

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63G-3-402.

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. 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

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# SPECIAL NOTICES

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## Environmental Quality Air Quality

### Notice of Public Comment Period for Exceptional Events - Exceptional Event Demonstration Ozone Exceedances at Beach, Brigham City, Harrisville and Hawthorne Monitoring Stations Due to 2012 Wildfires - August 12, 2012

Federal regulations, 40 Code of Federal Regulations (CFR) Part 50, allow states to exclude air quality data that exceed or violate a National Ambient Air Quality Standard (NAAQS) if they can demonstrate that an "exceptional event" has caused the exceedance or violation. Exceptional events are unusual or naturally occurring events that can affect air quality but are not reasonably controllable or preventable using techniques implemented to attain and maintain the NAAQS.

Exceptional events may be caused by human activity that is unlikely to recur at a particular location, or may be due to a natural event. The Environmental Protection Agency (EPA) defines a "natural event" as an event in which human activity plays little or no direct causal role to the event in question. For example, a natural event could include such things as high winds, wild fires, and seismic/volcanic activity. In addition, the EPA will allow states to exclude data from regulatory determinations on a case-by-case basis for monitoring stations that measure values that exceed or violate the NAAQS due to emissions from fireworks displays from cultural events.

Federal regulations (40 CFR Part 50.14 (c) (3)(i)) require that all relevant flagged data, the reasons for the data being flagged, and a demonstration that the flagged data are caused by exceptional events be made available by the state for 30 days of public review and comment. These comments will be considered in the final demonstration of the event that is submitted to EPA. The following monitoring stations air quality exceedances have been attributed to a wildfire exceptional event.

| Monitoring Station | Ozone (ppb) | Standard (ppb) |
|--------------------|-------------|----------------|
| Beach              | 81          | 75             |
| Brigham City       | 78          | 75             |
| Harrisville        | 81          | 75             |
| Hawthorne          | 82          | 75             |

The documentation for public review and comment to support removing these data from use in regulatory determinations will be available beginning 11/01/2013 at [www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Exceptional\\_Events/Exceptional\\_Events.htm](http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Exceptional_Events/Exceptional_Events.htm) or at the Multi Agency State Office Building, 195 North 1950 West in Salt Lake City.

*In compliance with the American with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Brooke Baker, Office of Human Resources at 801-536-4412 (TDD 536-4414).*

*The comment period will close at 5:00 p.m. on 12/02/2013. Comments postmarked on or before that date will be accepted. Comments may be submitted by electronic mail to [jkarmazyn@utah.gov](mailto:jkarmazyn@utah.gov) or may be mailed to: Joel Karmazyn, Utah Division of Air Quality, PO Box 144820, 195 N 1950 W, Salt Lake City, UT 84114-4820*

**End of the Special Notices Section**



# EXECUTIVE DOCUMENTS

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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).

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## Governor's Executive Order EO/09/2013: 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 October 10, 2013 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 October 2013

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Lieutenant Governor  
Greg Bell**

EO/09/2013

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**Governor's Proclamation 2013/2/S: Calling the Sixtieth Legislature into the Second Special Session**

PROCLAMATION

**WHEREAS**, since the adjournment of the 2013 General Session of the Sixtieth Legislature of the State of Utah, matters have arisen that require immediate legislative attention;

**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; and

**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 Sixtieth Legislature of the State of Utah into a Second Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 16th day of October 2013, at 2:30 p.m., solely for the following purposes:

1. to consider appropriating and/or authorizing the use of state funds to open and operate certain national parks, national monuments and/or national recreation areas;
2. to consider appropriating and/or authorizing the use of state funds to offset obligations occasioned by delays in federal funding to the Child Nutrition Program;
3. to consider appropriating and/or authorizing the use of state funds to cover the benefits of certain furloughed employees which are unpaid because of a lapse in federal funds;
4. 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 11th day of October, 2013.

(State Seal)

**Gary R. Herbert  
Governor**

ATTEST:

**Greg Bell  
Lieutenant Governor**

2013/2/S

**End of the Executive Documents Section**



## NOTICES OF PROPOSED RULES

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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 October 02, 2013, 12:00 a.m., and October 15, 2013, 11:59 p.m. are included in this, the November 01, 2013 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 December 2, 2013. 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 March 1, 2014, 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.

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**The Proposed Rules Begin on the Following Page**

Education, Administration  
**R277-494**  
 Charter School and Online Student  
 Participation in Extracurricular or Co-  
 curricular School Activities

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 38042

FILED: 10/04/2013

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide changes to a definition that reflect changed terminology and charter school authorizer changes in state law.

SUMMARY OF THE RULE OR CHANGE: The definition of "Charter school" is changed in Subsection R277-494-1(C) to reflect changed terminology and charter school authorizer changes in state law.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-1a-519(6)(a) and Subsection 53A-2-214(6)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. Changing the definition of "Charter school" does not include a cost or savings.
- ◆ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. Changing the definition of "Charter school" does not include a cost or savings.
- ◆ 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. Changing the definition of "Charter school" does not include a cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Changing the definition of "Charter school" does not include 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 12/02/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2013

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

**R277. Education, Administration.**

**R277-494. Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities.**

**R277-494-1. Definitions.**

A. "Activity fees" means fees that are approved by a local board and charged to all students to participate in any or all activities sponsored by or through the public school. Fees vary among districts and schools and entitle a public school student to participate in regular school activities, to try out for extracurricular or co-curricular school activities, to receive transportation to activities, and to attend regularly scheduled public school activities.

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

C. "Charter school" means a school acknowledged as a charter school by a ~~local board of education~~ chartering entity under Sections 53A-1a-515, 53A-1a-521, and R277-470 or by the Board under Section 53A-1a-505.

D. "Co-curricular activity" means a school district or school activity, course or experience that includes a required regular school day component and an after school component; special programs or activities such as programs for gifted and talented students, summer programs and science and history fairs are co-curricular activities.

E. "Extracurricular activity" means an athletic program or activity sponsored by the public school and offered, competitively or otherwise, to public school students outside of the regular school day or program.

F. "Online school" means a school:

- (1) that provides the same number of classes consistent with the requirement of similar public schools;
- (2) that delivers course work via the internet;
- (3) that has designated a readily accessible contact person; and
- (4) that provides the range of services to public education students required by state and federal law.

G. "Pay to play fees" means the fees charged to a student to participate in a specific school-sponsored extracurricular or co-curricular activity. All fees shall be approved annually by the local board of education.

H. "Student's boundary school" means the school the student is designated to attend according to where the student's legal guardian lives or the school where the student is enrolled under Section 53A-2-206.5 et seq.

I. "Student's school of enrollment" means the public school in which the student is enrolled consistent with Section 53A-11-101 et seq.

J. "Student fee waivers" means all expenses for an activity that are waived for student participation in the activity consistent with Section 53A-12-103 et seq. and R277-407.

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

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

**R277-494-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, Section 53A-1a-519(5) that directs the Board to make rules establishing fees for a charter school student's participation in extracurricular or co-curricular activities at school district schools, and Section 53A-2-214(6) which directs the Board to make rules establishing fees for an online student's participation in extracurricular or co-curricular activities at school district schools.

B. The purpose of this rule is to inform school districts, charter and online schools, and parents of school participation fees and state-determined requirements for a charter school or a public online school student to participate in extracurricular athletics and activities at a student's boundary school.

**R277-494-3. Requirements for Payment and Participation Integral to the Schedule.**

A. A charter or online school shall allow student participation in activities designated under R277-494-1E upon satisfaction of requirements and payments of this rule and satisfaction of school district standards and requirements.

B. A school participation fee of \$75.00 per student shall be paid by the student's school of enrollment to the boundary school at which the student desires to participate. Upon annual payment of the school participation fee, the student may participate in all extracurricular school activities as defined in R277-494-1E during the school year for which the student is qualified and eligible.

C. The participation fee paid by the charter or online school is in addition to individual student participation fees for specific extracurricular activities and the activity fees charged to all students in the secondary school to supplement school activities as assessed by the school consistent with this rule. Student participation fees or required activity fees shall be paid to the boundary school by the participating student.

D. All fees, including school participation fees, student participation fees and activity fees shall be paid prior to student participation.

E. If a participating charter or online school student qualifies for fee waivers, all waived student participation fees shall be paid to the boundary school by the student's school of enrollment prior to student participation.

**R277-494-4. Additional Provisions.**

A. Charter, online and traditional schools may negotiate to allow student participation in co-curricular activities such as debate, drama, choral programs, specialized courses or programs offered during the regular school day, and school district-sponsored enrichment programs or activities. Participating charter/online students shall be required to meet all attendance and course requirements of all boundary public school students.

B. A charter and online student participating under this rule shall meet all eligibility requirements and timelines of the boundary school.

**KEY: extracurricular, co-curricular, activities, student participation**

**Date of Enactment or Last Substantive Amendment: [~~October 22, 2009~~2013**

**Notice of Continuation: October 4, 2013**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1a-519(5); 53A-2-214(6)**

**Environmental Quality, Administration  
R305-4-5  
Final Approval Procedure and Payment  
Process**

**NOTICE OF PROPOSED RULE  
(Amendment)**

DAR FILE NO.: 38048

FILED: 10/08/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Previously, once an applicant's project for refueling equipment had been pre-approved to receive a grant or loan, there were no administrative rule requirements for the applicant to provide appropriate documentation in order to demonstrate final approval of the grant or loan.

**SUMMARY OF THE RULE OR CHANGE:** Documentation requirements are added for refueling equipment projects that have been pre-approved to receive a grant or loan.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-1-401

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** The only changes to the rule are to add documentation requirements for the applicant. These will not result in additional costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** The only changes to the rule are to add documentation requirements for the applicant. These will not result in additional costs or savings to local government.
- ◆ **SMALL BUSINESSES:** The only changes to the rule are to add documentation requirements for the applicant. These changes might add additional administrative costs; however, they are expected to be very minimal.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The only changes to the rule are to add documentation requirements for the applicant. These will not result in additional costs or savings to persons other than small businesses, businesses, or local government entities.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The only changes to the rule are to add documentation requirements for the applicant. These will result in very minimal compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The only changes to the rule are to add documentation requirements for the applicant. These will result in very minimal compliance costs for affected persons.

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**  
 ENVIRONMENTAL QUALITY  
 ADMINISTRATION  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ◆ Debbie Oberndorfer by phone at 801-536-4402, by FAX at 801-536-0061, or by Internet E-mail at doberndorfer@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/02/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2013

AUTHORIZED BY: Amanda Smith, Executive Director

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**R305. Environmental Quality, Administration.**  
**R305-4. Clean Fuels and Vehicle Technology Fund Grant and Loan Program.**  
**R305-4-5. Final Approval Procedure and Payment Process.**  
 (1) Once an applicant's project has been pre-approved to receive a grant or loan, the applicant shall provide: ~~all additional documentation required in R307-123-]~~

- (a) for vehicles, the demonstration of eligibility requirements in R307-123-3 through 5; and
- (b) for refueling equipment, the following documentation:
  - (i) the name of the facility (including facility and/or unit number, if applicable) where refueling equipment will be installed and used;
  - (ii) the address of the facility where refueling equipment will be installed and used;
  - (iii) the government-issued building permit for the site at which the refueling equipment will be installed and used;
  - (iv) an original or copy of the bill of sale or sales contract from the purchase of the refueling equipment; and
  - (v) if applicable:
    - (A) the name of the issuing entity for the matching grant;
    - (B) the name of the matching grant;
    - (C) the amount of the matching grant;
    - (D) the type of entity issuing the matching grant; and
    - (E) the grant agreement between awardee and the matching grant entity or entities.

(2) If rejected at any stage of the process, the applicant may consult with the Department to determine appropriate revisions to the application that should be made prior to submitting the application for reconsideration.

(3) Once an applicant has obtained final approval to receive a grant or loan, including signed contract documents, monies from the fund will be issued as reimbursements for the applicant's project costs.

(4) Grant or loan monies for a state match of a federal or non-federal grant will only be issued to the applicant after the applicant's project has been approved by the granting entity for the federal or non-federal grant.

(5) The approved applicant shall continue to comply with the provisions of this rule.

**KEY: air pollution, alternative fuels, grants and loans, motor vehicles**

**Date of Enactment or Last Substantive Amendment: [~~October 8, 2008~~2013**

**Notice of Continuation: July 15, 2013**

**Authorizing, and Implemented or Interpreted Law: 19-1-401**

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**Environmental Quality, Air Quality**  
**R307-110-17**  
**Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits**

**NOTICE OF PROPOSED RULE**

(Amendment)  
 DAR FILE NO.: 38061  
 FILED: 10/15/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** In 2006, EPA tightened the PM2.5 national

ambient air quality standard from 65 to 35 micrograms per cubic meter. Emission control measures associated with the new State Implementation Plan (SIP) for PM<sub>2.5</sub> need to be incorporated into the Utah Air Quality Rules. The Air Quality Board has proposed to expand Section IX, Part H of the SIP to add emission limitations for PM<sub>2.5</sub> and PM<sub>2.5</sub> precursors. Section IX, Part H of the SIP is incorporated by reference into the Air Quality rules in Section R307-110-17. This rule amendment will update the incorporation date to include the most recent version of Section IX, Part H, which will include the new emission control measures associated with the new SIP for PM<sub>2.5</sub>, adopted by the Air Quality Board.

**SUMMARY OF THE RULE OR CHANGE:** This amendment changes the date of Section IX, Part H most recently adopted by the Air Quality Board. Section IX, Part H is being amended by adding sections that address the requirement of the Clean Air Act to include emission limitations, control measures, and schedules for certain large stationary sources in the State Implementation Plan for PM<sub>2.5</sub>. A copy of the new Part H sections is available for public review at <http://www.airquality.utah.gov/Public-Interest/Public-Comments-Hearings/Pubrule.htm>. The public comment period for the Part H amendments is from 11/01/2013 to 12/02/2013.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 19-2-104(3)(e)

**MATERIALS INCORPORATED BY REFERENCES:**

- ◆ Updates Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits, published by State of Utah Division of Air Quality, 01/08/2014

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact the state budget.
- ◆ **LOCAL GOVERNMENTS:** Because neither the rule nor the SIP the rule incorporates establish any new control requirements for local government there are no anticipated costs or savings.
- ◆ **SMALL BUSINESSES:** No cost or savings are anticipated with this rule change. No new requirements were created with this rule change that impacted small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No cost or savings are anticipated with this rule change. No new requirements were created with this rule change that impacted persons other than small businesses, businesses, or local government entities.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The emissions limitations and control measures required of point sources in Part H are required by the Clean Air Act. While some sources are not required to implement any new control measures, others are. For those that are required to implement new control measures, costs range from \$1,357 to \$25,319 per ton of emissions removed.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The emissions limitations and control measures required of point sources in Part H are required by the Clean Air Act. While some sources are not required to implement any new control measures, others are. For those that are required to implement new control measures, costs range from \$1,357 to \$25,319 per ton of emissions removed.

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](mailto:mberger@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/02/2013

**INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:**

- ◆ 11/13/2013 10:00 AM, Utah County Commission Chambers, 100 E Center St, Suite 1400, Provo, UT
- ◆ 11/21/2013 02:00 PM, Utah Multi-Agency State Office Building, 195 N 1950 W, Room 1015, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 01/09/2014

AUTHORIZED BY: Bryce Bird, Director

**R307. Environmental Quality, Air Quality.**

**R307-110. General Requirements: State Implementation Plan.**

**R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits, as most recently amended by the Utah Air Quality Board on ~~May 4, 2011~~ January 8, 2014, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**KEY:** air pollution, PM<sub>10</sub>, PM<sub>2.5</sub>, ozone

**Date of Enactment or Last Substantive Amendment:** ~~December 6, 2012~~ 2014

**Notice of Continuation:** February 1, 2012

**Authorizing, and Implemented or Interpreted Law:** 19-2-104(3)(e)

**Health, Health Care Financing,  
Coverage and Reimbursement Policy  
R414-302  
Eligibility Requirements**

**NOTICE OF PROPOSED RULE  
(Amendment)**

DAR FILE NO.: 38044  
FILED: 10/07/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this change is to comply with provisions of the Patient Protection and Affordable Care Act (ACA).

