	36341	R307-420	5YR	06/06/2012	Not Printed
	36342	R307-421	5YR	06/06/2012	Not Printed
<u>oil and gas conservation</u>					
Natural Resources, Oil, Gas and Mining; Oil and Gas	35848	R649-8	5YR	02/03/2012	2012-5/123
<u>oil and gas law</u>					
Natural Resources, Oil, Gas and Mining; Oil and Gas	35843	R649-1	5YR	02/03/2012	2012-5/121
	35871	R649-1	NSC	02/29/2012	Not Printed
	35845	R649-2	5YR	02/03/2012	2012-5/121
	35846	R649-3	5YR	02/03/2012	2012-5/122
	36177	R649-3-1	NSC	05/30/2012	Not Printed
	35847	R649-5	5YR	02/03/2012	2012-5/122
	35849	R649-9	5YR	02/03/2012	2012-5/123
<u>on-premise</u>					
Human Services, Substance Abuse and Mental Health	35626	R523-23-4	AMD	03/09/2012	2012-3/66
<u>online</u>					
Education, Administration	35673	R277-512	5YR	01/17/2012	2012-3/114
<u>online prescribing</u>					
Commerce, Occupational and Professional Licensing	35585	R156-83-502	AMD	02/21/2012	2012-2/28
<u>open meetings</u>					
Examiners (Board of), Administration	35497	R320-101	NEW	02/10/2012	2011-24/10
<u>opening and closing dates</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	36293	R195-2	EXT	05/31/2012	2012-12/95
<u>operating permit</u>					
Environmental Quality, Air Quality	35529	R307-415-2	AMD	03/07/2012	2012-1/25
	36340	R307-417	5YR	06/06/2012	Not Printed
<u>operating permits</u>					
Environmental Quality, Air Quality	36339	R307-415	5YR	06/06/2012	Not Printed
<u>optometrists</u>					
Commerce, Occupational and Professional Licensing	35893	R156-16a	5YR	02/21/2012	2012-6/35

RULES INDEX

<u>order to proceed</u>					
Public Service Commission, Administration	36166	R746-420	5YR	05/10/2012	2012-11/183
	36167	R746-430	5YR	05/10/2012	2012-11/184
<u>osteopathic physician</u>					
Commerce, Occupational and Professional Licensing	35388	R156-68-503	AMD	03/09/2012	2011-22/19
	35388	R156-68-503	CPR	03/09/2012	2012-3/90
<u>osteopaths</u>					
Commerce, Occupational and Professional Licensing	35388	R156-68-503	AMD	03/09/2012	2011-22/19
	35388	R156-68-503	CPR	03/09/2012	2012-3/90
<u>outside counsel</u>					
Attorney General, Administration	35904	R105-1	NEW	04/24/2012	2012-6/6
<u>overpayments</u>					
Workforce Services, Unemployment Insurance	36257	R994-406	5YR	05/22/2012	2012-12/92
<u>oversight</u>					
Education, Administration	35452	R277-481	NEW	01/10/2012	2011-23/34
<u>overtime</u>					
Human Resource Management, Administration	35828	R477-8	5YR	02/02/2012	2012-5/112
<u>ozone</u>					
Environmental Quality, Air Quality	35774	R307-110	5YR	02/01/2012	2012-4/65
	35780	R307-325	5YR	02/01/2012	2012-4/84
	35781	R307-326	5YR	02/01/2012	2012-4/85
	35782	R307-327	5YR	02/01/2012	2012-4/86
	35783	R307-328	5YR	02/01/2012	2012-4/86
	35784	R307-335	5YR	02/01/2012	2012-4/87
	35785	R307-340	5YR	02/01/2012	2012-4/87
	35787	R307-343	5YR	02/01/2012	2012-4/89
	36341	R307-420	5YR	06/06/2012	Not Printed
<u>paint</u>					
Environmental Quality, Air Quality	35857	R307-840	AMD	05/03/2012	2012-5/33
	36161	R307-840-1	NSC	05/30/2012	Not Printed
	35858	R307-841	AMD	05/03/2012	2012-5/39
	36162	R307-841	NSC	05/30/2012	Not Printed
	35859	R307-842	AMD	05/03/2012	2012-5/47
	36163	R307-842	NSC	05/30/2012	Not Printed
<u>pardons</u>					
Pardons (Board Of), Administration	35730	R671-101	5YR	01/26/2012	2012-4/108
	35750	R671-315	5YR	01/31/2012	2012-4/116
<u>parental defense</u>					
Administrative Services, Child Welfare Parental Defense (Office of)	35205	R19-1-6	AMD	01/12/2012	2011-18/6
	35206	R19-1-7	AMD	01/12/2012	2011-18/7
<u>parking facilities</u>					
Regents (Board Of), University of Utah, Commuter Services	35888	R810-2	5YR	02/17/2012	2012-6/38
	35889	R810-5	5YR	02/17/2012	2012-6/39
	35882	R810-6	5YR	02/16/2012	2012-6/39
	35883	R810-9	5YR	02/17/2012	2012-6/40
	35884	R810-10	5YR	02/17/2012	2012-6/40
	35890	R810-11	5YR	02/17/2012	2012-6/41
<u>parole</u>					
Human Services, Juvenile Justice Services	36226	R547-6	5YR	05/16/2012	2012-12/85
Pardons (Board Of), Administration	35732	R671-201	5YR	01/26/2012	2012-4/109
	35737	R671-202	5YR	01/31/2012	2012-4/110
	35739	R671-205	5YR	01/31/2012	2012-4/111

	35741	R671-301	5YR	01/31/2012	2012-4/112
	35743	R671-303	5YR	01/31/2012	2012-4/113
	35746	R671-308	5YR	01/31/2012	2012-4/114
	35747	R671-309	5YR	01/31/2012	2012-4/115
	35748	R671-310	5YR	01/31/2012	2012-4/115
	35749	R671-311	5YR	01/31/2012	2012-4/116
	35751	R671-316	5YR	01/31/2012	2012-4/117
	35752	R671-402	5YR	01/31/2012	2012-4/117
	35753	R671-405	5YR	01/31/2012	2012-4/118
<u>patient rights</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	35589	R525-2	AMD	02/21/2012	2012-2/95
<u>paying standards</u>					
Public Service Commission, Administration	35509	R746-342	REP	02/07/2012	2012-1/40
<u>payment determination</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	36294	R195-3	EXT	05/31/2012	2012-12/95
	35405	R195-3-3	AMD	03/26/2012	2011-23/16
<u>penalties</u>					
Environmental Quality, Environmental Response and Remediation	36052	R311-208	5YR	04/10/2012	2012-9/88
<u>penalty</u>					
Environmental Quality, Air Quality	35776	R307-130	5YR	02/01/2012	2012-4/82
<u>performing arts</u>					
Community and Culture, Arts and Museums	35723	R207-1	5YR	01/24/2012	2012-4/64
<u>permits</u>					
Environmental Quality, Air Quality	36334	R307-401	5YR	06/06/2012	Not Printed
	36154	R307-401-11	NSC	05/30/2012	Not Printed
	36336	R307-406	5YR	06/06/2012	Not Printed
Natural Resources, Forestry, Fire and State Lands	36014	R652-70	5YR	04/02/2012	2012-8/87
	36016	R652-100	5YR	04/02/2012	2012-8/88
Natural Resources, Wildlife Resources	35435	R657-42	AMD	01/10/2012	2011-23/76
	36004	R657-50	5YR	04/02/2012	2012-8/89
	35436	R657-62	AMD	01/10/2012	2011-23/85
<u>permitting authority</u>					
Environmental Quality, Air Quality	36340	R307-417	5YR	06/06/2012	Not Printed
<u>persistently dangerous schools</u>					
Education, Administration	36071	R277-483-4	AMD	06/07/2012	2012-9/36
<u>personal property</u>					
Tax Commission, Property Tax	35592	R884-24P	5YR	01/03/2012	2012-2/141
	35514	R884-24P-62	AMD	02/09/2012	2012-1/51
	35864	R884-24P-66	AMD	04/12/2012	2012-5/96
	36064	R884-24P-68	AMD	06/14/2012	2012-9/71
<u>personnel management</u>					
Human Resource Management, Administration	35821	R477-1	5YR	02/02/2012	2012-5/107
	35825	R477-5	5YR	02/02/2012	2012-5/109
	35826	R477-6	5YR	02/02/2012	2012-5/110
	35829	R477-9	5YR	02/02/2012	2012-5/112
	35834	R477-13	5YR	02/03/2012	2012-5/115
<u>pesticides</u>					
Environmental Quality, Water Quality	35238	R317-8	AMD	01/25/2012	2011-19/31
<u>petroleum</u>					
Environmental Quality, Air Quality	35778	R307-301	5YR	02/01/2012	2012-4/83
	35782	R307-327	5YR	02/01/2012	2012-4/86