**SUMMARY OF THE RULE OR CHANGE:** This amendment implements a new requirement to verify citizenship and alienage through an electronic system before requiring verification from the client. It also adds deprivation of support requirements for Medicaid programs, and updates criteria to comply with ACA provisions on social security numbers, third party liability, and the assignment of rights. It further implements financial requirements for Modified Adjusted Group Income (MAGI)-based Medicaid groups.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 26-1-5 and Section 26-18-3

**MATERIALS INCORPORATED BY REFERENCES:**

- ◆ Updates 42 CFR 435.602(a), published by Government Printing Office, 10/01/2012
- ◆ Updates 42 CFR 433.138(b), published by Government Printing Office, 10/01/2012
- ◆ Adds 42 CFR 435.4, published by Government Printing Office, 10/01/2012
- ◆ Updates 42 CFR 610, published by Government Printing Office, 10/01/2012
- ◆ Updates Subsection 1902(b) of the Compilation of the Social Security Laws, published by Social Security Administration, 05/08/2013
- ◆ Adds 42 CFR 949 and 952, published by Government Printing Office, 10/01/2012
- ◆ Updates 1915(b) of the Compilation of the Social Security Laws, published by Social Security Administration, 09/09/2013
- ◆ Updates Definitions in 42 CFR 435.1010, published by Government Printing Office, 10/01/2012
- ◆ Updates 42 CFR 433.145 through 433.148, published by Government Printing Office, 10/01/2012
- ◆ Removes 45 CFR 233.106, published by Government Printing Office, 10/01/1997
- ◆ Updates 42 CFR 435.1009, published by Government Printing Office, 10/01/2012

- ◆ Updates 42 CFR 435.910, published by Government Printing Office, 10/01/2012
- ◆ Updates 42 CFR 435.608, published by Government Printing Office, 10/01/2012
- ◆ Updates 42 CFR 435.403, published by Government Printing Office, 10/01/2012
- ◆ Updates Section 1137 of the Compilation of the Social Security Laws, published by Social Security Administration, 05/08/2013
- ◆ Updates 42 CFR 435.406, published by Government Printing Office, 10/01/2012

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget because these changes are primarily administrative modifications, statutory updates, and definition changes.
- ◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because they do not determine Medicaid eligibility for Medicaid recipients.
- ◆ **SMALL BUSINESSES:** This amendment does not impose any new costs or requirements on small businesses because they do not make eligibility determinations for the Medicaid program. In addition, this amendment does not affect business revenue because the conversion process to MAGI methodology does not systematically increase or decrease Medicaid eligibility.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This amendment does not impose any new costs or requirements on Medicaid providers and on Medicaid recipients because it does not affect Medicaid services. In addition, this amendment does not affect provider revenue because the conversion process to MAGI methodology does not systematically increase or decrease Medicaid eligibility.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This amendment does not impose any new costs or requirements on a single Medicaid provider or on a Medicaid recipient because it does not affect Medicaid services. In addition, this amendment does not affect provider revenue because the conversion process to MAGI methodology does not systematically increase or decrease Medicaid eligibility.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The rule will have no 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 12/02/2013

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2014

AUTHORIZED BY: David Patton, PhD, Executive Director

#### **R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**

##### **R414-302. Eligibility Requirements.**

##### **R414-302-1. Authority and Purpose.**

This rule is authorized by Section 26-1-5 and Section 26-18-3 and establishes eligibility requirements for Medicaid and the Medicare Cost Sharing programs.

##### **R414-302-2. Definitions.**

The definitions in Rules R414-1 and R414-301 apply to this rule.

##### **R414-302-~~H~~3. Citizenship and Alienage.**

(1) The Department incorporates by reference 42 CFR 435.406 ~~[2008]October 1, 2012 ed.~~, which requires applicants and recipients to be United States (U.S.) citizens or qualified aliens and to provide verification of their U.S. citizenship or lawful alien status.

(2) The definitions in R414-1 and R414-301 apply to this rule.

(3) The Department shall decide if a public or private organization no longer exists or is unable to meet an alien's needs. The Department shall base the decision on the evidence submitted to support the claim. The documentation submitted by the alien must be sufficient to prove the claim.

(4) One adult household member must declare the citizenship status of all household members who will receive Medicaid. ~~[The client must provide verification of citizenship and identity as described in 42 CFR 435.407.]~~

(5) A qualified alien, as defined in 8 U.S.C. 1641 who was residing in the ~~[United States]U.S. [prior to]before~~ August 22, 1996, may receive full Medicaid, Qualified Medicare Beneficiaries (QMB), Specified Low-Income Medicare Beneficiaries (SLMB), or Qualifying Individuals (QI) services.

(6) A qualified alien, as defined in 8 U.S.C. 1641 newly admitted into the ~~[United States]U.S.~~ on or after August 22, 1996, may receive full Medicaid, QMB, SLMB, or ~~[Qualifying Individuals (QI)]~~ services after five years have passed from the person's date of entry into the ~~[United States]U.S.~~

(7) The Department accepts as verification of citizenship documents from federally recognized Indian tribes evidencing membership or enrollment in such tribe including those with international borders as required under Section 2[2]11(b)(1) of the Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111 3, or as prescribed by the Secretary.

(8) The Department provides reasonable opportunity for applicants or clients to present satisfactory documentation of citizenship as required under Section 2[2]11(b)(2) of the Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111 3.

(9) The Department considers that an infant born to a mother who is eligible for Medicaid at the time of ~~[such]the~~ infant's birth has provided satisfactory evidence of citizenship. The Department does not require further verification of citizenship for ~~[such]the~~ infant as required under Section 2[2]11(b)(3) of the Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111 3.

(10) The Department ~~[may implement an electronic match system with the Social Security Administration to verify citizenship or nationality, and the identity of an applicant for medical assistance. The electronic match system shall meet the requirements of Section 211(a) of the Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111 3.]~~ adopts and incorporates by reference 42 CFR 435.949 and 42 CFR 435.952, October 1, 2012 ed.

(a) The Department shall verify citizenship and immigration status requirements through the Federal Data Services Hub or through other electronic match systems approved by the Secretary.

(b) If the Department cannot verify citizenship or immigration status through an electronic match system or the electronic data is not reasonably compatible with the client statement, the client must provide verification of citizenship and identity as described in 42 CFR 435.407.

##### **R414-302-~~2~~4. Utah Residence.**

(1) The Department adopts and incorporates by reference 42 CFR 435.403, [1997]October 1, 2012 ed. ~~[which is incorporated by reference.]~~ The Department also adopts and incorporates by reference Subsection 1902(b) of the Compilation of the Social Security Laws, in effect ~~[January 1, 1998]May 8, 2013~~ ~~[which is incorporated by reference].~~

(2) The Department considers an individual who establishes state residency to be a resident of the state during periods of temporary absence, if the individual intends to return to the state when the purpose for the temporary absence ends.

##### **R414-302-~~3~~5. ~~[Reserved.]Deprivation of Supports.~~**

~~[Reserved.]~~ (1) The Department adopts and incorporates by reference the definition of "dependent child" found in 42 CFR 435.4, October 1, 2012 ed.

(2) A child who lives with two parents is deprived of support if at least one parent is working less than 100 hours a month.

(3) A child is not considered deprived of support if any of the following situations is true:

(a) The parent is absent because of military service;

(b) The parent is absent for employment, schooling, training or another temporary purpose;

(c) The parent will return to live in the home within 30 days from the date of the application;

(d) The parent is the primary child care provider and care is frequent enough that the child is not deprived of support, care and guidance.

(4) A parent is incapacitated if the parent meets one of the following criteria:

- ~~(a) The parent receives SSI;~~  
~~(b) The parent is recognized as 100% disabled by the Veteran's Administration;~~  
~~(c) The parent is determined disabled by the State Medicaid Disability Office or the Social Security Administration;~~  
~~(d) The parent provides written documentation completed by a medical professional engaged in the practice of mental health therapy, which states that the parent is incapacitated and the incapacity is expected to last at least 30 days. The medical report must also state that the incapacity substantially reduces the parent's ability to work or care for the child. Full-time employment, however, nullifies the parent's claim of incapacity. The written documentation must be completed by one of the following medical professionals:~~
- ~~(i) Medical Doctor (MD);~~
  - ~~(ii) Doctor of Osteopathy (DO);~~
  - ~~(iii) Advanced Practice Registered Nurse (APRN);~~
  - ~~(iv) Physician Assistant; or~~
  - ~~(v) Mental Health Therapist who is either a psychologist, licensed clinical social worker, certified social worker, marriage and family therapist, professional counselor, MD, DO, or APRN.~~

#### **R414-302-[4]6. Residents of Institutions.**

(1) The Department provides Medicaid coverage to individuals who are residents of institutions subject to the limitations related to residents of public institutions, patients in an institution for mental diseases who do not meet the age criteria, and patients in an institution for tuberculosis as defined in 42 CFR 435.1009, October 1, 20[09]12 ed., which is incorporated by reference. The Department also adopts and incorporates by reference the definitions in 42 CFR 435.1010, 20[09]12 ed.

(2) The Department does not consider persons under the age of 18 to be residents of an institution if they are living temporarily in the institution while arrangements are being made for other placement.

(3) The Department does not consider an individual who resides in a temporary shelter for a limited period of time as a resident of an institution.

(4) The Department considers ineligible residents of institutions for mental disease (IMD) who are ages 21 through 64 as non-residents while on conditional or convalescent leave from the institution. A resident of an IMD who is under 21 years of age, or is under 22 years of age and enters an IMD before reaching 21 years of age, is considered to be a resident while on conditional or convalescent leave from the institution.

(5) For individuals under 22 years of age who become residents of an IMD before reaching 21 years of age, the Department limits Medicaid eligibility to individuals residing in the Utah State Hospital.

#### **R414-302-[5]7. Social Security Numbers.**

(1) The Department adopts and incorporates by reference 42 CFR 435.910, [4997]October 1, 2012 ed., which requires the social security number (SSN) of each applicant or beneficiary, specifies the exceptions to requiring the SSN, and specifies agency verification responsibilities.[~~which is incorporated by reference.~~] The Department adopts Section 1137 of the Compilation of the Social Security Laws, in effect [January 1, 1998]May 8, 2013, which is incorporated by reference.

(2) [~~Clients must provide their correct Social Security Number (SSN).~~]

~~(a) The Department requires clients to provide their correct SSN or a proof of application for a SSN at the time of application for Medicaid.~~

~~(b) The Department requires clients who do not know their SSN or provide a SSN that is questionable to provide proof of application for a SSN upon application for Medicaid.~~

~~(e) Acceptable proof of [application for] an SSN is an electronic match, a [S]social [S]security [C]ard, or an official document from the Social Security Administration, which identifies the correct number. Acceptable proof of an application for an SSN is [a [S]social [S]security receipt [form 5028, 2880, or 2853]that confirms the individual has applied for an SSN.~~

~~([d]3) The Department requires a new proof of application for an SSN at each recertification if the SSN has not previously been provided[previously].~~

~~(4) The Department may assign a unique Medicaid identification number to an applicant or beneficiary who meets one of the exceptions to the requirement to provide an SSN.~~

#### **R414-302-[6]8. Application for Other Possible Benefits.**

(1) The Department adopts and incorporates by reference 42 CFR 435.608, October 1, 2012 ed., which requires applicants for and recipients of medical assistance to apply for and take all reasonable steps to receive other possible benefits[as required by 42 CFR 435.608, 2004 ed., which is incorporated by reference].

(2) The Department may not require an applicant for or recipient of medical assistance to apply for an income benefit if the applicant's or recipient's income is not counted for the purpose of determining eligibility for medical assistance for either that individual or any other household member.

([2]3) Individuals who may be eligible for Medicare Part B benefits must apply for Medicare Part B and, if eligible, become enrolled in Medicare Part B to be eligible for Medicaid. The state pays the applicable monthly premium and cost-sharing expenses for Medicare Part B for individuals who are eligible for both Medicaid and Medicare Part B.

#### **R414-302-[7]9. Third Party Liability.**

(1) The Department adopts and incorporates by reference 42 CFR 433.138(b), October 1, 2012 ed., on the collection of health insurance information,[~~and 435.610, 1997 ed., and~~] The Department also adopts and incorporates by reference Section 1915(b) of the Compilation of the Social Security Laws, in effect [January 1, 1998,]September 9, 2013[~~which are incorporated by reference~~].

(2) The Department requires clients to report any changes in third party liability information within 30 days.

(3) The Department considers a client [~~non~~]uncooperative if the client knowingly withholds third party liability information without good cause.

(4) The Department shall decide whether employer provided group health insurance would be cost effective for the state to purchase as a benefit of Medicaid.

(5) The Department requires clients residing in selected communities to be enrolled in a Health Maintenance Organization as their primary care provider. The Department shall enroll clients who do not make a selection in a Health Maintenance Organization that the Department selects. The Department shall notify clients of the Health Maintenance Organization that they will be enrolled in and allowed ten days to contact the Department with a different selection. If the client



fails to notify the Department to make a different selection within ten days, the enrollment shall become effective for the next benefit month.

**R414-302-[8]10. Assignment of Rights and Medical Support Enforcement.**

The Department adopts and incorporates by reference 42 CFR 433.145 through 433.148, [~~1997~~]and 435.610, October 1, 2012 ed., which spell out the assignment of rights to the state to collect from liable third parties and to cooperate in establishing paternity and medical support[~~which is incorporated by reference~~].

**R414-302-[9]11. [~~Relationship—Determination~~]Financial Responsibility[~~for Family Medicaid~~].**

(1) The Department adopts and incorporates by reference 42 CFR 435.602(a), [~~1997~~]October 1, 2012 ed., on the financial responsibility of family members[~~which is incorporated by reference~~].

(2) The Department shall apply the requirements of 42 CFR 435.603 for all individuals eligible for coverage groups subject to the Modified Adjusted Gross Income (MAGI) methodology.

**[R414-302-10. Strikers – Family Medicaid.**

~~The Department adopts 45 CFR 233.106, 1997 ed., which is incorporated by reference.]~~

**KEY:** [~~public assistance programs~~]state residency, [~~application~~]citizenship, [~~eligibility~~]third party liability, Medicaid  
**Date of Enactment or Last Substantive Amendment:** [~~July 1, 2010~~]2013

**Notice of Continuation:** January 23, 2013

**Authorizing, and Implemented or Interpreted Law:** 26-18-3

**Human Services, Services for People with Disabilities  
 R539-1  
 Eligibility**

**NOTICE OF PROPOSED RULE  
 (Amendment)  
 DAR FILE NO.: 38049  
 FILED: 10/09/2013**

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to respond to S.B. 259 (passed in the 2013 General Legislative Session) which changes the way that the Division of Services for People with Disabilities (DSPD) brings eligible persons off the waiting list, and to comply with requests from the Department of Health to avoid unnecessary additional eligibility determinations, when persons have already been determined eligible for DSPD services by virtue of ICF/ID and nursing level of care determinations through the Department of Health.

**SUMMARY OF THE RULE OR CHANGE:** Minor changes are made to the definitions used in the rule. Also, changes the sections outlining Medicaid Waiver Eligibility for the three DSPD waivers to comply with S.B. 259 (2013) which changes how DSPD brings people off the waiting list and changes those same sections to allow for easy transfer of eligible persons from Department of Health to DSPD services. Minor changes removing references to "region" and other slight clarifications are made.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 62A-5-102(3) and Subsection 62A-5-102(4)

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** This rule changes the way that the overall allocation from the legislature is used to bring people off the waiting list and into DSPD services. No cost increase or savings are expected in the state budget.
- ◆ **LOCAL GOVERNMENTS:** This rule changes the way that the overall allocation from the legislature is used to bring people off the waiting list and into DSPD services. No cost increase or savings are expected for local governments.
- ◆ **SMALL BUSINESSES:** This rule changes the way that the overall allocation from the legislature is used to bring people off the waiting list and into DSPD services. This has no effect on small businesses, therefore no cost increase or savings are expected for small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule changes the way that the overall allocation from the legislature is used to bring people off the waiting list and into DSPD services. This has no effect on persons other than small businesses, businesses, or local government entities.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There is no compliance cost affecting persons with disabilities, person's families, guardians, or any other group of people as part of this rule change.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There will be no fiscal impact on businesses.

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

HUMAN SERVICES  
 SERVICES FOR PEOPLE WITH DISABILITIES  
 195 N 1950 W 3RD FLR  
 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](mailto:jhjones@utah.gov)
- ◆ Nathan Wolfley by phone at 801-538-4154, by FAX at 801-538-4279, or by Internet E-mail at [nwolfley@utah.gov](mailto:nwolfley@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/16/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/23/2013

AUTHORIZED BY: Paul Smith, Director

**R539. Human Services, Services for People with Disabilities.**

**R539-1. Eligibility.**

**R539-1-1. Purpose.**

- (1) The purpose of this rule is to provide:
- (a) procedures and standards for the determination of eligibility for Division services as required by Title 62A, Chapter 5, Part-1; and
- (b) notice to Applicants of hearing rights and the hearing process.

**R539-1-2. Authority.**

- (1) This rule establishes procedures and standards for the determination of eligibility for Division services as required by Title 62A, Chapter 5, Part-1.
- (2) The procedures of this rule constitute the minimum requirements for eligibility for Division funding. Additional procedures may be required to comply with any other governing statute, federal law, or federal regulation.

**R539-1-3. Definitions.**

- (1) Terms used in this rule are defined in Section 62A-5-101.
- (2) In addition:
- (a) "Agency Action" means an action taken by the Division that denies, defers, or changes services to an Applicant applying for, or a person receiving, Division funding;
- (b) "Applicant" means an individual or a representative of an individual applying for determination of eligibility;
- (c) "Brain Injury" means any acquired injury to the brain and is neurological in nature. This would not include those with deteriorating diseases such as Multiple Sclerosis, muscular dystrophy, Huntington's chorea, ataxia, or cancer, but would include cerebral vascular accident;
- (d) "Department" means the Department of Human Services;
- (e) "Division" means the Division of Services for People with Disabilities;
- (f) "Electronic Surveillance" is observing or listening to persons, places, or activities with the aid of electronic devices such as cameras, web cams, global positioning systems, motion detectors, weight detectors or microphones, in real time.
- (g) "Electronic Surveillance Certification" is documentation signed by members of the Provider Human Rights Committee that contains the location of the site under surveillance, description of the types of surveillance to be used, names of persons to be under surveillance and signed consent from each person affected as required by Subsections R539-3-7(3)(a) and R539-3-7(4)(a).
- (h) "Form" means a standard document required by Division rule or other applicable law;

(i) "Guardian" means someone appointed by a court to be a substitute decision maker for a person deemed to be incompetent of making informed decisions;

(j) "Hearing Request" means a written request made by a person or a person's representative for a hearing concerning a denial, deferral or change in service;

(k) "ICF/ID" means Intermediate Care Facility for People with Intellectual Disability;

(l) "Person" means someone who has been found eligible for Division funding for support services due to a disability and who is waiting for or receiving services at the present time;

(m) "Related Conditions" means a severe, chronic disability that meets the following conditions:

- (i) It is attributable to:
- (A) Cerebral palsy or epilepsy; or
- (B) Any other condition, other than mental illness, found to be closely related to intellectual disability because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of people with intellectual disability, and requires treatment or services similar to those required for these persons.

- (ii) It is manifest before the person reaches age 22.
- (iii) It is likely to continue indefinitely.
- (iv) It results in substantial functional limitations in three or more of the following areas of major life activity:

- (A) Self-care.
- (B) Understanding and use of language.
- (C) Learning.
- (D) Mobility.
- (E) Self-direction
- (F) Capacity for independent living.

(n) "Representative" means the person's legal representative including the person's parents if the person is a minor child, a court appointed guardian or a lawyer retained by the person;

(o) "Resident" is an Applicant or Guardian who is physically present in Utah and provides a statement of intent to reside in Utah.;

(p) "Support" is assistance for portions of a task allowing a person to independently complete other portions of the task or to assume increasingly greater responsibility for performing the task independently;

(q) "Support Coordinator" ~~means an employee of the Division who completes written documentation of supports and determination of eligibility and support needs;~~ is an employee of the Division or an individual contracted with the Division to provide assistance in assessing the needs of, and developing services and supports for, persons receiving Division funding. Support Coordinators complete written documentation of supports and assist with monitoring the appropriate spending of a person's annual budget, as well as monitor the quality of the services provided.

(r) "Team Member" means members of the person's circle of support who participate in the planning and delivery of services and supports with the Person. Team members may include the Person applying for or receiving services, his or her parents, Guardian, the support coordinator, friends of the Person, and other professionals and Provider staff working with the Person; and

(s) "Waiver" means the Medicaid approved plan for a state to provide home and community-based services to persons with

disabilities in lieu of institutionalization in a Title XIX facility, the Division administers three such waivers; the intellectual disabilities or related conditions waiver, the brain injury waiver and physical disabilities waiver.

**R539-1-4. Non-Waiver Services for People with Intellectual Disabilities or Related Conditions.**

(1) The Division will serve those Applicants who meet the definition of a person with a disability in Subsections 62A-5-101(9).

(2) When determining functional limitations in the areas listed below for Applicants ages 7 and older, age appropriate abilities must be considered.

(a) Self-care - An Applicant who requires assistance, training and/or supervision with eating, dressing, grooming, bathing or toileting.

(b) Expressive and/or Receptive Language - An Applicant who lacks functional communication skills, requires the use of assistive devices to communicate, or does not demonstrate an understanding of requests or is unable to follow two-step instructions.

(c) Learning - An Applicant who has a valid diagnosis of mental retardation based on the criteria found in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM).

(d) Mobility - An Applicant with mobility impairment who requires the use of assistive devices to be mobile and who cannot physically self-evacuate from a building during an emergency without the assistive device.

(e) Capacity for Independent Living - An Applicant (age 7-17) who is unable to locate and use a telephone, cross streets safely, or understand that it is not safe to accept rides, food or money from strangers. An adult who lacks basic survival skills in the areas of shopping, preparing food, housekeeping, or paying bills.

(f) Self-direction - An Applicant (age 7-17) who is significantly at risk in making age appropriate decisions. An adult who is unable to provide informed consent for medical/health care, personal safety, legal, financial, habilitative, or residential issues and/or who has been declared legally incompetent. A person who is a significant danger to self or others without supervision.

(g) Economic self-sufficiency - (This area is not applicable to children under 18.) An adult who receives disability benefits and who is unable to work more than 20 hours a week or is paid less than minimum wage without employment support.

(3) Applicant must be diagnosed with intellectual disability as per R539-1-3 or related conditions.

(a) Applicants who have a primary diagnosis of mental illness, hearing impairment and/or visual impairment, learning disability, behavior disorder, substance use disorder or personality disorder do not qualify for services under this rule.

(4) The Applicant, parent of a minor child, or the Applicant's Guardian must be a resident of the State of Utah prior to the Division's final determination of eligibility.

(5) The Applicant or Applicant's Representative shall be provided with information about all service options available through the Division as well as a copy of the Division's Guide to Services.

(6) It is the Applicant's or Applicant's Representative's responsibility to ensure that the appropriate documentation is provided to the intake worker to determine eligibility.

(7) The following documents are required to determine eligibility for non-waivered intellectual disability or related conditions services.

(a) A Division Eligibility for Services Form 19 completed by the designated staff. For children under seven years of age, Eligibility for Services Form 19C, completed by the designated staff within the Division office, will be accepted in lieu of the Eligibility for Services Form 19. The staff member will indicate on the Eligibility for Services Form 19C that the child is at risk for substantial functional limitation in three areas of major life activity due to intellectual disability or related conditions; that the limitations are likely to continue indefinitely; and what assessment provides the basis of this determination.

(b) Inventory for Client and Agency Planning (ICAP) assessment shall be completed by the Division;

(c) Social History completed by or for the Applicant within one year of the date of application;

(d) Psychological Evaluation provided by the Applicant or, for children under seven years of age, a Developmental Assessment may be used as an alternative; and

(e) Supporting documentation for all functional limitations identified on the Division Eligibility for Services Form 19 or Division Eligibility for Services Form 19C shall be gathered and filed in Applicant's record. Additional supporting documentation shall be required when eligibility is not clearly supported by the above-required documentation. Examples of supporting documentation include, but are not limited to, mental health assessments, educational records, neuropsychological evaluations, and medical health summaries.

(8) If eligibility documentation is not completed within 90 calendar days of initial contact, a written notification letter shall be sent to Applicant or Applicant's Representative indicating that the intake case will be placed in inactive status.

(a) The Applicant or Applicant's Representative may activate the application at anytime thereafter by providing the remaining required information.

(b) The Applicant or Applicant's Representative shall be required to update information.

(9) When all necessary eligibility documentation is received from the Applicant or Applicant's Representative, [Region]Division staff shall determine the Applicant eligible or ineligible for funding for non-waiver intellectual disability or related conditions services within 90 days of receiving the required documentation.

(10) A Notice of Agency Action, Form 522-I, and a Hearing Request, Form 490S, shall be mailed to each Applicant or Applicant's Representative upon completion of the determination of eligibility or ineligibility for funding. The Notice of Agency Action, Form 522-I, shall inform the Applicant or Applicant's Representative of eligibility determination and placement on the waiting list. The Applicant or Applicant's Representative may challenge the Notice of Agency Action by filing a written request for an administrative hearing before the Department of Human Services, Office of Administrative Hearings.

(11) People receiving services will have their eligibility re-determined on an annual basis. If people are determined to no longer be eligible for services, a transition plan will be developed to discontinue services and ensure health and safety needs are met.

(12) This ~~rule~~section does not apply to Applicants who meet the separate eligibility criteria for physical disability and brain injury outlined in Rule 539-1-6 and Rule 539-1-8 respectively.

(13) Persons not participating in a Waiver or Persons participating in a Waiver but receiving non-Waiver services may have reductions in non-Waiver service packages or be discharged from non-

Waiver services completely, due to budget shortfalls, reduced legislative allocations and/or reevaluations of eligibility.

**R539-1-5. Medicaid Waiver Eligibility for People with Intellectual Disability or Related Conditions.**

(1) ~~[Pursuant to R414-61-2, m] Matching federal funds may be available through the [Medicaid Home and Community-Based Waiver] Community Supports Waiver for People with Intellectual Disabilities or Related Conditions to provide an array of home and community-based services that an eligible [individual] person needs.~~

~~[(a) A Notice of Agency Action, Form 522-F, and a Hearing Request, Form 490S, shall be mailed to each Applicant or Applicant's Representative upon completion to inform of the determination of eligibility or ineligibility for the Waiver. The Applicant or Applicant's Representative may challenge the Notice of Agency Action by filing a written request for an administrative hearing before the Department of Health.~~

~~[(2) Applicants who are found eligible for Waiver funding may choose to participate in the Medicaid Waiver. If the Applicant chooses not to participate in the Waiver, their funding will be equivalent to the State portion of the Waiver budget they would have received had they participated in the Waiver.]~~

(2) Within appropriations from the Legislature, as set forth by UT Code Subsections 62A-5-102(3) and (4), persons may be found eligible for Waiver funding according to the following methods:

(a) A person's needs score, as determined by the Division's needs assessment tool, identifies the person as ranking among persons with the most critical needs.

(b) A person is identified by the Division as a person whose only need is respite services.

(i) The Division determines that a person only needs respite services by:

(A) Identifying those persons who, according to the Division's records, have indicated that the person is in need of respite services only;

(B) Conducting an additional needs assessment to update the person's needs score and determine if the person is in need of additional services beyond respite.

(ii) Persons identified by the Division as needing only respite services will be grouped together, from which the Division shall randomly select persons, using a simple random sampling method.

(3) Pursuant to R414-510, where the Department of Health determines that sufficient funds are available, a person meeting the eligibility requirements set forth by the Department of Health in R414-510-3 may receive Medicaid Home and Community-Based Waiver Services by transitioning out of an ICF/ID into the Community Supports Waiver for People with Intellectual Disabilities or Related Conditions.

(4) Pursuant to R414-502, where the Department of Health determines that a person meets nursing facility level of care and is medically approved for Medicaid reimbursement of nursing facility services or equivalent care provided through a Medicaid Home and Community-Based Waiver program, a person may be found eligible for funding through the Community Supports Waiver for People with Intellectual Disabilities or Related Conditions when all other eligibility requirements of R414-502 are met.

(5) Persons who are found eligible for funds through the Medicaid Home and Community-Based Waiver for People with

Intellectual Disabilities or Related Conditions may choose not to participate in the Waiver. Persons who choose not to participate in the Waiver will receive only the state funded portion of the budget the person would have received had the person participated in the Waiver.

**R539-1-6. Non-Waivered Services for People with Physical Disabilities.**

(1) The Division will serve those Applicants who meet the eligibility requirements for physical disabilities services. To be determined eligible for non-waivered Physical Disabilities Services, the Applicant must:

(a) Have the functional loss of two or more limbs;

(b) Be 18 years of age or older;

(c) Have at least one personal attendant trained or willing to be trained and available to provide support services in a residence that is safe and can accommodate the personnel and equipment (if any) needed to adequately and safely care for the Person; and

(d) Be medically stable, have a physical disability and require in accordance with the Person's physician's written documentation, at least 14 hours per week of personal assistance services in order to remain in the community and prevent unwanted institutionalization.

(e) Have their physician document that the Person's qualifying disability and need for personal assistance services are attested to by a medically determinable physical impairment which the physician expects will last for a continuous period of not less than 12 months and which has resulted in the individual's functional loss of two or more limbs, to the extent that the assistance of another trained person is required in order to accomplish activities of daily living/instrumental activities of daily living;

(f) Be capable, as certified by a physician, of selecting, training and supervising a personal attendant;

(g) Be capable of managing personal financial and legal affairs; and

(h) Be a resident of the State of Utah.

(2) Applicants seeking non-Waiver funding for physical disabilities services from the Division shall apply directly to the Division's State Office, by submitting a completed Physical Disabilities Services Application Form 3-1 signed by a licensed physician.

(3) If eligibility documentation is not completed within 90 calendar days of initial contact, a written notification letter shall be sent to the Applicant indicating that the intake case will be placed in inactive status.

(a) The Applicant may activate the application at anytime thereafter by providing the remaining required information.

(b) The Applicant shall be required to update information.

(4) When all necessary eligibility documentation is received from the Applicant and the Applicant is determined eligible, the Applicant will be assessed by a Nurse Coordinator, according to the Physical Disabilities Needs Assessment Form 3-2 and the Minimum Data Set-Home and Community-based (MDS-HC), and given a score prior to placing a Person into services. The Physical Disabilities Nurse Coordinator shall:

(a) use the Physical Disabilities Needs Assessment Form 3-2 to evaluate each Person's level of need;

(b) determine and prioritize needs scores;

(c) rank order the needs scores for every Person eligible for service, and

(d) if funding is unavailable, enter the Person's name and score on the Physical Disabilities wait list.

(5) The Physical Disabilities Nurse Coordinator assures that the needs assessment score and ranking remain current by updating the needs assessment score as necessary. A Person's ranking may change as needs assessments are completed for new Applicants found to be eligible for services.

(6) A Notice of Agency Action, Form 522-I, and a Hearing Request, Form 490S, shall be mailed to each Applicant upon completion of the determination of eligibility or ineligibility for funding. The Notice of Agency Action, Form 522-I, shall inform the Applicant of eligibility determination and placement on the pending list. The Applicant may challenge the Notice of Agency Action by filing a written request for an administrative hearing before the Department of Human Services, Office of Administrative Hearings.

(7) This does not apply to Applicants who meet the separate eligibility criteria for intellectual disability or related condition and brain injury outlined in Rule 539-1-4 and Rule 539-1-8 respectively.