RULES INDEX

Environmental Quality, Environmental Response and Remediation	35668	R311-200	AMD	03/09/2012	2012-3/42
	36057	R311-200	5YR	04/10/2012	2012-9/82
	36046	R311-202	5YR	04/10/2012	2012-9/84
	36047	R311-203	5YR	04/10/2012	2012-9/84
	36048	R311-204	5YR	04/10/2012	2012-9/85
	36049	R311-205	5YR	04/10/2012	2012-9/86
	36050	R311-206	5YR	04/10/2012	2012-9/86
	36051	R311-207	5YR	04/10/2012	2012-9/87
	36052	R311-208	5YR	04/10/2012	2012-9/88
	36053	R311-209	5YR	04/10/2012	2012-9/89
	36055	R311-211	5YR	04/10/2012	2012-9/90
	36056	R311-212	5YR	04/10/2012	2012-9/90
Tax Commission, Auditing	35605	R865-150	5YR	01/03/2012	2012-2/133
<u>petroleum industries</u>					
Tax Commission, Auditing	35605	R865-150	5YR	01/03/2012	2012-2/133
<u>physical and mental fitness testing</u>					
Public Safety, Driver License	35854	R708-39	5YR	02/06/2012	2012-5/124
<u>physical examinations</u>					
Public Safety, Driver License	35704	R708-25	5YR	01/20/2012	2012-4/119
<u>physicians</u>					
Commerce, Occupational and Professional Licensing	35389	R156-67-503	AMD	03/09/2012	2011-22/14
	35389	R156-67-503	CPR	03/09/2012	2012-3/86
Public Safety, Driver License	35632	R708-7	5YR	01/09/2012	2012-3/122
<u>plots</u>					
Community and Culture, History	36301	R212-12	5YR	05/31/2012	2012-12/84
<u>PM10</u>					
Environmental Quality, Air Quality	35774	R307-110	5YR	02/01/2012	2012-4/65
	36342	R307-421	5YR	06/06/2012	Not Printed
<u>PM2.5</u>					
Environmental Quality, Air Quality	35774	R307-110	5YR	02/01/2012	2012-4/65
	36342	R307-421	5YR	06/06/2012	Not Printed
<u>point-system</u>					
Public Safety, Driver License	35636	R708-3	5YR	01/09/2012	2012-3/121
<u>police dog training rules</u>					
Public Safety, Peace Officer Standards and Training	36245	R728-505	5YR	05/17/2012	2012-12/90
<u>police training</u>					
Public Safety, Peace Officer Standards and Training	35627	R728-411	5YR	01/06/2012	2012-3/125
<u>policy</u>					
Capitol Preservation Board (State), Administration	35686	R131-9	R&R	03/09/2012	2012-3/13
<u>political subdivisions</u>					
Natural Resources, Geological Survey	35685	R638-3	EMR	02/01/2012	2012-3/97
<u>POLST</u>					
Health, Family Health and Preparedness, Licensing	35976	R432-31	5YR	03/28/2012	2012-8/76
<u>pools</u>					
Health, Disease Control and Prevention, Environmental Services	35707	R392-302	5YR	01/20/2012	2012-4/93
<u>position classifications</u>					
Human Resource Management, Administration	35823	R477-3	5YR	02/02/2012	2012-5/108
<u>post-conviction</u>					
Administrative Services, Finance	35663	R25-14	5YR	01/12/2012	2012-3/105

<u>posting notices</u>						
Capitol Preservation Board (State), Administration	35687	R131-10	5YR	01/17/2012	2012-3/111	
<u>postsecondary proprietary schools</u>						
Commerce, Consumer Protection	36360	R152-34	5YR	06/14/2012	Not Printed	
<u>poultry</u>						
Agriculture and Food, Animal Industry	35866	R58-11	AMD	05/15/2012	2012-5/5	
	36144	R58-11	NSC	05/30/2012	Not Printed	
<u>powersport vehicles</u>						
Commerce, Administration	36329	R151-35	5YR	06/05/2012	Not Printed	
<u>prelitigation</u>						
Commerce, Occupational and Professional Licensing	35820	R156-78B	5YR	02/02/2012	2012-5/102	
<u>press</u>						
Corrections, Administration	35760	R251-106	EXD	01/18/2012	2012-4/123	
	35767	R251-106	EMR	02/01/2012	2012-4/45	
	35805	R251-106	NEW	04/09/2012	2012-5/11	
<u>pricing flexibility</u>						
Public Service Commission, Administration	35917	R746-351	5YR	03/06/2012	2012-7/72	
<u>primary care</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	36309	R414-310	5YR	06/04/2012	Not Printed	
<u>primary care network</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	36184	R414-100	5YR	05/14/2012	2012-11/180	
<u>primary term</u>						
Natural Resources, Forestry, Fire and State Lands	36009	R652-20	5YR	04/02/2012	2012-8/85	
<u>printing</u>						
Transportation, Administration	35670	R907-60	REP	03/12/2012	2012-3/80	
<u>prison release</u>						
Pardons (Board Of), Administration	35739	R671-205	5YR	01/31/2012	2012-4/111	
<u>prisons</u>						
Corrections, Administration	35760	R251-106	EXD	01/18/2012	2012-4/123	
	35767	R251-106	EMR	02/01/2012	2012-4/45	
	35805	R251-106	NEW	04/09/2012	2012-5/11	
	35761	R251-107	EXD	01/18/2012	2012-4/123	
	35768	R251-107	EMR	02/01/2012	2012-4/47	
	35806	R251-107	NEW	04/09/2012	2012-5/13	
	35763	R251-703	EXD	01/18/2012	2012-4/124	
	35770	R251-703	EMR	02/01/2012	2012-4/51	
	35808	R251-703	NEW	04/09/2012	2012-5/17	
	35765	R251-705	EXD	01/18/2012	2012-4/124	
	35772	R251-705	EMR	02/01/2012	2012-4/53	
	35810	R251-705	NEW	04/09/2012	2012-5/19	
	35766	R251-706	EXD	01/18/2012	2012-4/124	
	35773	R251-706	EMR	02/01/2012	2012-4/56	
	35811	R251-706	NEW	04/09/2012	2012-5/22	
	35756	R251-707	EXT	01/31/2012	2012-4/121	
	36041	R251-707	5YR	04/06/2012	2012-9/78	
	35757	R251-710	EXT	01/31/2012	2012-4/121	
	36042	R251-710	5YR	04/06/2012	2012-9/78	
<u>private schools</u>						
Education, Administration	35536	R277-426	AMD	02/07/2012	2012-1/13	