(8) Persons not participating in a waiver or Persons participating in a waiver but receiving non-waiver services may have reductions in non-waiver service packages or be discharged from non-waiver services completely, due to budget shortfalls, reduced legislative allocations and/or reevaluations of eligibility.

**R539-1-7. Medicaid Waiver Eligibility for People with Physical Disabilities.**

(1) ~~[Pursuant to R414-61-2, m] Matching federal funds may be available through the Medicaid Home and Community-Based Waiver for People with Physical Disabilities to provide an array of home and community-based services that an eligible [individual] person needs.~~

~~\_\_\_\_\_ (2) Applicants who are found eligible for the Home and Community-Based Waiver for People with Physical Disabilities funding but who choose not to participate in the Home and Community-Based Waiver for People with Physical Disabilities, will receive only the state paid portion of services.~~

\_\_\_\_\_ (2) Within appropriations from the Legislature, as set forth by UT Code Subsections 62A-5-102(3) and (4), persons with physical disabilities may be found eligible for Waiver funding according to the following methods:

\_\_\_\_\_ (a) A person's needs score, as determined by the Division's needs assessment tool, identifies the person as ranking among persons with the most critical needs.

\_\_\_\_\_ (b) A person who is eligible for waiver service through the Medicaid Home and Community-Based Waiver for People with Disabilities is not eligible for respite services.

\_\_\_\_\_ (3) Pursuant to R414-502, where the Department of Health determines that an applicant meets nursing facility level of care and is medically approved for Medicaid reimbursement of nursing facility services or equivalent care provided through a Medicaid Home and Community-Based Waiver program, an applicant may be found eligible for funding through the Medicaid Home and Community-Based Waiver for People with Physical Disabilities when all other eligibility requirements of R414-502 are met.

\_\_\_\_\_ (4) Persons who are found eligible for funds through the Medicaid Home and Community-Based Waiver for People with Physical Disabilities may choose not to participate in the Waiver. Persons who choose not to participate in the Waiver will receive only

the state funded portion of the budget the person would have received had the person participated in the Waiver.

**R539-1-8. Non-Waiver Services for People with Brain Injury.**

(1) The Division will serve those Applicants who meet the eligibility requirements for brain injury services. To be determined eligible for non-waiver brain injury services the Applicant must:

(a) have a documented acquired neurological brain injury (by a licensed physician) according to the International Classifications of Diseases, 9th Revision, (ICD 9 CM). The following codes listed below qualify for ABI services:

- 047.9--aseptic meningitis (unspecified viral meningitis)
- 290 - 294 Codes not accepted as stand alone diagnosis (needing additional diagnosis)
- 290.4--vascular dementia
- 290.10 Prehensile dementia, uncomplicated
- 293.9--psychotic, post traumatic brain injury syndrome
- 294.0--amnesia
- 294.9--unspecified persistent mental disorders due to conditions classified elsewhere
- 294.9--with psychotic reaction
- 294.10-294.11--dementia without and with behavior disturbance Aggression, combative violent behaviors and wandering off
- 310.0 - 310.9 nonpsychotic disorder, brain damage
- 310.0--frontal lobe syndrome
- 310.1--mild memory loss or lack following organic brain damage
- 310.1--personality change due to conditions classified elsewhere
- 310.2--post concussion syndrome
- 310.2--post contusion syndrome, includes encephalopathy
- 310.2--post contusion syndrome, includes TBI
- 310.2--post contusion syndrome, includes TBI
- 310.2--post traumatic brain injury
- 310.2--post traumatic brain injury syndrome
- 310.8 - 310.9--other nonpsychotic mental disorder, following organic brain damage
- 310.8--other specified mental disorder following organic brain damage
- 310.8--other specified nonpsychotic mental disorders following organic brain damage
- 310.9--organic brain syndrome
- 310.9--Organic brain syndrome
- 310.9--organic brain syndrome (chronic or acute)
- 310.9--unspecified nonpsychotic mental disorder following organic brain damage
- 320.9--meningitis, bacterial
- 322.0--meningitis, nonpyogenic
- 322.2--meningitis, chronic
- 322.9--meningitis
- 323.0 - 323.82--choose to pick cause of encephalitis, not
- 323.9
- 324.0 - 324.9--Intracranial and intraspinal abscess
- 325 Phlebitis and thrombophlebitis of intracranial venous sinuses
- 326 Late effects of intracranial abscess or pyogenic infection

- 348.0--arachnoid cyst, brain; not as stand alone diagnosis (needs additional diagnosis)
- 348.1--anoxic brain damage
- 349.82 Toxic encephalopathy
- 430--subarachnoid hemorrhage
- 431--intracerebral hemorrhage
- 432.0--hematoma, non-traumatic brain
- 432.1--subdural hematoma
- 432--other and unspecified intracranial hemorrhage
- 433 Occlusion and stenosis of precerebral arteries (only if 5th digit is 1)
- 434 Occlusion of cerebral arteries (only if 5th digit is 1)
- 436--brain or cerebral, acute seizure; need another diagnosis in combination
- 438 - 438.89 Late effects of cerebrovascular disease (excluding 438.9)
- 780.93--Memory loss amnesia -only in combination with an E Code - (excludes 310.1 Mild Memory Disturbance due to organic brain damage) need an E code secondary to cause
- List codes from 800 - 804 then 5th digit list only those that are 2 - 9 exclude 0 to 1(excluding 802's)
- 800.0--closed skull fracture, vault (parietal, frontal, vertex)
- 800.1 Fracture skull vault (frontal parietal) closed with laceration and contusion
- 800.1--closed skull fracture, vault with cerebral contusion
- 800.2 closed head injury with subarachnoid, subdural, and extradural hemorrhage
- 800.2 Closed skull fracture, with subarachnoid, subdural, and extradural hemorrhage
- 800.2--closed skull fracture, vault with epidural, extradural hemorrhage
- 800.2--closed skull vault fracture with subdural hemorrhage
- 800.3--closed skull fracture, vault with intracranial hemorrhage
- 800.3--Closed skull fx with other and unspecified intracranial hemorrhage
- 800.4--closed skull fracture, vault with intracranial injury
- 800.4--closed skull fx with intracranial injury of other and unspecified nature
- 800.5 - 800.9--Open skull fracture, vault (parietal or frontal area)
- 800.6--open skull fx with cerebral laceration and contusion
- 800.7--open skull fx with subarachnoid, subdural, and extradural hemorrhage
- 800.7--open skull vault fracture with subdural hemorrhage
- 800.8--open skull fx other and unspecified intracranial hemorrhage
- 800.9--Open skull fx with intracranial injury of other and unspecified nature
- 800.9--open vault fracture with intracranial injury of other and unspecified nature
- 801.0 - 801.9 Fracture of base of skull
- 801.0--closed skull fracture, base
- 801.1--closed skull fracture, with cerebral hemorrhage
- 801.2--closed skull base fracture with subdural hemorrhage
- 801.2--closed skull fracture with epidural hemorrhage
- 801.3 - 801.4--closed skull fracture, base with intracranial hemorrhage
- 801.5 - 801.9--open skull fracture, base of skull
- 801.7--open skull base fracture with subdural hemorrhage
- 803.0 - 804.9--Other and unqualified skull fractures (includes single or multiple fx)
- 803.0--closed skull fracture with facial injuries
- 803.1--closed skull fracture with cerebral contusion
- 803.2--closed skull fracture with epidural, extradural hemorrhage
- 803.2--closed skull fracture, with subachnoid, subdural, and extradural hemorrhage
- 803.2--other and unqualified skull fractures, closed, subdural hemorrhage
- 803.3--closed skull fracture with intracranial hemorrhage
- 803.4--closed skull fracture with intracranial injury
- 803.5 - 803.9--open skull fracture, other and unqualified
- 803.7--other and unqualified skull fractures, open, subdural hemorrhage
- 804.2--multiple fractures skull and face, closed, subdural hemorrhage
- 804.5 - 804.9--Open skull fracture, multiple fractures skull and face
- 804.7--multiple fractures skull and face, open, subdural hemorrhage
- List codes from 850-854 then 5th digit list only those that are 2 - 9 exclude 0 to 1
- 850.1 - 850.5--concussion with loss of conscious
- 851.0 - 851.9--cerebral laceration and contusion, open or closed, specifies site
- 851.0--cerebral contusion without mention open wound
- 851.2--cerebral laceration without mention of open wound
- 851.4 or 851-6--cerebral or brain stem contusion s mention open wnd
- 851.4--contusion brain stem
- 851.8--cerebral contusion (851.0 - 851.9--specify site, open, closed)
- 851.8--contusion brain
- 851.8--other and unspecified cerebral contusion
- 851.8--other unspecified cerebral s mention open wound
- 852.0, 852.2, 854.4 hemorrhage s mention open wound
- 852.0 - 852.5--Subarachnoid, subdural, and extradural hemorrhage following injury
- 852.0--subarachnoid hemorrhage
- 852.2 - 852.3--subdural hemorrhage, injury, without mention open, open
- 852.2--subdural hemorrhage following injury, s mention open wound
- 852.2--traumatic brain injury, subdural
- 852.3--subdural hemorrhage following injury, with open wound
- 852.4 - 852.5--extradural hemorrhage injury, without mention open
- 853.0 other intracranial hemorrhage after injury s mention open wound
- 853.0 - 853.1--other and unspecified intracranial hemorrhage following injury
- 853.0--hematoma, traumatic brain
- 854.0 - 854.1--Intracranial injury of other and unspecified nature
- 854.0--injury intracranial
- 854.0--intracranial hemorrhage due to injury

854.1--intracranial injury of other and unspecified nature s  
mention open w

905.0 Late effects of fracture of skull and face bones (5th  
digit list only those that are 2 - 9 exclude 0 - 1)

906.0 Late effects of open wound of head, neck, and trunk  
(5th digit list only those that are 2 - 9 exclude 0 - 1)

907.0--late effect of intracranial injury (5th digit list only  
those that are 2 - 9 exclude 0 - 1);

(b) Be 18 years of age or older;

(c) score between 40 and 120 on the Comprehensive Brain  
Injury Assessment Form 4-1.

(d) meet at least three of the functional limitations listed  
under number (4).

(2) Applicants with functional limitations due solely to  
mental illness, substance use disorder or deteriorating diseases like  
Multiple Sclerosis, Muscular Dystrophy, Huntington's Chorea, Ataxia  
or Cancer are ineligible for non-waiver services.

(3) Applicants with intellectual disability or related  
conditions are ineligible for these non-waiver services.

(4) In addition to the definitions in Section 62A-5-101(3)  
and (5), eligibility for brain injury services will be evaluated according  
to the Applicant's functional limitations as described in the following  
definitions:

(a) Memory or Cognition means the Applicant's brain injury  
resulted in substantial problems with recall of information,  
concentration, attention, planning, sequencing, executive level skills,  
or orientation to time and place.

(b) Activities of Daily Life means the Applicant's brain  
injury resulted in substantial dependence on others to move, eat, bathe,  
toilet, shop, prepare meals, or pay bills.

(c) Judgment and Self-protection means the Applicant's  
brain injury resulted in substantial limitation of the ability to:

(i) provide personal protection;

(ii) provide necessities such as food, shelter, clothing, or  
mental or other health care;

(iii) obtain services necessary for health, safety, or welfare;

(iv) comprehend the nature and consequences of remaining  
in a situation of abuse, neglect, or exploitation.

(d) Control of Emotion means the Applicant's brain injury  
resulted in substantial limitation of the ability to regulate mood,  
anxiety, impulsivity, agitation, or socially appropriate conduct.

(e) Communication means the Applicant's brain injury  
resulted in substantial limitation in language fluency, reading, writing,  
comprehension, or auditory processing.

(f) Physical Health means the Applicant's brain injury  
resulted in substantial limitation of the normal processes and workings  
of the human body.

(g) Employment means the Applicant's brain injury resulted  
in substantial limitation in obtaining and maintaining a gainful  
occupation without ongoing supports.

(5) The Applicant shall be provided with information  
concerning service options available through the Division and a copy  
of the Division's Guide to Services.

(6) The Applicant or the Applicant's Guardian must be  
physically present in Utah and provide evidence of residency prior to  
the determination of eligibility.

(7) It is the Applicant's or Applicant's Representative's  
responsibility to provide the intake worker with documentation of  
brain injury, signed by a licensed physician;

(8) The intake worker will complete or compile the  
following documents as needed to make an eligibility determination:

(a) Comprehensive Brain Injury Assessment Form 4-1, Part  
I through Part VII; and

(b) Brain Injury Social History Summary Form 824L,  
completed or updated within one year of eligibility determination;

(9) If eligibility documentation is not completed within 90  
calendar days of initial contact, a written notification letter shall be sent  
to the Applicant or the Applicant's Representative indicating that the  
intake case will be placed in inactive status.

(a) The Applicant or Applicant's Representative may  
activate the application at anytime thereafter by providing the  
remaining required information.

(b) The Applicant or Applicant's Representative shall be  
required to update information.

(10) When all necessary eligibility documentation is  
received from the Applicant or Applicant's Representative,  
[region]Division staff shall determine the Applicant eligible or  
ineligible for funding for brain injury supports.

(11) A Notice of Agency Action, Form 522-I, and a Hearing  
Request, Form 490S, shall be mailed to each Applicant or Applicant's  
Representative upon completion of the determination of eligibility or  
ineligibility for funding. The Notice of Agency Action, Form 522, shall  
inform the Applicant or Applicant's Representative of eligibility  
determination and placement on the waiting list. The Applicant or  
Applicant's Representative may challenge the Notice of Agency Action  
by filing a written request for an administrative hearing before the  
Department of Human Services, Office of Administrative Hearings.

(12) Persons receiving Brain Injury services will have their  
eligibility re-determined on an annual basis. Persons who are  
determined to no longer be eligible for services will have a transition  
plan developed to discontinue services and ensure that health and  
safety needs are met.

#### **R539-1-9. Medicaid Waiver Eligibility for People with Acquired Brain Injury.**

(1) ~~[Pursuant to R414-61-2, m]~~ Matching federal funds may  
be available through the Medicaid Home and Community-Based  
Waiver for People with Acquired Brain Injury to provide an array of  
home and community-based services that an eligible  
[individual]person needs.

~~[(2) Applicants who are found eligible for the Home and  
Community-Based Waiver for People with Brain Injury funding but  
who choose not to participate in the Home and Community-Based  
Waiver for People with Brain Injury, will receive only the state paid  
portion of services.~~

~~(3) A Notice of Agency Action, Form 522-F, and a Hearing  
Request, Form 490S, shall be mailed to each Applicant or Applicant's  
Representative upon completion to inform of the determination of  
eligibility or ineligibility for the Waiver. The Applicant or Applicant's  
Representative may challenge the Notice of Agency Action by filing a  
written request for an administrative hearing before the Department of  
Health.~~

(2) Within appropriations from the Legislature, as set forth  
by UT Code Subsections 62A-5-102(3) and (4), persons may be found  
eligible for Waiver funding according to the following methods:

(a) A person's needs score, as determined by the Division's  
needs assessment tool, identifies the person as ranking among persons  
with the most critical needs.

(b) A person is identified by the Division as a person whose only need is respite services.

(i) The Division determines that a person only needs respite services by:

(A) Identifying those persons who, according to the Division's records, have indicated that the person is in need of respite services only;

(B) Conducting an additional needs assessment to update the person's needs score and determine if the person is in need of additional services beyond respite.

(ii) Persons identified by the Division as needing only respite services will be grouped together, from which the Division shall randomly select persons, using a simple random sampling method.

(3) Pursuant to R414-502, where the Department of Health determines that an applicant meets nursing facility level of care and is medically approved for Medicaid reimbursement of nursing facility services or equivalent care provided through a Medicaid Home and Community-Based Waiver program, an applicant may be found eligible for funding through the Medicaid Home and Community-Based Waiver for People with Acquired Brain Injury when all other eligibility requirements of R414-502 are met.

(4) Persons who are found eligible for funds through the Medicaid Home and Community-Based Waiver for People with Acquired Brain Injury may choose not to participate in the Waiver. Persons who choose not to participate in the Waiver will receive only the state funded portion of the budget the person would have received had the person participated in the Waiver.

#### **R539-1-10. Graduated Fee Schedule.**

(1) Pursuant to Utah Code 62A-5-105 the Division establishes a graduated fee schedule for use in assessing fees to individuals. The graduated fee schedule shall be applied to Persons who do not meet the Medicaid eligibility requirements [~~listed in the Intellectual Disability or Related Conditions Waiver, the Traumatic Brain Injury Waiver or the Physical Disabilities Waiver~~] for Waiver services. Family size and gross income shall be used to determine the fee. This rule does not apply to Persons who qualify for Medicaid waiver funding but who choose to have funding reduced to the state match per R539-1-5(2), R539-1-7(2), and R539-1-9(2) rather than participate in the Medicaid Waiver.

(a) Persons who do not participate in a Medicaid Waiver who do not meet Waiver level of care must apply for a Medicaid Card within 30 days of receiving notice of this rule. Persons who do not participate in a Medicaid Waiver who meet Waiver level of care must apply for determination of financial eligibility using Form 927 within 30 days of receiving notice of this rule. Persons who do not participate in a Medicaid Waiver shall provide the Support Coordinator or Nurse Coordinator with the financial determination letter within 10 days of the receipt of such documentation. Persons who do not participate in a Medicaid Waiver and who fail to comply with these requirements shall have funding reduced to the state match rate.

(b) Persons who do not participate in a Medicaid Waiver due to financial eligibility, must be reduced to the state match rate.

(c) Persons who only meet the general eligibility requirements, as per R539-1-4, R539-1-6, and R539-1-8, must report all cash assets (stocks, bonds, certified deposits, savings, checking and trust amounts), annual income and number of family members living together using Division Form 2-1G. Persons with Discretionary Trusts

are exempt from the Graduated Fee Schedule as per Subsection 62A-5-110(6). The Form 2-1G shall be reviewed at the time of the annual planning meeting. The Person / family shall return Form 2-1G to the support coordinator prior to delivery of new services. Persons / families currently receiving services will have 60 days from receiving notice of this rule to return a completed and signed Form 2-1G to the Division. Persons / families who complete the Division Graduated Fee Assessment Form 2-1G shall be assessed a fee no more than 3% of their income. If the form is not received within 60 days of receiving notice of this rule, the Person will have funding reduced to the state match rate.

(d) Cash assets, income and number of family members will be used to calculate available income (using the formula: (assets + income) / by the total number of family members = available income). Available income will be used to determine the fee percent (0 percent to 3 percent). The annual fee amount will be calculated by multiplying available income by the fee percent. Persons who do not participate in a Medicaid Waiver, who only meet general eligibility requirements, and have available incomes below 300 percent of the poverty level will not be assessed a fee. Persons with available incomes between 300 and 399 percent of poverty will be assessed a 1 percent fee, Persons with available incomes between 400 and 499 percent of poverty will be assessed a 2 percent fee and those with available income over 500 percent of poverty will be assessed a 3 percent fee.

(e) No fee shall be assessed for a Person who does not participate in a Medicaid Waiver and who receives funding for less than 31 percent of their assessed need. A multiplier shall be applied to the fee of Persons who do not participate in a Medicaid Waiver and who receive 31 to 100% percent of their assessed need.

(f) If a Person's annual allocation is at the state match rate, they will not be assessed a fee.

(g) Only one fee will be assessed per family, regardless of the number of children in the family receiving services. Persons who do not participate in a Medicaid Waiver under the age of 18 shall be assessed a fee based upon parent income. Persons who do not participate in a Medicaid Waiver over the age of 18 shall be assessed a fee based upon individual income and assets.

(h) If the Person is assessed a fee, the Person shall pay the Division of Services for People with Disabilities or designee 1/12th of the annual fee by the end of each month, beginning the following month after the notice of this rule was sent to the Person.

(i) If the Person fails to pay the fee for six months, the Division may reduce the Person's next year annual allocation to recover the amount due. If a Person can show good cause why the fee cannot be paid, the Division Director may grant exceptions on a case-by-case basis.

#### **R539-1-11. Social Security Numbers.**

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

**KEY: human services, disabilities, social security numbers**

**Date of Enactment or Last Substantive Amendment: [April 18,] 2013**

**Notice of Continuation: November 5, 2012**

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



Human Services, Juvenile Justice  
Services  
**R547-6-3**  
Administration and Organization

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 38047

FILED: 10/08/2013

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The administrative rule is updated to reflect the current administrative practices of the Youth Parole Authority.

SUMMARY OF THE RULE OR CHANGE: The changes reflect the current administrative practices of the Youth Parole Authority.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-2-304 and Title 62A, Chapter 7

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: None--The changes reflect the current practices of the Youth Parole Authority.
- ◆ LOCAL GOVERNMENTS: None--The changes reflect the current practices of the Youth Parole Authority.
- ◆ SMALL BUSINESSES: None--The changes reflect the current practices of the Youth Parole Authority.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--The changes reflect the current practices of the Youth Parole Authority.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The changes reflect the current practices of the Youth Parole Authority.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact.

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

HUMAN SERVICES  
JUVENILE JUSTICE SERVICES  
195 N 1950 W  
SALT LAKE CITY, UT 84116  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Janene Parry by phone at 801-538-4413, by FAX at 801-538-4334, or by Internet E-mail at jclarsen@utah.gov

- ◆ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/02/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2013

AUTHORIZED BY: Susan Burke, Director

**R547. Human Services, Juvenile Justice Services.**

**R547-6. Youth Parole Authority Policies and Procedures.**

**R547-6-1. Authority.**

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

**R547-6-2. Definitions.**

(1) Detainer is an order to hold a youth for another governmental agency.

**R547-6-3. Administration and Organization.**

Section 62A-7-501 establishes a Youth Parole Authority within the Division of Juvenile Justice Services which has responsibility for parole release, rescission, revocation, and termination of parole for youth offenders committed to the Division for secure confinement.

(1) The Authority is established as an autonomous organization ~~at an entity reporting directly to the Board of Juvenile Justice Services~~.

(2) The following criteria shall be utilized ~~by the Board of Juvenile Justice Services~~ in the selection and appointment of the Authority members:

(a) A member shall have training or experience in social work, law, juvenile or criminal justice, or related behavioral sciences.

(b) A member shall not be an employee of the Department of Human Services, other than in the capacity as a member of the Authority, and may not hold any public office during the tenure of the appointment. A member shall not hold a position in the State's juvenile justice system or be an employee, officer, advisor, policy board member, or subcontractor of any juvenile justice agency or its contractor during the tenure of the appointment.

(c) The membership shall represent, to the extent possible, a diversity of the population under the jurisdiction of the Division.

(d) The membership shall be composed of individuals with the capacity to conduct hearings in a professional manner, develop appropriate policies and procedures, be sensitive to both legal and treatment oriented issues and promote credibility in the parole release process.

(3) Youth Parole Authority members shall be appointed for terms of ~~three~~four years by the ~~Board of Juvenile Justice Services~~ Governor with the consent of the Senate.

(4)(a) The ~~Board of Juvenile Justice Services~~ members of the Youth Parole Authority shall elect the chairperson and vice-chairperson of the Authority by majority vote for terms of one year. A second vice-chairperson shall be designated by the Authority members present at hearings in which the chairperson and vice-chairperson are absent.

(b) The duties of the chairperson are as follows:

(i) to preside at meetings and hearings and in the chairperson's absence the first vice-chairperson shall act. In the absence of the chairperson and first vice-chairperson, the second vice-chairperson shall preside at the meeting or hearing.

(ii) to act as official spokesperson for the Authority with the concurrence of the Authority;

(iii) to work closely with the Administrative Officer in the administration of the Authority and in coordinating with the Division.

(5) Any member of the Authority may be removed from office [by the Board of Juvenile Justice Services] for cause.

(6) ~~[The Authority shall seek parity with salaries of other state officers performing similar and responsible duties.]~~ The Authority members may not receive compensation or benefits for their service, but may receive per diem and travel expenses in accordance with section 63A-3-106 and 107.

(7) The Division Director shall ensure that time is available for Division members to participate in training and administrative meetings related to Authority and Division matters.

(8) The Authority has the power to require that general and specific conditions of parole be followed in the supervision of parolees.

(9) The Authority has the statutory power, Section 62A-7-501(12), to secure prompt and full information relating to youth offenders committed to the Division from the staffs of the secure facilities, regional offices, community placements, and the juvenile court.

(10) The Authority has statutory power, Section 62A-7-504, to cause the arrest of parolees and the power to revoke parole.

(11) The Authority has the designated power to terminate youthful offenders from parole.

(12) The Authority shall establish policies and procedures for its governance, meeting, hearings, the conduct of proceedings before it, the parole of youth offenders, and the general conditions under which parole may be granted, rescinded, revoked, modified, and terminated. The Authority's policies and procedures are subject to the approval of the Board of Juvenile Justice Services.

(13) The policy and procedures manual of the Authority will be readily available to youth in secure facilities, parolees, staff and the public.

(14) The Authority shall request any needed legal assistance from the Attorney General's Office.

(15) The position of an Administrative Officer shall be established to carry out day to day functions and to implement the policies and procedures of the Authority.

(16) Required staff shall be appointed to the Authority.

**KEY: juvenile corrections, parole**

**Date of Enactment or Last Substantive Amendment:** ~~[November 12, 2008]~~ **2013**

**Notice of Continuation:** May 16, 2012

**Authorizing, and Implemented or Interpreted Law:** 62A-7; 63G-2-304

## Human Services, Juvenile Justice Services R547-12

### Division of Juvenile Justice Services Classification of Records

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38059

FILED: 10/10/2013

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The administrative rule is updated to clarify the classification of youth records.

**SUMMARY OF THE RULE OR CHANGE:** Clarification on what is classified as protected or controlled information.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 62G-2-302 and Section 63G-2-304 and Section 63G-2-305 and Title 62A, Chapter 7

#### ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** None--The changes are for clarification only.

♦ **LOCAL GOVERNMENTS:** None--The changes are for clarification only.

♦ **SMALL BUSINESSES:** None--The changes are for clarification only.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The changes are for clarification only.

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

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no fiscal impact on businesses.

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

HUMAN SERVICES

JUVENILE JUSTICE SERVICES

195 N 1950 W

SALT LAKE CITY, UT 84116

or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Janene Parry by phone at 801-538-4413, by FAX at 801-538-4334, or by Internet E-mail at jclarsen@utah.gov

♦ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at [jhjones@utah.gov](mailto:jhjones@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/02/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2013

AUTHORIZED BY: Susan Burke, Director

**R547. Human Services, Juvenile Justice Services.  
R547-12. Division of Juvenile Justice Services Classification of Records.**

**R547-12-1. Authority.**

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

**R547-12-2. Division of Juvenile Justice Services Classification of Records.**

(1) The following classification scheme applies to the youth records of the Division of Juvenile Justice Services:

(a) Quality Service Review Case Studies and Reports are classified as protected information.

~~(a) Medical~~(b) Plethysmograph, psychological, and psychiatric reports are classified as controlled information. Other records produced by the Division of Juvenile Justice Services or its contractors are controlled if the agency reasonably believes that releasing the information in the record would be detrimental to the subject's mental health or to the safety of any individual[-], or if releasing the information would constitute a violation of normal professional and medical ethics.

~~(b)~~(c) Progress reports, quarterly reports, reports to the Court, Parole Board reports, and correspondence are classified as private information, as are all other records in the case file that originate with the Division.

~~(c)~~(d) Police reports, juvenile court legal and social information, school reports, and all other documents generated by agencies other than Juvenile Justice Services shall retain the classification assigned to them by the agency from which they were received.

**KEY: juvenile corrections**

**Date of Enactment or Last Substantive Amendment:** ~~November 12, 2008~~**2013**

**Notice of Continuation:** May 1, 2012

**Authorizing, and Implemented or Interpreted Law:** 62A-7; 63G-2-101

**Tax Commission, Property Tax  
R884-24P-29  
Taxable Household Furnishings  
Pursuant to Utah Code Ann. Section  
59-2-1113**

**NOTICE OF PROPOSED RULE  
(Amendment)**

DAR FILE NO.: 38057  
FILED: 10/10/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The proposed amendment updates the section to match statutory changes made in H.B. 67 in the 2013 General Legislative Session.

**SUMMARY OF THE RULE OR CHANGE:** The proposed amendment clarifies that household furnishings, furniture, and equipment that meet the definition of qualifying exempt primary residential rental personal property under Section 59-2-102 qualify for the primary residential exemption and are valued for property tax purposes by calculating the value of the personal property using the tables in Section R884-24P-33 and multiplying that value by 0.55.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-2-1113

**ANTICIPATED COST OR SAVINGS TO:**

- ♦ THE STATE BUDGET: None--Property tax revenues are local revenues.
- ♦ LOCAL GOVERNMENTS: None--Any fiscal impact was considered in H.B. 67 (2013).
- ♦ SMALL BUSINESSES: None--Any fiscal impact was considered in H.B. 67 (2013).
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--Any fiscal impact was considered in H.B. 67 (2013).

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--The proposed change provides guidance for county assessors on how to value qualifying exempt primary residential rental personal property.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This proposed change should have no fiscal impact since it was considered in H.B. 67 (2013).

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

TAX COMMISSION  
PROPERTY TAX  
210 N 1950 W  
SALT LAKE CITY, UT 84134  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at [cj@utah.gov](mailto:cj@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/02/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2013

AUTHORIZED BY: Robert Pero, Commissioner

**R884. Tax Commission, Property Tax.**

**R884-24P. Property Tax.**

**R884-24P-29. Taxable Household Furnishings Pursuant to Utah Code Ann. Section 59-2-1113.**

[A-](1) [Household] Except as provided in Section 59-2-1115, household furnishings, furniture, and equipment are subject to property taxation if:

[1-](a) the owner of the [abode]dwelling unit commonly receives legal consideration for its use, whether in the form of rent, exchange, or lease payments; or

[2-](b) the [abode]dwelling unit is held out as available for the rent, lease, or use by others.

(2) Household furnishings, furniture, and equipment that meet the definition of qualifying exempt primary residential rental personal property in Section 59-2-102:

(a) qualify for the primary residential exemption under Section 59-2-103; and

(b) are valued for tax under this chapter by:

(i) calculating the value of the personal property using the tables in Tax Commission rule R884-24P-33; and

(ii) multiplying the value calculated under Subsection (2) (b)(i) by 0.55.

**KEY:** taxation, personal property, property tax, appraisals

**Date of Enactment or Last Substantive Amendment:** ~~February 21,~~ 2013

**Notice of Continuation:** January 3, 2012

**Authorizing, and Implemented or Interpreted Law:** Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703

**Tax Commission, Property Tax**  
**R884-24P-53**

**2013 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 38058

FILED: 10/10/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This amendment annually updates the agricultural productive values to be applied by county assessors to land qualifying for valuation and assessment under the Farmland Assessment Act (FAA). The values are recommended to the Commission by the State Farmland Evaluation Advisory Committee, which meets under the authority of Section 59-2-514.

**SUMMARY OF THE RULE OR CHANGE:** Section 59-2-515 authorizes the State Tax Commission to promulgate rules regarding the Property Tax Act, Part 5, Farmland Assessment Act. Section 59-2-514 authorizes the State Tax Commission to receive valuation recommendations from the State Farmland Advisory Committee for implementation as outlined in Section R884-24P-53. Irrigated farm land values decreased in all counties primarily due to declines in production and increases in costs; average decline across all counties was approximately 6%. Orchard land values declined in all counties due to cost increases more than offsetting production/ price increases. Only marginal decreases were made to meadow cropland values being impacted by the decreasing value of feeds/forages and increasing costs. Dry farm land values decreased across all counties due to amount of precipitation received and increased costs. Grazing land values were negatively impacted by forage prices, precipitation levels, livestock prices, and production costs. No change in value was recommended for non-productive land.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-2-515

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** The amount of savings or cost to state government is undetermined. The State receives tax revenue for assessing and collecting and for the Education Fund based on increased or decreased real and personal property valuation, including property assessed under the FAA. Property valuation (taxable value) changes have been recommended by class and by county. This year, no class/county valuations will increase, 302 will decrease and 162 will remain unchanged. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly qualified for FAA assessment during 2014 and a listing of property no longer qualifying that is removed from FAA during 2013. However, it is estimated that the overall change is minimal due to this amendment.