RULES INDEX

<u>procurement</u>						
Administrative Services, Facilities Construction and Management	36145	R23-1	5YR	05/03/2012	2012-11/177	
<u>professional competency</u>						
Education, Administration	35679	R277-513	REP	03/12/2012	2012-3/30	
	35941	R277-519	5YR	03/15/2012	2012-7/64	
Public Safety, Peace Officer Standards and Training	35627	R728-411	5YR	01/06/2012	2012-3/125	
<u>professional education</u>						
Education, Administration	35940	R277-507	5YR	03/15/2012	2012-7/64	
<u>professional geologists</u>						
Commerce, Occupational and Professional Licensing	35894	R156-76	5YR	02/21/2012	2012-6/37	
<u>professional staff</u>						
Education, Administration	36072	R277-486	AMD	06/07/2012	2012-9/37	
<u>program</u>						
Capitol Preservation Board (State), Administration	35686	R131-9	R&R	03/09/2012	2012-3/13	
<u>prohibited devices</u>						
Human Services, Juvenile Justice Services	36043	R547-14	5YR	04/09/2012	2012-9/93	
<u>prohibited items</u>						
Human Services, Juvenile Justice Services	36043	R547-14	5YR	04/09/2012	2012-9/93	
<u>prohibited items and devices</u>						
Human Services, Juvenile Justice Services	36136	R547-1	5YR	05/01/2012	2012-10/92	
Human Services, Substance Abuse and Mental Health, State Hospital	35593	R525-6	AMD	02/21/2012	2012-2/98	
<u>property tax</u>						
Tax Commission, Property Tax	35592	R884-24P	5YR	01/03/2012	2012-2/141	
	35514	R884-24P-62	AMD	02/09/2012	2012-1/51	
	35864	R884-24P-66	AMD	04/12/2012	2012-5/96	
	36064	R884-24P-68	AMD	06/14/2012	2012-9/71	
<u>PSD</u>						
Environmental Quality, Air Quality	35413	R307-405	AMD	02/02/2012	2011-23/42	
	35872	R307-405-3	NSC	02/29/2012	Not Printed	
<u>public assistance programs</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	35441	R414-308	AMD	02/06/2012	2011-23/70	
	35790	R414-308	AMD	04/01/2012	2012-4/14	
Human Services, Recovery Services	36351	R527-330	5YR	06/12/2012	Not Printed	
<u>public buildings</u>						
Administrative Services, Facilities Construction and Management	36145	R23-1	5YR	05/03/2012	2012-11/177	
	36146	R23-19	5YR	05/03/2012	2012-11/177	
Capitol Preservation Board (State), Administration	35899	R131-3	EXT	02/29/2012	2012-6/43	
	36359	R131-3	5YR	06/13/2012	Not Printed	
Public Safety, Fire Marshal	36278	R710-4	5YR	05/24/2012	2012-12/89	
	36022	R710-4-3	AMD	05/22/2012	2012-8/60	
<u>public education</u>						
Education, Administration	35681	R277-714	AMD	03/12/2012	2012-3/36	
<u>public fueling</u>						
Administrative Services, Fleet Operations	35727	R27-9	NEW	03/26/2012	2012-4/6	
<u>public health</u>						
Health, Disease Control and Prevention, Environmental Services	35715	R392-100	5YR	01/20/2012	2012-4/91	
	35445	R392-100	AMD	01/26/2012	2011-23/62	

	35710	R392-200	5YR	01/20/2012	2012-4/91
	35709	R392-300	5YR	01/20/2012	2012-4/92
	35708	R392-301	5YR	01/20/2012	2012-4/93
	35711	R392-400	5YR	01/20/2012	2012-4/94
	35714	R392-401	5YR	01/20/2012	2012-4/94
	35712	R392-402	5YR	01/20/2012	2012-4/95
	35713	R392-501	5YR	01/20/2012	2012-4/96
	36017	R392-502	5YR	04/02/2012	2012-8/75
	36019	R392-510	5YR	04/02/2012	2012-8/75
<u>public health emergency</u>					
Health, Administration	35571	R380-60	NEW	03/07/2012	2012-2/31
<u>public information</u>					
Human Resource Management, Administration	35822	R477-2	5YR	02/02/2012	2012-5/108
<u>public investments</u>					
Money Management Council, Administration	35640	R628-17	5YR	01/09/2012	2012-3/121
<u>public meetings</u>					
Examiners (Board of), Administration	35497	R320-101	NEW	02/10/2012	2011-24/10
Natural Resources, Forestry, Fire and State Lands	36015	R652-90	5YR	04/02/2012	2012-8/88
<u>public records</u>					
Environmental Quality, Administration	35928	R305-1	5YR	03/13/2012	2012-7/65
Health, Administration	36025	R380-20	5YR	04/03/2012	2012-9/92
Natural Resources, Forestry, Fire and State Lands	36018	R652-6	5YR	04/02/2012	2012-8/84
Natural Resources, Oil, Gas and Mining; Administration	35791	R642-100	5YR	02/01/2012	2012-4/100
Natural Resources, Parks and Recreation	36060	R651-102	5YR	04/11/2012	2012-9/98
Natural Resources, Wildlife Resources	36131	R657-29	5YR	05/01/2012	2012-10/95
Transportation, Administration	35672	R907-69	NEW	03/12/2012	2012-3/81
<u>public schools</u>					
Education, Administration	35819	R277-915	5YR	02/02/2012	2012-5/104
	35683	R277-915	AMD	03/12/2012	2012-3/39
	35938	R277-916	AMD	05/08/2012	2012-7/35
<u>public utilities</u>					
Public Service Commission, Administration	35508	R746-100	AMD	02/07/2012	2012-1/30
	35900	R746-100	AMD	05/07/2012	2012-6/24
	35505	R746-310-1	AMD	02/07/2012	2012-1/38
	35925	R746-310-2	NSC	03/22/2012	Not Printed
	35926	R746-320	NSC	03/22/2012	Not Printed
	35509	R746-342	REP	02/07/2012	2012-1/40
	35916	R746-349	5YR	03/06/2012	2012-7/71
	35917	R746-351	5YR	03/06/2012	2012-7/72
	35927	R746-365	NSC	03/22/2012	Not Printed
	36358	R746-400	5YR	06/13/2012	Not Printed
	35507	R746-405-2	AMD	02/07/2012	2012-1/41
	35896	R746-405-2	AMD	05/07/2012	2012-6/31
<u>RACT</u>					
Environmental Quality, Air Quality	35780	R307-325	5YR	02/01/2012	2012-4/84
<u>radioactive materials</u>					
Environmental Quality, Radiation Control	35417	R313-22-75	AMD	01/16/2012	2011-23/51
	35418	R313-36	AMD	01/16/2012	2011-23/54
<u>rally</u>					
Administrative Services, Facilities Construction and Management	36148	R23-20	5YR	05/03/2012	2012-11/178
<u>range management</u>					
Natural Resources, Forestry, Fire and State Lands	36012	R652-50	5YR	04/02/2012	2012-8/86

RULES INDEX

rates

Natural Resources, Forestry, Fire and State Lands	36007	R652-4	5YR	04/02/2012	2012-8/83
Workforce Services, Unemployment Insurance	36093	R994-303	5YR	04/25/2012	2012-10/97

reading

Education, Administration	35675	R277-476	REP	03/12/2012	2012-3/22
---------------------------	-------	----------	-----	------------	-----------

reclamation

Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	35792	R643-870	5YR	02/01/2012	2012-4/101
	35793	R643-872	5YR	02/01/2012	2012-4/101
	35794	R643-874	5YR	02/01/2012	2012-4/102
	35795	R643-875	5YR	02/01/2012	2012-4/102
	35796	R643-877	5YR	02/01/2012	2012-4/103
	35797	R643-879	5YR	02/01/2012	2012-4/104
	35798	R643-882	5YR	02/01/2012	2012-4/104
	35799	R643-884	5YR	02/01/2012	2012-4/105
	35800	R643-886	5YR	02/01/2012	2012-4/105
Natural Resources, Oil, Gas and Mining; Coal	35801	R645-100	5YR	02/01/2012	2012-4/106
	35995	R645-100-200	AMD	05/23/2012	2012-8/18
	35802	R645-103	5YR	02/01/2012	2012-4/106
	35803	R645-200	5YR	02/01/2012	2012-4/107
	35804	R645-201	5YR	02/01/2012	2012-4/107
	35836	R645-202	5YR	02/03/2012	2012-5/117
	35837	R645-203	5YR	02/03/2012	2012-5/117
	35838	R645-300	5YR	02/03/2012	2012-5/118
	35996	R645-300-100	AMD	05/23/2012	2012-8/31
	35839	R645-301	5YR	02/03/2012	2012-5/118
	35997	R645-301-100	AMD	05/23/2012	2012-8/39
	36151	R645-301-500	NSC	05/30/2012	Not Printed
	35840	R645-302	5YR	02/03/2012	2012-5/119
	35998	R645-302-200	AMD	05/23/2012	2012-8/43
	35841	R645-303	5YR	02/03/2012	2012-5/120
	35999	R645-303-300	AMD	05/23/2012	2012-8/52
	36000	R645-400-300	AMD	05/23/2012	2012-8/54
	35842	R645-402	5YR	02/03/2012	2012-5/120
	36001	R645-403	NEW	05/23/2012	2012-8/58