♦ **LOCAL GOVERNMENTS:** The amount of saving or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased property valuation, including property assessed under FAA. Property valuation changes have been recommended by class and by county. This year, no class/county valuations will increase, 302 will decrease and 162 will remain unchanged. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for FAA during 2014 and a listing of property no longer qualifying that is removed from FAA during 2013. However, it is estimated that the overall change is minimal due to this amendment. County assessor offices statewide will be required to input the new value indicators into their computer systems to be applied against the acreage for individual properties. This input process is easily accomplished on an annual basis and represents no significant cost in time or money to the assessors' offices.

♦ **SMALL BUSINESSES:** Each property owner with property eligible for assessment under FAA may see a change in value, depending on property class and situs county as no such value indicators will increase, 303 will decrease and 162 will not change. The effect on the property owner will be valuation increase, decrease, or no change depending on the mix of property types and situs. No aggregate compliance cost can be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for FAA during 2014 and a listing of property no longer qualifying which is removed from FAA during 2013. In addition, the compliance cost will further be altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Each property owner with property eligible for assessment under FAA may see a change in value, depending on property class and situs county as no such value indicators will increase, 303 will decrease and 162 will not change. The effect on the property owner will be valuation increase, decrease, or no change depending on the mix of property types and situs. No aggregate compliance cost can be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for FAA during 2014 and a listing of property no longer qualifying which is removed from FAA during 2013. In addition, the compliance cost will further be altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Each property owner with property eligible for assessment under FAA may see a change in value, depending on property class and situs county as no such value indicators will increase, 303 will decrease and 162 will not change. The effect on the property owner will be valuation increase, decrease, or no

change depending on the mix of property types and situs. In addition, the compliance cost will further be altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** These changes may affect property values which may result in a change of property tax amounts due.

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

TAX COMMISSION  
PROPERTY TAX  
210 N 1950 W  
SALT LAKE CITY, UT 84134  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at [cj@utah.gov](mailto:cj@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/02/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2013

AUTHORIZED BY: Robert Pero, Commissioner

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**R884. Tax Commission, Property Tax.**

**R884-24P. Property Tax.**

**R884-24P-53. [2013]2014 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.**

(1) Each year the Property Tax Division shall update and publish schedules to determine the taxable value for land subject to the Farmland Assessment Act on a per acre basis.

(a) The schedules shall be based on the productivity of the various types of agricultural land as determined through crop budgets and net rents.

(b) Proposed schedules shall be transmitted by the Property Tax Division to county assessors for comment before adoption.

(c) County assessors may not deviate from the schedules.

(d) Not all types of agricultural land exist in every county. If no taxable value is shown for a particular county in one of the tables, that classification of agricultural land does not exist in that county.

(2) All property qualifying for agricultural use assessment pursuant to Section 59-2-503 shall be assessed on a per acre basis as follows:

(a) Irrigated farmland shall be assessed under the following classifications.

(i) Irrigated I. The following counties shall assess Irrigated I property based upon the per acre values listed below:

TABLE 1  
Irrigated I

|                |           |
|----------------|-----------|
| 1) Box Elder   | [872] 820 |
| 2) Cache       | [752] 707 |
| 3) Carbon      | [560] 525 |
| 4) Davis       | [914] 870 |
| 5) Emery       | [537] 504 |
| 6) Iron        | [851] 801 |
| 7) Kane        | [449] 422 |
| 8) Millard     | [853] 804 |
| 9) Salt Lake   | [763] 710 |
| 10) Utah       | [801] 755 |
| 11) Washington | [703] 659 |
| 12) Weber      | [856] 808 |

(ii) Irrigated II. The following counties shall assess Irrigated II property based upon the per acre values listed below:

TABLE 2  
Irrigated II

|                |           |
|----------------|-----------|
| 1) Box Elder   | [766] 720 |
| 2) Cache       | [642] 603 |
| 3) Carbon      | [446] 418 |
| 4) Davis       | [803] 764 |
| 5) Duchesne    | [523] 490 |
| 6) Emery       | [432] 406 |
| 7) Grand       | [414] 389 |
| 8) Iron        | [746] 701 |
| 9) Juab        | [477] 450 |
| 10) Kane       | [345] 324 |
| 11) Millard    | [748] 705 |
| 12) Salt Lake  | [656] 610 |
| 13) Sanpete    | [576] 542 |
| 14) Sevier     | [602] 567 |
| 15) Summit     | [497] 466 |
| 16) Tooele     | [487] 456 |
| 17) Utah       | [693] 653 |
| 18) Wasatch    | [524] 492 |
| 19) Washington | [599] 561 |
| 20) Weber      | [751] 709 |

(iii) Irrigated III. The following counties shall assess Irrigated III property based upon the per acre values listed below:

TABLE 3  
Irrigated III

|               |           |
|---------------|-----------|
| 1) Beaver     | [610] 574 |
| 2) Box Elder  | [603] 567 |
| 3) Cache      | [487] 458 |
| 4) Carbon     | [295] 277 |
| 5) Davis      | [646] 615 |
| 6) Duchesne   | [367] 344 |
| 7) Emery      | [272] 255 |
| 8) Garfield   | [227] 213 |
| 9) Grand      | [261] 245 |
| 10) Iron      | [593] 557 |
| 11) Juab      | [321] 303 |
| 12) Kane      | [191] 179 |
| 13) Millard   | [592] 558 |
| 14) Morgan    | [416] 391 |
| 15) Piute     | [358] 336 |
| 16) Rich      | [191] 179 |
| 17) Salt Lake | [499] 464 |
| 18) San Juan  | [195] 181 |
| 19) Sanpete   | [422] 397 |
| 20) Sevier    | [448] 422 |
| 21) Summit    | [338] 317 |
| 22) Tooele    | [326] 305 |
| 23) Uintah    | [397] 375 |

|                |           |
|----------------|-----------|
| 24) Utah       | [531] 501 |
| 25) Wasatch    | [364] 342 |
| 26) Washington | [440] 413 |
| 27) Wayne      | [354] 332 |
| 28) Weber      | [597] 564 |

(iv) Irrigated IV. The following counties shall assess Irrigated IV property based upon the per acre values listed below:

TABLE 4  
Irrigated IV

|                |           |
|----------------|-----------|
| 1) Beaver      | [502] 472 |
| 2) Box Elder   | [498] 468 |
| 3) Cache       | [378] 355 |
| 4) Carbon      | [190] 178 |
| 5) Daggett     | [208] 195 |
| 6) Davis       | [540] 514 |
| 7) Duchesne    | [257] 241 |
| 8) Emery       | [169] 158 |
| 9) Garfield    | [122] 115 |
| 10) Grand      | [158] 149 |
| 11) Iron       | [484] 455 |
| 12) Juab       | [213] 201 |
| 13) Kane       | [87] 82   |
| 14) Millard    | [482] 454 |
| 15) Morgan     | [308] 289 |
| 16) Piute      | [250] 235 |
| 17) Rich       | [89] 83   |
| 18) Salt Lake  | [387] 360 |
| 19) San Juan   | [89] 83   |
| 20) Sanpete    | [317] 298 |
| 21) Sevier     | [343] 324 |
| 22) Summit     | [234] 220 |
| 23) Tooele     | [222] 208 |
| 24) Uintah     | [293] 277 |
| 25) Utah       | [427] 403 |
| 26) Wasatch    | [260] 244 |
| 27) Washington | [331] 310 |
| 28) Wayne      | [250] 234 |
| 29) Weber      | [487] 461 |

(b) Fruit orchards shall be assessed per acre based upon the following schedule:

TABLE 5  
Fruit Orchards

|               |           |
|---------------|-----------|
| 1) Beaver     | [588] 574 |
| 2) Box Elder  | [637] 622 |
| 3) Cache      | [588] 574 |
| 4) Carbon     | [588] 574 |
| 5) Davis      | [642] 627 |
| 6) Duchesne   | [588] 574 |
| 7) Emery      | [588] 574 |
| 8) Garfield   | [588] 574 |
| 9) Grand      | [588] 574 |
| 10) Iron      | [588] 574 |
| 11) Juab      | [588] 574 |
| 12) Kane      | [588] 574 |
| 13) Millard   | [588] 574 |
| 14) Morgan    | [588] 574 |
| 15) Piute     | [588] 574 |
| 16) Salt Lake | [588] 574 |
| 17) San Juan  | [588] 586 |
| 18) Sanpete   | [588] 574 |
| 19) Sevier    | [588] 574 |
| 20) Summit    | [588] 574 |
| 21) Tooele    | [588] 574 |
| 22) Uintah    | [588] 574 |
| 23) Utah      | [647] 631 |
| 24) Wasatch   | [588] 574 |

|     |            |                               |
|-----|------------|-------------------------------|
| 25) | Washington | [ <del>696</del> ] <u>679</u> |
| 26) | Wayne      | [ <del>588</del> ] <u>574</u> |
| 27) | Weber      | [ <del>642</del> ] <u>627</u> |

(ii) Dry IV. The following counties shall assess Dry IV property based upon the per acre values listed below:

(c) Meadow IV property shall be assessed per acre based upon the following schedule:

TABLE 6  
Meadow IV

|     |            |                               |
|-----|------------|-------------------------------|
| 1)  | Beaver     | [ <del>247</del> ] <u>243</u> |
| 2)  | Box Elder  | [ <del>266</del> ] <u>262</u> |
| 3)  | Cache      | [ <del>275</del> ] <u>271</u> |
| 4)  | Carbon     | [ <del>133</del> ] <u>131</u> |
| 5)  | Daggett    | [ <del>163</del> ] <u>161</u> |
| 6)  | Davis      | [ <del>278</del> ] <u>274</u> |
| 7)  | Duchesne   | [ <del>170</del> ] <u>168</u> |
| 8)  | Emery      | [ <del>142</del> ] <u>140</u> |
| 9)  | Garfield   | [ <del>107</del> ] <u>105</u> |
| 10) | Grand      | [ <del>137</del> ] <u>135</u> |
| 11) | Iron       | [ <del>268</del> ] <u>264</u> |
| 12) | Juab       | [ <del>156</del> ] <u>154</u> |
| 13) | Kane       | [ <del>112</del> ] <u>110</u> |
| 14) | Millard    | [ <del>200</del> ] <u>197</u> |
| 15) | Morgan     | [ <del>202</del> ] <u>199</u> |
| 16) | Piute      | [ <del>196</del> ] <u>193</u> |
| 17) | Rich       | [ <del>108</del> ] <u>106</u> |
| 18) | Salt Lake  | [ <del>231</del> ] <u>228</u> |
| 19) | Sanpete    | [ <del>199</del> ] <u>196</u> |
| 20) | Sevier     | [ <del>204</del> ] <u>201</u> |
| 21) | Summit     | [ <del>207</del> ] <u>204</u> |
| 22) | Tooele     | [ <del>192</del> ] <u>189</u> |
| 23) | Uintah     | [ <del>212</del> ] <u>209</u> |
| 24) | Utah       | [ <del>257</del> ] <u>253</u> |
| 25) | Wasatch    | [ <del>214</del> ] <u>211</u> |
| 26) | Washington | [ <del>234</del> ] <u>231</u> |
| 27) | Wayne      | [ <del>177</del> ] <u>174</u> |
| 28) | Weber      | [ <del>311</del> ] <u>303</u> |

TABLE 8  
Dry IV

|     |            |                             |
|-----|------------|-----------------------------|
| 1)  | Beaver     | [ <del>17</del> ] <u>16</u> |
| 2)  | Box Elder  | [ <del>64</del> ] <u>60</u> |
| 3)  | Cache      | [ <del>90</del> ] <u>85</u> |
| 4)  | Carbon     | [ <del>16</del> ] <u>15</u> |
| 5)  | Davis      | [ <del>17</del> ] <u>16</u> |
| 6)  | Duchesne   | [ <del>21</del> ] <u>20</u> |
| 7)  | Garfield   | [ <del>16</del> ] <u>15</u> |
| 8)  | Grand      | [ <del>16</del> ] <u>15</u> |
| 9)  | Iron       | [ <del>16</del> ] <u>15</u> |
| 10) | Juab       | [ <del>17</del> ] <u>16</u> |
| 11) | Kane       | [ <del>16</del> ] <u>15</u> |
| 12) | Millard    | [ <del>15</del> ] <u>14</u> |
| 13) | Morgan     | [ <del>31</del> ] <u>29</u> |
| 14) | Rich       | [ <del>16</del> ] <u>15</u> |
| 15) | Salt Lake  | [ <del>17</del> ] <u>16</u> |
| 16) | San Juan   | [ <del>19</del> ] <u>18</u> |
| 17) | Sanpete    | [ <del>21</del> ] <u>20</u> |
| 18) | Summit     | [ <del>16</del> ] <u>15</u> |
| 19) | Tooele     | [ <del>16</del> ] <u>15</u> |
| 20) | Uintah     | [ <del>21</del> ] <u>20</u> |
| 21) | Utah       | [ <del>17</del> ] <u>16</u> |
| 22) | Wasatch    | [ <del>16</del> ] <u>15</u> |
| 23) | Washington | [ <del>15</del> ] <u>14</u> |
| 24) | Weber      | [ <del>48</del> ] <u>45</u> |

(e) Grazing land shall be classified as one of the following four categories and shall be assessed on a per acre basis as follows:

(i) Graze 1. The following counties shall assess Graze I property based upon the per acre values listed below:

TABLE 9  
GR I

|     |            |                             |
|-----|------------|-----------------------------|
| 1)  | Beaver     | [ <del>75</del> ] <u>74</u> |
| 2)  | Box Elder  | [ <del>76</del> ] <u>75</u> |
| 3)  | Cache      | [ <del>73</del> ] <u>72</u> |
| 4)  | Carbon     | [ <del>53</del> ] <u>52</u> |
| 5)  | Daggett    | [ <del>54</del> ] <u>53</u> |
| 6)  | Davis      | [ <del>62</del> ] <u>61</u> |
| 7)  | Duchesne   | [ <del>70</del> ] <u>69</u> |
| 8)  | Emery      | [ <del>73</del> ] <u>72</u> |
| 9)  | Garfield   | [ <del>80</del> ] <u>79</u> |
| 10) | Grand      | [ <del>81</del> ] <u>80</u> |
| 11) | Iron       | [ <del>77</del> ] <u>76</u> |
| 12) | Juab       | [ <del>66</del> ] <u>65</u> |
| 13) | Kane       | [ <del>75</del> ] <u>74</u> |
| 14) | Millard    | [ <del>79</del> ] <u>78</u> |
| 15) | Morgan     | [ <del>69</del> ] <u>68</u> |
| 16) | Piute      | [ <del>92</del> ] <u>91</u> |
| 17) | Rich       | [ <del>67</del> ] <u>66</u> |
| 18) | Salt Lake  | [ <del>70</del> ] <u>69</u> |
| 19) | San Juan   | [ <del>80</del> ] <u>79</u> |
| 20) | Sanpete    | [ <del>64</del> ] <u>63</u> |
| 21) | Sevier     | [ <del>65</del> ] <u>64</u> |
| 22) | Summit     | [ <del>74</del> ] <u>73</u> |
| 23) | Tooele     | [ <del>73</del> ] <u>72</u> |
| 24) | Uintah     | [ <del>84</del> ] <u>83</u> |
| 25) | Utah       | [ <del>67</del> ] <u>66</u> |
| 26) | Wasatch    | [ <del>53</del> ] <u>52</u> |
| 27) | Washington | [ <del>66</del> ] <u>65</u> |
| 28) | Wayne      | [ <del>91</del> ] <u>90</u> |
| 29) | Weber      | [ <del>72</del> ] <u>71</u> |

(d) Dry land shall be classified as one of the following two categories and shall be assessed on a per acre basis as follows:

(i) Dry III. The following counties shall assess Dry III property based upon the per acre values listed below:

TABLE 7  
Dry III

|     |            |                               |
|-----|------------|-------------------------------|
| 1)  | Beaver     | [ <del>56</del> ] <u>53</u>   |
| 2)  | Box Elder  | [ <del>102</del> ] <u>96</u>  |
| 3)  | Cache      | [ <del>129</del> ] <u>121</u> |
| 4)  | Carbon     | [ <del>53</del> ] <u>50</u>   |
| 5)  | Davis      | [ <del>55</del> ] <u>52</u>   |
| 6)  | Duchesne   | [ <del>58</del> ] <u>54</u>   |
| 7)  | Garfield   | [ <del>52</del> ] <u>49</u>   |
| 8)  | Grand      | [ <del>53</del> ] <u>50</u>   |
| 9)  | Iron       | [ <del>53</del> ] <u>50</u>   |
| 10) | Juab       | [ <del>54</del> ] <u>51</u>   |
| 11) | Kane       | [ <del>52</del> ] <u>49</u>   |
| 12) | Millard    | [ <del>51</del> ] <u>48</u>   |
| 13) | Morgan     | [ <del>69</del> ] <u>65</u>   |
| 14) | Rich       | [ <del>52</del> ] <u>49</u>   |
| 15) | Salt Lake  | [ <del>58</del> ] <u>54</u>   |
| 16) | San Juan   | [ <del>59</del> ] <u>55</u>   |
| 17) | Sanpete    | [ <del>58</del> ] <u>55</u>   |
| 18) | Summit     | [ <del>52</del> ] <u>49</u>   |
| 19) | Tooele     | [ <del>56</del> ] <u>52</u>   |
| 20) | Uintah     | [ <del>58</del> ] <u>55</u>   |
| 21) | Utah       | [ <del>54</del> ] <u>51</u>   |
| 22) | Wasatch    | [ <del>52</del> ] <u>49</u>   |
| 23) | Washington | [ <del>52</del> ] <u>49</u>   |
| 24) | Weber      | [ <del>83</del> ] <u>78</u>   |

(ii) Graze II. The following counties shall assess Graze II property based upon the per acre values listed below:

TABLE 10  
GR II

|                |    |
|----------------|----|
| 1) Beaver      | 23 |
| 2) Box Elder   | 23 |
| 3) Cache       | 24 |
| 4) Carbon      | 16 |
| 5) Daggett     | 15 |
| 6) Davis       | 20 |
| 7) Duchesne    | 23 |
| 8) Emery       | 22 |
| 9) Garfield    | 24 |
| 10) Grand      | 23 |
| 11) Iron       | 23 |
| 12) Juab       | 20 |
| 13) Kane       | 24 |
| 14) Millard    | 25 |
| 15) Morgan     | 22 |
| 16) Piute      | 27 |
| 17) Rich       | 21 |
| 18) Salt Lake  | 22 |
| 19) San Juan   | 26 |
| 20) Sanpete    | 19 |
| 21) Sevier     | 19 |
| 22) Summit     | 21 |
| 23) Tooele     | 21 |
| 24) Uintah     | 29 |
| 25) Utah       | 24 |
| 26) Wasatch    | 18 |
| 27) Washington | 22 |
| 28) Wayne      | 29 |
| 29) Weber      | 21 |

(iv) Graze IV. The following counties shall assess Graze IV property based upon the per acre values listed below:

TABLE 12  
GR IV

|                |   |
|----------------|---|
| 1) Beaver      | 6 |
| 2) Box Elder   | 5 |
| 3) Cache       | 5 |
| 4) Carbon      | 5 |
| 5) Daggett     | 5 |
| 6) Davis       | 5 |
| 7) Duchesne    | 5 |
| 8) Emery       | 6 |
| 9) Garfield    | 5 |
| 10) Grand      | 6 |
| 11) Iron       | 6 |
| 12) Juab       | 5 |
| 13) Kane       | 5 |
| 14) Millard    | 5 |
| 15) Morgan     | 6 |
| 16) Piute      | 6 |
| 17) Rich       | 5 |
| 18) Salt Lake  | 5 |
| 19) San Juan   | 5 |
| 20) Sanpete    | 5 |
| 21) Sevier     | 5 |
| 22) Summit     | 5 |
| 23) Tooele     | 5 |
| 24) Uintah     | 6 |
| 25) Utah       | 5 |
| 26) Wasatch    | 5 |
| 27) Washington | 5 |
| 28) Wayne      | 5 |
| 29) Weber      | 6 |

(iii) Graze III. The following counties shall assess Graze III property based upon the per acre values below:

TABLE 11  
GR III

|                |    |
|----------------|----|
| 1) Beaver      | 17 |
| 2) Box Elder   | 18 |
| 3) Cache       | 16 |
| 4) Carbon      | 13 |
| 5) Daggett     | 12 |
| 6) Davis       | 13 |
| 7) Duchesne    | 14 |
| 8) Emery       | 15 |
| 9) Garfield    | 17 |
| 10) Grand      | 16 |
| 11) Iron       | 16 |
| 12) Juab       | 14 |
| 13) Kane       | 16 |
| 14) Millard    | 17 |
| 15) Morgan     | 14 |
| 16) Piute      | 19 |
| 17) Rich       | 14 |
| 18) Salt Lake  | 15 |
| 19) San Juan   | 17 |
| 20) Sanpete    | 14 |
| 21) Sevier     | 14 |
| 22) Summit     | 15 |
| 23) Tooele     | 14 |
| 24) Uintah     | 20 |
| 25) Utah       | 14 |
| 26) Wasatch    | 13 |
| 27) Washington | 14 |
| 28) Wayne      | 19 |
| 29) Weber      | 15 |

(f) Land classified as nonproductive shall be assessed as follows on a per acre basis:

TABLE 13  
Nonproductive Land

|                    |   |
|--------------------|---|
| Nonproductive Land |   |
| 1) All Counties    | 5 |

**KEY: taxation, personal property, property tax, appraisals**  
**Date of Enactment or Last Substantive Amendment: ~~February 24, 2013~~**  
**Notice of Continuation: January 3, 2012**  
**Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703**



Transportation, Administration  
**R907-1-6**  
 Administrative Procedures for Motor  
 Carrier Actions

**NOTICE OF PROPOSED RULE**  
 (Amendment)

DAR FILE NO.: 38055  
 FILED: 10/10/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to clarify that only the Executive Director of the Utah Department of Transportation (UDOT) presides over and conducts the department's formal administrative hearings. S.B. 191 (2013 General Legislative Session) defines an administrative law judge as an individual who presides over or conducts formal administrative hearings on behalf of an agency. The bill requires performance evaluations and surveys for administrative law judges. UDOT does not hold enough formal administrative hearings to justify the expense of establishing and conducting performance evaluations and surveys. The bill excludes the executive director of an agency from the definition of administrative law judge. By requiring that all formal administrative hearings be presided over and conducted by the Executive Director, the department avoids the costs of establishing and conducting the performance evaluations and surveys.

**SUMMARY OF THE RULE OR CHANGE:** This amendment clarifies that the Executive Director of UDOT hears and presides over formal administrative hearings for the department.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 72-1-102 and Sections 63G-4-101 through 63G-4-502

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** This amendment will save the department the expense of establishing and conducting surveys of the performance of persons conducting formal administrative hearings.
- ◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government because the amendment only clarifies that the Executive Director conducts all formal administrative hearings for the department.
- ◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses because the amendment only clarifies that the Executive Director conducts all formal administrative hearings for the department.
- ◆ **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 amendment only clarifies that the Executive Director conducts all formal administrative hearings for the department.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs for affected persons because the amendment only clarifies that the Executive Director conducts all formal administrative hearings for the department.

**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 amendment only clarifies that the Executive Director conducts all formal administrative hearings for the department.

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

TRANSPORTATION  
 ADMINISTRATION  
 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](mailto:cwnewman@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/02/2013**

**THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2013**

**AUTHORIZED BY: Carlos Braceras, Executive Director**

**R907. Transportation, Administration.**

**R907-1. Administrative Procedures.**

**R907-1-6. Administrative Procedures for Motor Carrier Actions.**

(1) When a motor carrier appeals the imposition of a penalty under Title 72, Chapter 9, Motor Carrier Safety Act, he or she shall follow the procedures established in R907-1. This proceeding is an informal adjudicative proceeding under Section 63G-4-402, Utah Administrative Procedures Act; therefore, discovery is prohibited, but the administrative hearing officer may issue subpoenas or other orders to compel production of necessary evidence. The department shall provide the applicant, upon request, information in the agency's files, including records that are part of any investigation unless those records are otherwise made confidential or protected from disclosure.

(2) If the proceeding is converted to a formal adjudicative proceeding and an evidentiary hearing held, the department's [Deputy]Executive Director may act as the administrative hearing officer. [He may also designate another in his stead.] At the hearing, the motor carrier shall go first and is burdened to show why the department's civil penalties should not be assessed. The division shall respond, with the motor carrier being given an opportunity to rebut the

division's evidence. If the administrative hearing officer decides doing so will be beneficial to his understanding of the issues, he may allow closing statements or arguments and he may tape the proceedings. The rules of evidence do not apply.

(3) The person deciding the review shall issue a final agency order as promptly as possible. The order shall contain:

(a) a designation of the statute or rule permitting or requiring review;

(b) a statement of the issues reviewed;

(c) findings as fact as to each of the issues;

(d) conclusions of law as to each of the issues;

(e) the reasons for the disposition;

(f) whether the decision of the division or office initiating the decision is affirmed, reversed, modified, or remanded; and

(g) notice of the right to judicial review pursuant to Section 63G-4-402 by filing a petition in district court within 30 days.

**KEY: administrative procedures, enforcement (administrative)**

**Date of Enactment or Last Substantive Amendment:** [~~April 14, 2009~~]2013

**Notice of Continuation:** August 11, 2011

**Authorizing, and Implemented or Interpreted Law:** 63G-4-101 through 502; 72-1-102

## Transportation, Program Development R926-11 Clean Fuel Vehicle Decal Program

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38056

FILED: 10/10/2013

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule change is to incorporate changes made to Sections 41-6a-702 and 72-6-121 by H.B. 23 (2013 General Legislative Session).

**SUMMARY OF THE RULE OR CHANGE:** The proposed rule change includes limiting the number of clean fuel vehicle decals the Department of Transportation may issue to 6,000, and allowing the department to increase the number of clean fuel vehicle decals issued to eligible applicants if the increased issuance allows the department to continue to meet its goals for operational management of the high occupancy vehicle lanes, and making other technical changes.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 41-6a-702 and Section 72-6-121

### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget because the changes to the rule only limit the number of clean fuel vehicle decals that may be issued, and do not create any new work for the department.

◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government because the changes to the rule only limit the number of participants in the clean fuel vehicle decal program.

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses because the changes to the rule only limit the number of participants in the clean fuel vehicle decal program.

◆ **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 changes to the rule only limit the number of participants in the clean fuel vehicle decal program.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs for persons affected by this rule because the changes do not impose any new requirements, but only limit the number of participants in the clean fuel vehicle decal program.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no anticipated fiscal impacts on businesses because the changes to the rule do not impose any new requirements, but only limit the number of participants in the clean fuel vehicle decal program.

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

TRANSPORTATION

PROGRAM DEVELOPMENT

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](mailto:cwnewman@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/02/2013**

**THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2013**

**AUTHORIZED BY:** Carlos Braceras, Executive Director

**R926. Transportation, Program Development.****R926-11. Clean Fuel Vehicle Decal Program.****R926-11-1. Purpose and Authority.**

(1) As authorized in Utah Code Ann. Sections 41-6a-702 and 72-6-121 this rule establishes procedures for regulating access to high occupancy vehicle lanes by vehicles with a clean fuel vehicle decal regardless of the number of occupants.

(2) Federal law authorizes states to allow the use of high occupancy vehicle (HOV) lanes by inherently low emission vehicles (ILEV) and low emission and energy-efficient vehicles with only a single occupant through September 30, 20[09]17, unless federal authorization is extended. Federal law further requires a state to limit or discontinue the use of these single-occupant vehicles if the presence of the vehicles has degraded the operation of the HOV facility.

**R926-11-2. Definitions.**

(1) "Hybrid" means a Low Emission and Energy Efficient vehicle as defined by the United States Environmental Protection Agency as authorized in 23 United States Code 166.

(2) "ILEV" means an Inherently Low Emission Vehicle as defined by the United States Environmental Protection Agency as authorized in 23 United States Code 166.

(3) "C decal" means a clean vehicle decal issued by the department.

(4) "C plate" means a clean fuel special group license plate issued by the Division of Motor Vehicles as had been previously authorized in Utah Code.

(5) "C permit" means a permit issued by the department to the owner of an eligible ILEV or Hybrid vehicle.

(6) "Department" means the Utah Department of Transportation.

(7) "HOV" means a highway lane that has been designated for the use of high occupancy vehicles pursuant to Section 41-6a-702.

**~~R926-11-3. [Identification of Eligible C Decal Vehicles Prior to July 1, 2011.]~~**

~~(1) Upon receipt of a list from the Division of Motor Vehicles showing registered vehicles for which a C plate has been issued prior to July 1, 2011, the department will determine which vehicles meet the definition of an ILEV or Hybrid vehicle as provided in this rule.~~

~~(2) Vehicle owners with vehicles registered with a C plate issued prior to July 1, 2011, and for which the vehicle meets the definition for an ILEV or Hybrid as defined in this rule, will receive a C decal and C permit issued by the department at no cost.~~

~~(3) Vehicle owners with vehicles registered with a C plate issued prior to July 1, 2011, that do not meet the definition of an eligible ILEV or Hybrid vehicle are not eligible to receive a C decal or C permit. The department will notify these vehicle owners of ineligibility.~~

~~(4) Vehicle owners for whom notification has been provided under subsection (3) may receive a C decal and C permit at no cost if the vehicle owner:~~

~~(a) submits an application as provided under R926-11-5(3); and;~~

~~(b) provides sufficient proof to the department that the vehicle meets eligibility requirements for an ILEV or Hybrid vehicle as provided under this rule.~~

**~~R926-11-4. [Permitting of Eligible Vehicles after June 30, 2011].~~**

(1) Owners of an eligible ILEV and Hybrid vehicle registered in the state of Utah shall qualify for a C decal and C permit upon application to the department under permitting processes and payment of a fee defined under this rule.

(2) The owner of a vehicle issued a C decal and a C permit is prohibited from placing the C decal on any vehicle other than the vehicle for which the department has issued a C decal and C permit. Posting a C decal on a vehicle other than the vehicle for which the department has issued a C decal and C permit will render the vehicle owner ineligible to participate in the Clean Fuel Vehicle Program.

(3) The owner of a vehicle issued a C decal must have in the person's immediate possession the C permit issued by the department for that vehicle.

(4) The C decal must be placed in the windshield of the vehicle, centered near the rearview mirror and 4 inches from the top of the windshield. If the vehicle has an AS-1 line, the decal must be mounted below the line. The decal must be mounted directly onto the windshield and cannot be mounted with tape or any other device.

(5) The department shall maintain and publish a listing online of all ILEV and Hybrid vehicle makes and models eligible for a C decal and C permit.

(6) The department will charge a fee for the issuance of a C decal. The amount of the fee will be posted on the application in the amount established by the department in accordance with Section 63J-1-504.

(7) The department may restrict use of the HOV facility by single-occupant vehicle with a C decal if the operation of the facility is degraded. For the purposes of this rule, an HOV facility is considered degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed of 45 miles per hour 90 percent of the time over a consecutive 180 day period, during morning or evening weekday peak hour periods (or both).