reconsiderations

Career Service Review Office, Administration	35559	R137-1-21	AMD	02/21/2012	2012-2/26
--	-------	-----------	-----	------------	-----------

record requests

Human Services, Recovery Services	35631	R527-5	5YR	01/06/2012	2012-3/116
-----------------------------------	-------	--------	-----	------------	------------

records

Pardons (Board Of), Administration	35743	R671-303	5YR	01/31/2012	2012-4/113
Workforce Services, Administration	36355	R982-201	5YR	06/12/2012	Not Printed

records access

Transportation, Administration	35672	R907-69	NEW	03/12/2012	2012-3/81
--------------------------------	-------	---------	-----	------------	-----------

records fees

Human Services, Recovery Services	35631	R527-5	5YR	01/06/2012	2012-3/116
-----------------------------------	-------	--------	-----	------------	------------

recreation

Natural Resources, Parks and Recreation	36225	R651-301	5YR	05/16/2012	2012-12/86
Natural Resources, Wildlife Resources	35211	R657-38	AMD	01/10/2012	2011-18/65

recreation areas

Health, Disease Control and Prevention, Environmental Services	35709	R392-300	5YR	01/20/2012	2012-4/92
	35708	R392-301	5YR	01/20/2012	2012-4/93
	35714	R392-401	5YR	01/20/2012	2012-4/94

refinery

Environmental Quality, Air Quality	35781	R307-326	5YR	02/01/2012	2012-4/85
------------------------------------	-------	----------	-----	------------	-----------

<u>registration</u>						
Commerce, Real Estate	35915	R162-2e-402	AMD	05/23/2012	2012-7/25	
Natural Resources, Forestry, Fire and State Lands	35698	R652-140	5YR	01/19/2012	2012-4/108	
Workforce Services, Unemployment Insurance	35448	R994-403-112c	AMD	01/17/2012	2011-23/98	
<u>registration requirements</u>						
Commerce, Consumer Protection	36360	R152-34	5YR	06/14/2012	Not Printed	
<u>religious activities</u>						
Tax Commission, Auditing	35606	R865-19S	5YR	01/03/2012	2012-2/133	
	35511	R865-19S-32	AMD	02/09/2012	2012-1/48	
<u>renewal</u>						
Environmental Quality, Solid and Hazardous Waste	36246	R315-15	5YR	05/17/2012	2012-12/85	
<u>repairs</u>						
Administrative Services, Fleet Operations	35621	R27-8	5YR	01/05/2012	2012-3/107	
<u>reporting</u>						
Health, Family Health and Preparedness, Emergency Medical Services	36100	R426-5	5YR	04/26/2012	2012-10/92	
Natural Resources, Oil, Gas and Mining; Oil and Gas	35848	R649-8	5YR	02/03/2012	2012-5/123	
<u>reports</u>						
Education, Administration	35676	R277-484-3	AMD	03/12/2012	2012-3/23	
Public Service Commission, Administration	36358	R746-400	5YR	06/13/2012	Not Printed	
<u>research data requests</u>						
Education, Administration	35676	R277-484-3	AMD	03/12/2012	2012-3/23	
<u>research funding</u>						
Science Technology and Research Governing Auth., Administration	36083	R856-1	EXD	04/05/2012	2012-9/101	
<u>residency requirements</u>						
Community and Culture, Home Energy Assistance Target (HEAT)	36293	R195-2	EXT	05/31/2012	2012-12/95	
Natural Resources, Forestry, Fire and State Lands	36006	R652-3	5YR	04/02/2012	2012-8/83	
School and Institutional Trust Lands, Administration	36276	R850-3	5YR	05/23/2012	2012-12/91	
<u>residential mortgage</u>						
Commerce, Real Estate	36079	R162-2c	AMD	06/07/2012	2012-9/12	
<u>resorts</u>						
Health, Disease Control and Prevention, Environmental Services	36017	R392-502	5YR	04/02/2012	2012-8/75	
<u>resource decision</u>						
Public Service Commission, Administration	35924	R746-440	5YR	03/08/2012	2012-7/73	
<u>resources</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	35437	R414-305	AMD	02/06/2012	2011-23/65	
<u>restaurants</u>						
Tax Commission, Auditing	35602	R865-12L	5YR	01/03/2012	2012-2/130	
<u>retirement</u>						
Human Resource Management, Administration	35832	R477-12	5YR	02/03/2012	2012-5/114	
<u>revocation procedures</u>						
Environmental Quality, Environmental Response and Remediation	35447	R311-201	AMD	01/13/2012	2011-23/45	
	36045	R311-201	5YR	04/10/2012	2012-9/82	
<u>revolving account</u>						
Education, Administration	35582	R277-480-1	NSC	01/31/2012	Not Printed	

RULES INDEX

	35817	R277-480-1	NSC	02/29/2012	Not Printed
<u>right of way</u>					
Transportation, Program Development	36179	R926-6	NSC	05/30/2012	Not Printed
<u>right of way acquisition</u>					
Transportation, Preconstruction, Right-of-Way Acquisition	35429	R933-1	AMD	01/10/2012	2011-23/97
<u>risk management</u>					
Administrative Services, Risk Management	36286	R37-1	5YR	05/30/2012	2012-12/81
	36287	R37-2	5YR	05/30/2012	2012-12/81
	36288	R37-3	5YR	05/30/2012	2012-12/82
	36289	R37-4	5YR	05/30/2012	2012-12/83
	35844	R37-4	AMD	05/31/2012	2012-5/4
<u>roads</u>					
Transportation, Program Development	35959	R926-4	5YR	03/20/2012	2012-8/90
	35960	R926-4	NSC	04/11/2012	Not Printed
<u>ropeways</u>					
Transportation, Operations, Traffic and Safety	36081	R920-50	5YR	04/16/2012	2012-9/98
	36082	R920-50	AMD	06/07/2012	2012-9/72
<u>royalties</u>					
Natural Resources, Forestry, Fire and State Lands	36009	R652-20	5YR	04/02/2012	2012-8/85
<u>rules and procedures</u>					
Education, Administration	35449	R277-100	AMD	01/10/2012	2011-23/21
	35534	R277-102	R&R	02/07/2012	2012-1/8
	35856	R277-102	NSC	02/29/2012	Not Printed
Health, Administration	36096	R380-1	5YR	04/26/2012	2012-10/88
	36097	R380-5	5YR	04/26/2012	2012-10/89
Human Resource Management, Administration	35821	R477-1	5YR	02/02/2012	2012-5/107
	35834	R477-13	5YR	02/03/2012	2012-5/115
Natural Resources, Wildlife Resources	36003	R657-27	5YR	04/02/2012	2012-8/89
	36152	R657-30	5YR	05/04/2012	2012-11/182
Public Safety, Driver License	35702	R708-2	5YR	01/20/2012	2012-4/118
Public Service Commission, Administration	35508	R746-100	AMD	02/07/2012	2012-1/30
	35900	R746-100	AMD	05/07/2012	2012-6/24
	35926	R746-320	NSC	03/22/2012	Not Printed
	35509	R746-342	REP	02/07/2012	2012-1/40
	36358	R746-400	5YR	06/13/2012	Not Printed
	35507	R746-405-2	AMD	02/07/2012	2012-1/41
	35896	R746-405-2	AMD	05/07/2012	2012-6/31
School and Institutional Trust Lands, Administration	36275	R850-2	5YR	05/23/2012	2012-12/91
<u>rules procedures</u>					
Insurance, Administration	35850	R590-116	5YR	02/06/2012	2012-5/116
	35851	R590-117	5YR	02/06/2012	2012-5/116
<u>rural economic development</u>					
Governor, Economic Development	36066	R357-1	5YR	04/13/2012	2012-9/92
<u>Rural Fast Track Program</u>					
Governor, Economic Development	36066	R357-1	5YR	04/13/2012	2012-9/92
<u>safety</u>					
Labor Commission, Boiler and Elevator Safety	35963	R616-2-3	AMD	05/22/2012	2012-8/12
	35961	R616-2-15	AMD	05/22/2012	2012-8/14
	35962	R616-3-3	AMD	05/22/2012	2012-8/16
<u>safety regulations</u>					
Transportation, Motor Carrier	35256	R909-19	AMD	02/07/2012	2011-20/41
	35256	R909-19	CPR	02/07/2012	2012-1/64
	35426	R909-75	AMD	01/10/2012	2011-23/96

<u>safety standing</u>						
Transportation, Motor Carrier	35427	R909-16	REP	01/10/2012	2011-23/92	
<u>salaries</u>						
Human Resource Management, Administration	35826	R477-6	5YR	02/02/2012	2012-5/110	
<u>sales tax</u>						
Tax Commission, Auditing	35602	R865-12L	5YR	01/03/2012	2012-2/130	
	35606	R865-19S	5YR	01/03/2012	2012-2/133	
	35511	R865-19S-32	AMD	02/09/2012	2012-1/48	
<u>salt</u>						
Natural Resources, Forestry, Fire and State Lands	36009	R652-20	5YR	04/02/2012	2012-8/85	
<u>sanitarian</u>						
Commerce, Occupational and Professional Licensing	35430	R156-20a	AMD	01/10/2012	2011-23/10	
<u>sanitation</u>						
Health, Disease Control and Prevention, Environmental Services	35715	R392-100	5YR	01/20/2012	2012-4/91	
	35445	R392-100	AMD	01/26/2012	2011-23/62	
<u>satellite</u>						
Education, Administration	35453	R277-482	NEW	01/10/2012	2011-23/38	
<u>scholarships</u>						
Education, Administration	35675	R277-476	REP	03/12/2012	2012-3/22	
<u>school buses</u>						
Education, Administration	35877	R277-600-7	AMD	04/10/2012	2012-5/28	
<u>school choice</u>						
Education, Administration	36071	R277-483-4	AMD	06/07/2012	2012-9/36	
<u>school enrollment</u>						
Education, Administration	35905	R277-419-5	AMD	05/08/2012	2012-7/28	
	36069	R277-419-7	AMD	06/07/2012	2012-9/34	
<u>school lunch programs</u>						
Education, Administration	35937	R277-720	AMD	05/08/2012	2012-7/34	
<u>school personnel</u>						
Education, Administration	35674	R277-107	AMD	03/12/2012	2012-3/19	
	35932	R277-107-6	AMD	05/08/2012	2012-7/27	
	35679	R277-513	REP	03/12/2012	2012-3/30	
<u>school reports</u>						
Education, Administration	35875	R277-497	NEW	04/10/2012	2012-5/24	
<u>school transportation</u>						
Education, Administration	35877	R277-600-7	AMD	04/10/2012	2012-5/28	
<u>schools</u>						
Environmental Quality, Air Quality	35777	R307-135	5YR	02/01/2012	2012-4/82	
Health, Disease Control and Prevention, Environmental Services	35710	R392-200	5YR	01/20/2012	2012-4/91	
Natural Resources, Geological Survey	35685	R638-3	EMR	02/01/2012	2012-3/97	
Public Safety, Driver License	35702	R708-2	5YR	01/20/2012	2012-4/118	
<u>search and seizure</u>						
Corrections, Administration	35757	R251-710	EXT	01/31/2012	2012-4/121	
	36042	R251-710	5YR	04/06/2012	2012-9/78	
<u>searches</u>						
Education, Administration	35878	R277-615	NEW	04/10/2012	2012-5/29	

RULES INDEX

<u>secure areas</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	35593	R525-6	AMD	02/21/2012	2012-2/98	
<u>secure facilities</u>						
Public Safety, Peace Officer Standards and Training	35568	R728-408	REP	05/14/2012	2012-2/102	
<u>securities</u>						
Commerce, Securities	35558	R164-101	NEW	02/21/2012	2012-2/29	
Money Management Council, Administration	35640	R628-17	5YR	01/09/2012	2012-3/121	
<u>securities fraud reporting program</u>						
Commerce, Securities	35558	R164-101	NEW	02/21/2012	2012-2/29	
<u>securities regulation</u>						
Commerce, Securities	35558	R164-101	NEW	02/21/2012	2012-2/29	
Money Management Council, Administration	35640	R628-17	5YR	01/09/2012	2012-3/121	
<u>security guards</u>						
Commerce, Occupational and Professional Licensing	36192	R156-63b-102	NSC	05/30/2012	Not Printed	
<u>security measures</u>						
Corrections, Administration	35764	R251-704	EXD	01/18/2012	2012-4/124	
	35771	R251-704	EMR	02/01/2012	2012-4/52	
	35809	R251-704	NEW	04/09/2012	2012-5/18	
	35757	R251-710	EXT	01/31/2012	2012-4/121	
	36042	R251-710	5YR	04/06/2012	2012-9/78	
<u>self-employment income</u>						
Community and Culture, Home Energy Assistance Target (HEAT)	36294	R195-3	EXT	05/31/2012	2012-12/95	
	35405	R195-3-3	AMD	03/26/2012	2011-23/16	
<u>self-insured employer</u>						
Tax Commission, Auditing	35601	R865-11Q	5YR	01/03/2012	2012-2/130	
<u>seminars</u>						
Human Services, Substance Abuse and Mental Health	35625	R523-24	AMD	03/09/2012	2012-3/67	
<u>sentencing</u>						
Pardons (Board Of), Administration	35753	R671-405	5YR	01/31/2012	2012-4/118	
<u>server training</u>						
Human Services, Substance Abuse and Mental Health	35626	R523-23-4	AMD	03/09/2012	2012-3/66	
<u>service continuum</u>						
Human Services, Substance Abuse and Mental Health	36310	R523-20	5YR	06/05/2012	Not Printed	
<u>significant energy resource</u>						
Public Service Commission, Administration	36166	R746-420	5YR	05/10/2012	2012-11/183	
<u>significant energy resources</u>						
Public Service Commission, Administration	36167	R746-430	5YR	05/10/2012	2012-11/184	
<u>signs</u>						
Transportation, Preconstruction, Right-of-Way Acquisition	36180	R933-2	EMR	05/14/2012	2012-11/168	
<u>slaughter</u>						
Agriculture and Food, Animal Industry	35866	R58-11	AMD	05/15/2012	2012-5/5	
	36144	R58-11	NSC	05/30/2012	Not Printed	

<u>smoking</u>						
Health, Disease Control and Prevention, Environmental Services	36019	R392-510	5YR	04/02/2012	2012-8/75	
<u>snow removal</u>						
Transportation, Operations, Maintenance	35515	R918-3	AMD	02/07/2012	2012-1/55	
<u>sobriety tests</u>						
Health, Disease Control and Prevention, Laboratory Services	35706	R438-12	5YR	01/20/2012	2012-4/98	
<u>social services</u>						
Human Services, Child and Family Services	35895	R512-1	5YR	02/23/2012	2012-6/38	
<u>solicitation process</u>						
Public Service Commission, Administration	36166	R746-420	5YR	05/10/2012	2012-11/183	
<u>solicitations</u>						
Commerce, Consumer Protection	35970	R152-22	5YR	03/22/2012	2012-8/72	
<u>solid waste management</u>						
Environmental Quality, Solid and Hazardous Waste	35988	R315-304	5YR	03/29/2012	2012-8/74	
	35432	R315-312-1	AMD	01/13/2012	2011-23/59	
	35433	R315-315-5	AMD	01/13/2012	2011-23/60	
	35434	R315-320-2	AMD	01/13/2012	2011-23/61	
<u>solvent</u>						
Environmental Quality, Air Quality	35786	R307-341	5YR	02/01/2012	2012-4/88	
<u>solvent cleaning</u>						
Environmental Quality, Air Quality	35784	R307-335	5YR	02/01/2012	2012-4/87	
<u>sovereign lands</u>						
Natural Resources, Forestry, Fire and State Lands	36014	R652-70	5YR	04/02/2012	2012-8/87	
<u>space heaters</u>						
Administrative Services, Facilities Construction and Management	36146	R23-19	5YR	05/03/2012	2012-11/177	
<u>spas</u>						
Health, Disease Control and Prevention, Environmental Services	35707	R392-302	5YR	01/20/2012	2012-4/93	
<u>special events</u>						
Health, Disease Control and Prevention, Environmental Services	35711	R392-400	5YR	01/20/2012	2012-4/94	
<u>special fuel</u>						
Tax Commission, Auditing	35598	R865-4D	5YR	01/03/2012	2012-2/125	
<u>special income group</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	36085	R414-307	5YR	04/17/2012	2012-10/91	
<u>specific licenses</u>						
Environmental Quality, Radiation Control	35417	R313-22-75	AMD	01/16/2012	2011-23/51	
<u>sponsor-a-highway</u>						
Transportation, Operations, Maintenance	35669	R918-4	AMD	03/12/2012	2012-3/82	
<u>sponsors</u>						
Corrections, Administration	35755	R251-306	EXT	01/31/2012	2012-4/121	
	36040	R251-306	5YR	04/06/2012	2012-9/77	
<u>stack height</u>						
Environmental Quality, Air Quality	36337	R307-410	5YR	06/06/2012	Not Printed	

RULES INDEX

<u>standards</u>						
Transportation, Administration	35670	R907-60	REP	03/12/2012	2012-3/80	
<u>STAR</u>						
Science Technology and Research Governing Auth., Administration	36083	R856-1	EXD	04/05/2012	2012-9/101	
	36084	R856-2	EXD	04/05/2012	2012-9/101	
<u>state buildings</u>						
Capitol Preservation Board (State), Administration	35899	R131-3	EXT	02/29/2012	2012-6/43	
	36359	R131-3	5YR	06/13/2012	Not Printed	
<u>state employees</u>						
Human Resource Management, Administration	35825	R477-5	5YR	02/02/2012	2012-5/109	
<u>state fleet information system</u>						
Administrative Services, Fleet Operations	35617	R27-5	5YR	01/05/2012	2012-3/106	
	35623	R27-5	NSC	01/31/2012	Not Printed	
<u>state HEAT office records</u>						
Community and Culture, Home Energy Assistance Target (HEAT)	35408	R195-7	AMD	03/26/2012	2011-23/19	
	36298	R195-7	EXT	05/31/2012	2012-12/96	
<u>state hospital</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	35593	R525-6	AMD	02/21/2012	2012-2/98	
<u>stationary sources</u>						
Environmental Quality, Air Quality	35496	R307-210-1	AMD	03/07/2012	2011-24/7	
<u>student eligibility</u>						
Workforce Services, Unemployment Insurance	35448	R994-403-112c	AMD	01/17/2012	2011-23/98	
<u>student financial aid</u>						
Education, Administration	35682	R277-718	REP	03/12/2012	2012-3/37	
<u>students</u>						
Education, Administration	35936	R277-485	AMD	05/08/2012	2012-7/33	
	35878	R277-615	NEW	04/10/2012	2012-5/29	
<u>students with disabilities</u>						
Education, Administration	35935	R277-479	NEW	05/08/2012	2012-7/31	
	36160	R277-479-1	NSC	05/30/2012	Not Printed	
<u>students' rights</u>						
Education, Administration	35454	R277-608	AMD	01/10/2012	2011-23/41	
<u>substance abuse</u>						
Human Services, Substance Abuse and Mental Health	36310	R523-20	5YR	06/05/2012	Not Printed	
	35626	R523-23-4	AMD	03/09/2012	2012-3/66	
<u>suggestions</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	35594	R525-7	AMD	02/21/2012	2012-2/99	
	35855	R525-7	NSC	02/29/2012	Not Printed	
<u>supervision</u>						
Commerce, Occupational and Professional Licensing	35624	R156-1	5YR	01/05/2012	2012-3/112	
	36077	R156-1	AMD	06/07/2012	2012-9/8	
Corrections, Administration	36312	R251-401	5YR	06/05/2012	Not Printed	
<u>surface coating</u>						
Environmental Quality, Air Quality	35785	R307-340	5YR	02/01/2012	2012-4/87	

surveys

Environmental Quality, Radiation Control	35906	R313-35	5YR	03/02/2012	2012-7/65
	35418	R313-36	AMD	01/16/2012	2011-23/54
Judicial Performance Evaluation Commission, Administration	35930	R597-3	EMR	03/15/2012	2012-7/57
	35934	R597-3	AMD	06/01/2012	2012-7/50
Natural Resources, Forestry, Fire and State Lands	36011	R652-40	5YR	04/02/2012	2012-8/86

tailings

Environmental Quality, Radiation Control	36277	R313-24	5YR	05/24/2012	2012-12/84
--	-------	---------	-----	------------	------------

tariffs

Public Service Commission, Administration	35507	R746-405-2	AMD	02/07/2012	2012-1/41
	35896	R746-405-2	AMD	05/07/2012	2012-6/31

tax credits

Environmental Quality, Air Quality	35716	R307-121	5YR	01/23/2012	2012-4/81
	35718	R307-121-7	NSC	02/09/2012	Not Printed

tax exemptions

Environmental Quality, Air Quality	35775	R307-120	5YR	02/01/2012	2012-4/81
Environmental Quality, Water Quality	35726	R317-12	5YR	01/25/2012	2012-4/89
Tax Commission, Auditing	35606	R865-19S	5YR	01/03/2012	2012-2/133
	35511	R865-19S-32	AMD	02/09/2012	2012-1/48

tax returns

Tax Commission, Auditing	35600	R865-9I	5YR	01/03/2012	2012-2/127
--------------------------	-------	---------	-----	------------	------------

taxation

Tax Commission, Administration	35595	R861-1A	5YR	01/03/2012	2012-2/122
	35862	R861-1A-9	AMD	04/12/2012	2012-5/93
	36061	R861-1A-16	AMD	06/14/2012	2012-9/65
Tax Commission, Auditing	35597	R865-3C	5YR	01/03/2012	2012-2/125
	35863	R865-3C-1	AMD	04/12/2012	2012-5/95
	35598	R865-4D	5YR	01/03/2012	2012-2/125
	35599	R865-6F	5YR	01/03/2012	2012-2/126
	35601	R865-11Q	5YR	01/03/2012	2012-2/130
	35602	R865-12L	5YR	01/03/2012	2012-2/130
	35603	R865-13G	5YR	01/03/2012	2012-2/131
	35604	R865-14W	5YR	01/03/2012	2012-2/132
	35605	R865-15O	5YR	01/03/2012	2012-2/133
	35607	R865-20T	5YR	01/03/2012	2012-2/137
Tax Commission, Motor Vehicle	35608	R873-22M	5YR	01/03/2012	2012-2/138
Tax Commission, Motor Vehicle Enforcement	35609	R877-23V	5YR	01/03/2012	2012-2/140
	36062	R877-23V-7	AMD	06/14/2012	2012-9/67
	35512	R877-23V-20	AMD	02/09/2012	2012-1/49
	35513	R877-23V-21	AMD	02/09/2012	2012-1/50
	36063	R877-23V-22	AMD	06/14/2012	2012-9/70
Tax Commission, Property Tax	35592	R884-24P	5YR	01/03/2012	2012-2/141
	35514	R884-24P-62	AMD	02/09/2012	2012-1/51
	35864	R884-24P-66	AMD	04/12/2012	2012-5/96
	36064	R884-24P-68	AMD	06/14/2012	2012-9/71

teacher certification

Education, Administration	35679	R277-513	REP	03/12/2012	2012-3/30
	35941	R277-519	5YR	03/15/2012	2012-7/64
Public Safety, Driver License	35705	R708-27	5YR	01/20/2012	2012-4/120

teachers

Education, Administration	35675	R277-476	REP	03/12/2012	2012-3/22
	35677	R277-503	AMD	03/12/2012	2012-3/24
	35939	R277-503	5YR	03/15/2012	2012-7/63
	36073	R277-503	AMD	06/07/2012	2012-9/39
	35671	R277-511	5YR	01/17/2012	2012-3/113
	35678	R277-511	REP	03/12/2012	2012-3/28
	35454	R277-608	AMD	01/10/2012	2011-23/41

RULES INDEX

<u>technology funding</u>						
Science Technology and Research Governing Auth., Administration	36083	R856-1	EXD	04/05/2012	2012-9/101	
<u>telecommunications</u>						
Public Service Commission, Administration	35509	R746-342	REP	02/07/2012	2012-1/40	
	35651	R746-348	5YR	01/11/2012	2012-3/126	
	35916	R746-349	5YR	03/06/2012	2012-7/71	
	35917	R746-351	5YR	03/06/2012	2012-7/72	
	35927	R746-365	NSC	03/22/2012	Not Printed	
<u>telecommuting</u>						
Human Resource Management, Administration	35828	R477-8	5YR	02/02/2012	2012-5/112	
<u>telephone utility regulations</u>						
Public Service Commission, Administration	35651	R746-348	5YR	01/11/2012	2012-3/126	
<u>telephonic participation</u>						
Administrative Services, Archives	35304	R17-9	NEW	01/30/2012	2011-20/6	
<u>temporary mass gatherings</u>						
Health, Disease Control and Prevention, Environmental Services	35711	R392-400	5YR	01/20/2012	2012-4/94	
<u>terminally ill</u>						
Natural Resources, Wildlife Resources	36152	R657-30	5YR	05/04/2012	2012-11/182	
<u>time</u>						
Labor Commission, Antidiscrimination and Labor, Labor	35833	R610-3-21	AMD	04/16/2012	2012-5/88	
<u>timelines</u>						
Education, Administration	35453	R277-482	NEW	01/10/2012	2011-23/38	
<u>tobacco products</u>						
Tax Commission, Auditing	35607	R865-20T	5YR	01/03/2012	2012-2/137	
<u>towing</u>						
Transportation, Motor Carrier	35256	R909-19	AMD	02/07/2012	2011-20/41	
	35256	R909-19	CPR	02/07/2012	2012-1/64	
<u>traffic noise abatement</u>						
Transportation, Preconstruction	35516	R930-3	AMD	02/07/2012	2012-1/57	
<u>traffic violations</u>						
Public Safety, Driver License	35636	R708-3	5YR	01/09/2012	2012-3/121	
<u>training</u>						
Education, Administration	35453	R277-482	NEW	01/10/2012	2011-23/38	
Human Services, Substance Abuse and Mental Health	35625	R523-24	AMD	03/09/2012	2012-3/67	
<u>training programs</u>						
Human Resource Management, Administration	35830	R477-10	5YR	02/03/2012	2012-5/113	
Public Safety, Driver License	35703	R708-21	5YR	01/20/2012	2012-4/119	
Workforce Services, Administration	36357	R982-601	5YR	06/12/2012	Not Printed	
<u>tramway permits</u>						
Transportation, Operations, Traffic and Safety	36081	R920-50	5YR	04/16/2012	2012-9/98	
	36082	R920-50	AMD	06/07/2012	2012-9/72	
<u>tramways</u>						
Transportation, Operations, Traffic and Safety	36081	R920-50	5YR	04/16/2012	2012-9/98	
	36082	R920-50	AMD	06/07/2012	2012-9/72	
<u>transfer</u>						
Technology Services, Administration	35989	R895-3	EXT	03/29/2012	2012-8/91	

<u>transparency</u>						
Health, Center for Health Data, Health Care Statistics	35616	R428-15	AMD	03/16/2012	2012-3/51	
<u>transportation</u>						
Transportation, Preconstruction	35516	R930-3	AMD	02/07/2012	2012-1/57	
Transportation, Program Development	35959	R926-4	5YR	03/20/2012	2012-8/90	
	35960	R926-4	NSC	04/11/2012	Not Printed	
<u>transportation planning</u>						
Transportation, Program Development	36179	R926-6	NSC	05/30/2012	Not Printed	
<u>transportation research</u>						
Transportation, Administration	35670	R907-60	REP	03/12/2012	2012-3/80	
<u>transportation safety</u>						
Transportation, Motor Carrier	35425	R909-1	AMD	01/10/2012	2011-23/90	
	35873	R909-1	AMD	04/11/2012	2012-5/99	
Transportation, Operations, Traffic and Safety	36081	R920-50	5YR	04/16/2012	2012-9/98	
	36082	R920-50	AMD	06/07/2012	2012-9/72	
<u>trauma</u>						
Health, Family Health and Preparedness, Emergency Medical Services	36100	R426-5	5YR	04/26/2012	2012-10/92	
<u>trauma center designation</u>						
Health, Family Health and Preparedness, Emergency Medical Services	36100	R426-5	5YR	04/26/2012	2012-10/92	
<u>trip reduction</u>						
Environmental Quality, Air Quality	35779	R307-320	5YR	02/01/2012	2012-4/84	
<u>trucking industries</u>						
Tax Commission, Auditing	35599	R865-6F	5YR	01/03/2012	2012-2/126	
<u>trucks</u>						
Transportation, Motor Carrier	35425	R909-1	AMD	01/10/2012	2011-23/90	
	35873	R909-1	AMD	04/11/2012	2012-5/99	
	35427	R909-16	REP	01/10/2012	2011-23/92	
	35256	R909-19	AMD	02/07/2012	2011-20/41	
	35256	R909-19	CPR	02/07/2012	2012-1/64	
<u>unarmed combat</u>						
Governor, Economic Development, Pete Suazo Utah Athletic Commission	36002	R359-1	5YR	03/30/2012	2012-8/74	
<u>underground storage tanks</u>						
Environmental Quality, Environmental Response and Remediation	35668	R311-200	AMD	03/09/2012	2012-3/42	
	36057	R311-200	5YR	04/10/2012	2012-9/82	
	35447	R311-201	AMD	01/13/2012	2011-23/45	
	36045	R311-201	5YR	04/10/2012	2012-9/82	
	36046	R311-202	5YR	04/10/2012	2012-9/84	
	36047	R311-203	5YR	04/10/2012	2012-9/84	
	36048	R311-204	5YR	04/10/2012	2012-9/85	
	36049	R311-205	5YR	04/10/2012	2012-9/86	
	36050	R311-206	5YR	04/10/2012	2012-9/86	
	36051	R311-207	5YR	04/10/2012	2012-9/87	
	36052	R311-208	5YR	04/10/2012	2012-9/88	
	36053	R311-209	5YR	04/10/2012	2012-9/89	
	36054	R311-210	5YR	04/10/2012	2012-9/89	
	36055	R311-211	5YR	04/10/2012	2012-9/90	
	36056	R311-212	5YR	04/10/2012	2012-9/90	
<u>unemployed workers</u>						
Workforce Services, Administration	36357	R982-601	5YR	06/12/2012	Not Printed	
Workforce Services, Unemployment Insurance	35992	R994-207-102	NSC	04/11/2012	Not Printed	

RULES INDEX

<u>unemployment compensation</u>						
Workforce Services, Unemployment Insurance	36091	R994-102	5YR	04/25/2012	2012-10/96	
	36092	R994-106	5YR	04/25/2012	2012-10/96	
	35992	R994-207-102	NSC	04/11/2012	Not Printed	
	36093	R994-303	5YR	04/25/2012	2012-10/97	
	36094	R994-401	5YR	04/25/2012	2012-10/97	
	36095	R994-402	5YR	04/25/2012	2012-10/98	
	35448	R994-403-112c	AMD	01/17/2012	2011-23/98	
	36256	R994-404	5YR	05/22/2012	2012-12/92	
	36257	R994-406	5YR	05/22/2012	2012-12/92	
	35455	R994-508	AMD	02/01/2012	2011-23/101	
<u>uranium mills</u>						
Environmental Quality, Radiation Control	36277	R313-24	5YR	05/24/2012	2012-12/84	
<u>used oil</u>						
Environmental Quality, Solid and Hazardous Waste	36246	R315-15	5YR	05/17/2012	2012-12/85	
<u>USHRAB board meetings</u>						
Administrative Services, Archives	35304	R17-9	NEW	01/30/2012	2011-20/6	
<u>utilities</u>						
Public Service Commission, Administration	36167	R746-430	5YR	05/10/2012	2012-11/184	
	35506	R746-800	REP	02/07/2012	2012-1/43	
<u>utility regulations</u>						
Public Service Commission, Administration	35505	R746-310-1	AMD	02/07/2012	2012-1/38	
	35925	R746-310-2	NSC	03/22/2012	Not Printed	
	35507	R746-405-2	AMD	02/07/2012	2012-1/41	
	35896	R746-405-2	AMD	05/07/2012	2012-6/31	
<u>utility service shutoff</u>						
Public Service Commission, Administration	35926	R746-320	NSC	03/22/2012	Not Printed	
<u>vacations</u>						
Human Resource Management, Administration	35827	R477-7	5YR	02/02/2012	2012-5/111	
<u>vaccination</u>						
Agriculture and Food, Animal Industry	36143	R58-3	EMR	05/08/2012	2012-11/167	
<u>vaccinations</u>						
Health, Family Health and Preparedness, Licensing	35977	R432-40	5YR	03/28/2012	2012-8/77	
<u>vehicle maintenance</u>						
Administrative Services, Fleet Operations	35621	R27-8	5YR	01/05/2012	2012-3/107	
<u>vehicle replacement</u>						
Administrative Services, Fleet Operations	35622	R27-4	5YR	01/05/2012	2012-3/105	
<u>vendor approvals</u>						
Administrative Services, Fleet Operations	35621	R27-8	5YR	01/05/2012	2012-3/107	
<u>ventilation</u>						
Health, Disease Control and Prevention, Environmental Services	36019	R392-510	5YR	04/02/2012	2012-8/75	
<u>veterinarians</u>						
Environmental Quality, Radiation Control	35906	R313-35	5YR	03/02/2012	2012-7/65	
<u>victims of crimes</u>						
Pardons (Board Of), Administration	35738	R671-203	5YR	01/31/2012	2012-4/110	
<u>visibility</u>						
Environmental Quality, Air Quality	36336	R307-406	5YR	06/06/2012	Not Printed	

<u>visitation</u>						
Corrections, Administration	35754	R251-305	EXT	01/31/2012	2012-4/121	
	36039	R251-305	5YR	04/06/2012	2012-9/77	
<u>volunteers</u>						
Human Resource Management, Administration	35834	R477-13	5YR	02/03/2012	2012-5/115	
Transportation, Operations, Maintenance	35669	R918-4	AMD	03/12/2012	2012-3/82	
<u>wages</u>						
Labor Commission, Antidiscrimination and Labor, Labor	35833	R610-3-21	AMD	04/16/2012	2012-5/88	
<u>waivers</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	36085	R414-307	5YR	04/17/2012	2012-10/91	
<u>waste disposal</u>						
Environmental Quality, Solid and Hazardous Waste	35988	R315-304	5YR	03/29/2012	2012-8/74	
	35432	R315-312-1	AMD	01/13/2012	2011-23/59	
	35433	R315-315-5	AMD	01/13/2012	2011-23/60	
	35434	R315-320-2	AMD	01/13/2012	2011-23/61	
<u>wastewater</u>						
Environmental Quality, Water Quality	36190	R317-3	5YR	05/15/2012	2012-11/179	
<u>water</u>						
Natural Resources, Water Rights	36382	R655-15	5YR	06/15/2012	Not Printed	
<u>water commissioner</u>						
Natural Resources, Water Rights	36382	R655-15	5YR	06/15/2012	Not Printed	
<u>water policy</u>						
Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	35797	R643-879	5YR	02/01/2012	2012-4/104	
<u>water pollution</u>						
Environmental Quality, Water Quality	35359	R317-2	AMD	04/01/2012	2011-21/78	
	35359	R317-2	CPR	04/01/2012	2012-4/40	
	36190	R317-3	5YR	05/15/2012	2012-11/179	
	35238	R317-8	AMD	01/25/2012	2011-19/31	
	35726	R317-12	5YR	01/25/2012	2012-4/89	
<u>water quality</u>						
Environmental Quality, Water Quality	36190	R317-3	5YR	05/15/2012	2012-11/179	
<u>water quality standards</u>						
Environmental Quality, Water Quality	35359	R317-2	AMD	04/01/2012	2011-21/78	
	35359	R317-2	CPR	04/01/2012	2012-4/40	
<u>water rights</u>						
Natural Resources, Water Rights	36381	R655-6	5YR	06/15/2012	Not Printed	
<u>water rights procedures</u>						
Natural Resources, Water Rights	36380	R655-2	5YR	06/15/2012	Not Printed	
<u>water slides</u>						
Health, Disease Control and Prevention, Environmental Services	35707	R392-302	5YR	01/20/2012	2012-4/93	
<u>weapons</u>						
Human Services, Juvenile Justice Services	36043	R547-14	5YR	04/09/2012	2012-9/93	
Human Services, Substance Abuse and Mental Health, State Hospital	35593	R525-6	AMD	02/21/2012	2012-2/98	
<u>welfare</u>						
Human Services, Recovery Services	36346	R527-3	5YR	06/12/2012	Not Printed	

RULES INDEX

white collar contests

Governor, Economic Development, Pete Suazo Utah Athletic Commission 36002 R359-1 5YR 03/30/2012 2012-8/74

wildlife

Natural Resources, Wildlife Resources 36149 R657-2 5YR 05/04/2012 2012-11/181
 36280 R657-4 5YR 05/29/2012 2012-12/87
 35520 R657-5 AMD 02/07/2012 2012-1/29
 35440 R657-13 AMD 01/10/2012 2011-23/75
 35209 R657-17 AMD 01/10/2012 2011-18/63
 35734 R657-20 AMD 04/02/2012 2012-4/25
 36150 R657-22 5YR 05/04/2012 2012-11/182
 36003 R657-27 5YR 04/02/2012 2012-8/89
 35733 R657-33 AMD 04/02/2012 2012-4/32
 35211 R657-38 AMD 01/10/2012 2011-18/65
 35435 R657-42 AMD 01/10/2012 2011-23/76
 35210 R657-43 AMD 01/10/2012 2011-18/71
 35909 R657-43 5YR 03/05/2012 2012-7/70
 36004 R657-50 5YR 04/02/2012 2012-8/89
 35439 R657-58 AMD 01/10/2012 2011-23/79
 35438 R657-59 AMD 01/10/2012 2011-23/80
 35436 R657-62 AMD 01/10/2012 2011-23/85

wildlife conservation

Natural Resources, Wildlife Resources 35211 R657-38 AMD 01/10/2012 2011-18/65

wildlife law

Natural Resources, Wildlife Resources 35440 R657-13 AMD 01/10/2012 2011-23/75
 36150 R657-22 5YR 05/04/2012 2012-11/182
 36003 R657-27 5YR 04/02/2012 2012-8/89
 35439 R657-58 AMD 01/10/2012 2011-23/79

withholding tax

Tax Commission, Auditing 35604 R865-14W 5YR 01/03/2012 2012-2/132

women

Health, Family Health and Preparedness, WIC Services 35812 R406-100 5YR 02/02/2012 2012-5/104
 35813 R406-200 5YR 02/02/2012 2012-5/105
 35814 R406-201 5YR 02/02/2012 2012-5/105
 35815 R406-202 5YR 02/02/2012 2012-5/106
 35816 R406-301 5YR 02/02/2012 2012-5/106

wood furniture

Environmental Quality, Air Quality 35787 R307-343 5YR 02/01/2012 2012-4/89

work-based learning programs

Education, Administration 35938 R277-916 AMD 05/08/2012 2012-7/35

workers' compensation

Administrative Services, Risk Management 36287 R37-2 5YR 05/30/2012 2012-12/81
 Workforce Services, Unemployment Insurance 36256 R994-404 5YR 05/22/2012 2012-12/92

x-rays

Environmental Quality, Radiation Control 35906 R313-35 5YR 03/02/2012 2012-7/65