**~~R926-11-[5]4. Issuance of C Decals and C Permits.~~**

~~(1) [The department may restrict use of the HOV facility by single-occupant vehicle with a C decal if the operation of the facility is degraded. For the purposes of this rule, an HOV facility may be considered degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed of 45 miles per hour 90 percent of the time over a consecutive 180-day period during morning or evening weekday peak hour periods (or both)] Except as set forth in subsection (2), the department may not issue more than 6,000 C Decals.~~

(2) Not more frequently than once a year, the department may evaluate the operation of the HOV facility and determine whether the facility will continue to operate at an acceptable level of service. For the purposes of this rule, an HOV facility is considered to be operating at an acceptable level of service if vehicles operating on the facility are maintaining a minimum average operating speed of 55 miles per hour 90 percent of the time over a consecutive 180 day period, during morning or evening weekday peak hour periods (or both). Based on that evaluation and if the department determines that additional single-occupant vehicles with a C decal may operate in the HOV lane without compromising operation of the facility, the department may increase the number of clean fuel decals issued beyond the minimum set forth in subsection (1) and shall issue the appropriate number of C decals to eligible applicants as set forth under subsection ([4]5).

(3) Vehicle owners with an eligible ILEV or Hybrid vehicle as defined by this rule must submit an application to the department for a C decal and C permit. The application, approved and issued by the department, shall contain the vehicle owner's name, the license plate number, the vehicle identification number, and the ILEV or Hybrid vehicle make and year model as a condition for obtaining a C decal and C permit.

(4) A vehicle owner must pay the fee for the issuance of a C decal and C permit within 30 days of the application being approved. If the owner does not pay the fee within 30 days, the application will be closed. After the application is closed, a vehicle owner must submit a new application for a C decal and C permit.

(4)5 If more applications for a C decal are received than the total number of decals the department may issue ~~determines will be issued~~ at any one time, C decals and C permits will be ~~issued~~ offered to randomly chosen applicants as they become available ~~up to the number of permits that will be allowed based on the evaluation conducted under subsection (2).~~

~~(e) Vehicle owners with a C plate issued after January 1, 2009, may transfer the plate to a newly purchased eligible ILEV or Hybrid vehicle under the processes established under this rule.~~

**KEY:** hybrid vehicles, C decals, C permits, clean fuel

**Date of Enactment or Last Substantive Amendment:** ~~June 21, 2011~~ **2013**

**Authorizing, and Implemented or Interpreted Law:** 41-6a-702; 72-6-121

## Transportation, Program Development **R926-14** Utah Scenic Byway Program Administration; Scenic Byways Designation, De-designation, and Segmentation Processes

### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 38051  
FILED: 10/10/2013

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule amendment is to clarify the roles and responsibilities of the "Scenic Byway Committee" as defined in Title 72, Chapter 4, Part 3, and the legislative body of a county, city, or town with regard to segmenting a "Scenic Byway".

**SUMMARY OF THE RULE OR CHANGE:** The proposed changes are to clarify the roles and responsibilities of the Scenic Byways Committee and the legislative body of a county, city, or town, to ensure compliance with the Utah Code. The rule change addresses the local legislative body's

authority to segment "Scenic Byways" without having to obtain the consent of the Scenic Byway Committee. The local legislative bodies are required to inform the committee of their action to segment. The proposed rule change requires the local legislative body to provide the following information to the Scenic Byway Committee and a Utah Department of Transportation (UDOT) representative: the date of segmentation, being the day the local legislative body took action on the request to segment; the defined limits of the segmented portion of the scenic byway, including the route and milepost details and definitions; the approved meeting minutes from the public meeting(s); and, a copy of the signed resolution from the local legislative body.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 52-4-207 and Section 63G-3-201 and Section 72-4-301 and Section 72-4-301.5 and Section 72-4-302 and Section 72-4-303 and Section 72-4-304

#### ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** Having local legislative bodies provide information on segmentation actions directly to the Scenic Byway Committee and a UDOT official will ensure that the records are kept up to date as per Utah Administrative Code Rule R926-13. A cost savings could be realized from having direct communication with the local legislative body rather than having to research each request for segmentation.

♦ **LOCAL GOVERNMENTS:** There could be a potential savings to the local governments who decide to segment a Scenic Byway within their boundaries because they are no longer required to obtain consent from the Scenic Byway Committee.

♦ **SMALL BUSINESSES:** There are no anticipated cost or savings to small businesses because the rule change only clarifies the roles of the Scenic Byway Committee and a local legislative body when the local legislative body chooses to segment a Scenic Byway.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated cost or savings to small businesses, businesses, or local government entities because the rule change only clarifies the roles of the Scenic Byway Committee and a local legislative body when the local legislative body chooses to segment a Scenic Byway.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs for affected persons because the rule change only clarifies the roles of the Scenic Byway Committee and a local legislative body when the local legislative body chooses to segment a Scenic Byway.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no anticipated fiscal impacts to businesses because the rule change only clarifies the roles of the Scenic Byway Committee and a local legislative body when the local legislative body chooses to segment a Scenic Byway.

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

TRANSPORTATION  
PROGRAM DEVELOPMENT  
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 [cnewman@utah.gov](mailto:cnewman@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/02/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2013

AUTHORIZED BY: Carlos Braceras, Executive Director

**R926. Transportation, Program Development.**

**R926-14. Utah Scenic Byway Program Administration; Scenic Byways Designation, De-designation, and Segmentation Processes.**

**R926-14-1. Purpose.**

The purpose of this rule is to establish the following:

- (1) administration of the Utah Scenic Byway program;
- (2) the criteria that a highway shall possess to be considered for designation as a state scenic byway;
- (3) the process for nominating a highway to be designated as a state scenic byway;
- (4) the process for nominating an existing state scenic byway to be considered for designation as a National Scenic Byway or All-American Road;
- (5) the process and criteria for removing the designation of a highway as a scenic byway or segmentation of a portion thereof; and
- (6) the requirements for public hearings to be conducted regarding proposed changes to the scenic byway status of corridor, and related notifications.

**R926-14-2. Authority.**

The provisions of this rule are authorized by the following grants of rulemaking authority and provisions of Utah Code: Title 52, Chapter 4; Title 63G, Chapter 3; and the Designation of Highways Act, Title 72, Chapter 4.

**R926-14-3. Definitions.**

Terms used in this rule are defined in Title 72, Chapter 4. The following additional terms are defined for this rule:

- (1) "All-American Road" means a scenic byway designation made at the national level for state scenic byways that significantly meet criteria for multiple qualities out of the six defined intrinsic qualities.
- (2) "America's Byways" means the brand utilized by the National Scenic Byways Program for promotion of the National Scenic Byways and All American Roads.

(3) "Committee" or "State Committee" means the Utah State Scenic Byway Committee as defined in Title 74, Chapter 4 and does not refer to any local scenic byway committee herein defined.

(4) "Corridor management plan" means a written document prepared by the local scenic byway committee in accordance with federal policies that specifies the actions, procedures, controls, operational practices, and administrative strategies necessary to maintain the intrinsic qualities of a scenic byway.

(5) "De-designation" means removing a current state scenic byway designation by the committee from an entire existing scenic byway.

(6) "Department" means the Utah Department of Transportation.

(7) "Designation" means selection of a roadway by the committee as a state scenic byway or selection of an existing state scenic byway by the U.S. Secretary of Transportation as one of America's Byways.

(8) "Federal policies" means those rules outlining the National Scenic Byway Program and that set forth the criteria for designating roadways as National Scenic Byways or All-American Roads, specifically the FHWA Interim Policy.

(9) "[~~Governmental~~]Local legislative [B]body" means the elected governing board of a political subdivision, such as a town, city, county, or tribal government[~~-or Association of Governments~~].

(10) "Grant" means discretionary funding available on a competitive basis to designated scenic byways from the Federal Highway Administration through the National Scenic Byways Program.

(11) "Intrinsic quality" means scenic, historic, recreational, cultural, archaeological, or natural features that are considered representative, unique, irreplaceable, or distinctly characteristic of an area. The National Scenic Byways Program further defines each of these qualities.

(12) "Local Scenic Byway Committee" means the committee consisting of the local byway coordinator and representatives from nearby [~~governmental~~]local legislative bodies, agencies, tourism related groups and interested individuals that recommends and prioritizes various projects and applications relating to a scenic byway. The local scenic byway committee promotes and preserves intrinsic values along the byway.

(13) "Local Byway Coordinator" means an individual recognized by the local scenic byway committee as chair. If a local scenic byway committee does not exist for a scenic byway, the local byway coordinator is an individual recognized by the state committee chair as the person to contact for applications and other administrative business for the state scenic byway.

(14) "National Scenic Byway" means a scenic byway designation made at the national level for byways that significantly meet criteria for at least one quality out of the six defined intrinsic qualities.

(15) "National Scenic Byways Program" or "NSBP" means a program provided by the Federal Highway Administration to promote the recognition and enjoyment of America's memorable roads.

(16) "State Scenic Byway" means a Utah roadway corridor that has been duly designated by the committee for its intrinsic qualities.

(17) "Status" refers to the current designation of a scenic byway, i.e., state scenic byway, National Scenic Byway, All-American Road, undesignated roadway, segmented scenic byway or de-designated scenic byway.

**R926-14-4. Utah State Scenic Byway Committee Organization and Administration.**

(1) The authorization of the committee, its membership, administration, powers, and duties are defined in Title 72, Chapter 4.

(2) The committee shall ~~[meet annually, at a minimum, or as frequently as needed]~~ conduct business to administer the State Scenic Byway program within the State of Utah. This business shall include, but not be limited to:

(a) designating, de-designating and ~~[segmenting]~~ hearing appeals of segmentation denials of state scenic byways;

(b) recommending considerations for National and All-American Road recognition to the Legislature;

(c) recommending applications to the NSBP;

(d) prioritizing applications for Scenic Byway Discretionary funding and other funding that may be available; and

(e) other business as may be needed to administer the scenic byway program.

(3) The committee ~~[will]shall~~ meet ~~[in the second quarter of the calendar year. Additional committee meetings may be called]~~ to conduct business necessary to administer the state scenic byway program.

(a) The ~~[Spring-]~~meeting is intended to be an in-person gathering of the full committee at a single anchor location. Where the need arises, and as authorized by Title 52, Chapter 4, individual members may request to be connected to the meeting via teleconference, video conference, web conference, or other emerging electronic technology, if they make the request at least three days prior to the committee meeting to allow for arrangements to be made for the connection.

(b) All additional meetings called by the chair may be held as either in-person or electronic meetings, at the discretion of the chair, as authorized by Title 52, Chapter 4.

(i) Electronic meetings may be fully electronic, i.e. each member may join on an individual remote connection (depending on the technology used), but an anchor location must be provided for the public at one or more connections, preferably at a conference room available to either the department or the Utah Office of Tourism, that is large enough to accommodate anticipated demand.

(ii) Electronic meetings may be via teleconference, video conference, web conference, or other emerging electronic technology, at the discretion of the chair, as long as adequate time is provided to set up the required electronic connections for all participants and the technology used is generally publicly available.

(iii) All meetings, whether in-person or electronic, must be advertised and accessible to the public for both hearing and comment, which in the case of electronic meetings will require publication of connection details and anchor locations.

(iv) The published agenda for electronic meetings needs to include details on the format of how and when public comment will be received and addressed by the committee. For example, comment during a web conference may be taken continuously via a chat window, then read by the moderator during the time set aside for public input, with committee responding. In a teleconference, public

participants may be requested to hold their comments until a designated period is opened by the chair.

**R926-14-5. Criteria Required of a Highway to Be Considered for Designation as a State Scenic Byway.**

(1) A road being considered for state scenic byway designation must meet all of the following criteria:

(a) the nominated road must possess at least two unusual, exceptional, or distinctive intrinsic qualities, as defined;

(b) the nominated road may be either a planned or existing route and in the case of a planned route, legal public access, safety standards and all-weather pavement must be guaranteed at completion of construction;

(c) roadway safety on the nominated road must be evaluated against and guided by American Association of State Highway and Transportation Officials (AASHTO) safety standards for federal aid primary or secondary roads;

(d) the nominated road must have strong local support for byway designation and the proponents must demonstrate this support and coordination;

(e) the nominated road must accommodate recreational vehicles or provisions should be made for travel by recreational vehicles;

(f) the nominated road need not lead to or provide connection to other road networks; it may be dead-ended, or provide only a single outlet for traffic;

(g) the nominated road need not be open during the winter months, but seasonal road closures must be clearly posted, shown on applicable maps, and specified in any promotional literature; and

(h) the nominated road may include portions of the Interstate Highway System, but only if the Interstate component is a small part of the mileage of the overall nominated scenic byway and is included primarily for continuity of travel.

(2) It is the intent of these criteria to be restrictive in nature so as to limit the number of designated state scenic byways in order to maintain the quality and integrity of the scenic byway system.

**R926-14-6. Process for Nominating a Highway to Be Designated a State Scenic Byway.**

(1) Nominations for a corridor to be designated a state scenic byway shall be forwarded to the committee by a local ~~[governmental]~~ legislative body.

(2) The nomination application must demonstrate how the nominated road meets the criteria to qualify as a state scenic byway.

(3) The committee will act on a byway-related application only after the responsible organization has held public hearings and submitted minutes of the hearings, including names and addresses of people making comments, a detailed summary of comments made, and proof of public notification.

(4) The committee will consider the nomination after review of the application and after a presentation by the nominating sponsor group, either at the byway location, or at a committee meeting. The committee will vote on proposed designations at the next committee meeting. The committee will report the results of the vote to the nomination sponsor.

(5) Individual communities along the byway corridor that do not support the designation of the byway within the limits of their community have the statutory right, as prescribed in Title 72, Chapter

4, to opt out of any new byway designation through official segmentation action of their local legislative body, but they become ineligible for byway grants and promotional considerations by doing so.

(6) Upon approval by the committee of a scenic byway nomination, the committee shall notify the Utah Office of Tourism, the department and other interested agencies of the new designation and of the approved alignment and limits of the designated corridor.

(a) The committee will make a request to these agencies that they modify reference of the segment, to reflect the change in scenic byway status, on maps and in materials and website applications identifying scenic byways.

(7) On receiving notification of a newly designated state scenic byway, the department shall amend Rule 926-13 to include the description of the byway and the date of its approval. The department shall forward to the NSBP any electronic files needed to describe or display the new byway in online maps, brochures, or other publications of the NSBP. The department will add the scenic byway to the official highway map at its next printing.

#### **R926-14-7. Process for Nominating a Highway to Be Designated a National Scenic Byway or All-American Road.**

In addition to state recognition, state scenic byways may be nominated to the National Scenic Byways Program so that they may be recognized as a byway of national significance through designation as a National Scenic Byway or All-American Road.

(1) Local scenic byway committees shall notify the state committee of their intent to apply for National Scenic Byway or All-American Road status and the state committee shall in turn notify the Legislature of this intent.

(2) Local scenic byway committees desiring national designation are required by the National Scenic Byways Program to prepare nomination applications, adhering to the criteria outlined in applicable federal policies.

(a) A corridor management plan for the byway will be required by the NSBP to be prepared before a nomination application will be considered. The required information and criteria to be included in the corridor management plan are outlined in the federal policies.

(b) The NSBP will issue a call for applications, at which time the local scenic byway committee may submit a nomination application as long as the state scenic byway has been approved for consideration in accordance with the requirements of Title 72, Chapter 4.

(3) Local scenic byway committees are to confer with the state committee during the preparation of a corridor management plan and will submit their nomination applications to the committee for review prior to submitting to the NSBP.

(4) The committee will refer all considerations for America's Byways designations to the Legislature for approval, along with the recommendation of the committee. As required in Title 72, Chapter 4, Legislative approval must be obtained before any application for nomination may be submitted to the NSBP.

(5) Upon approval by the NSBP of a National Scenic Byway nomination, the committee shall notify the Utah Office of Tourism, the department and other interested agencies of the new designation and of any differences in alignment or limits as related to existing state scenic byway designations.

(a) The committee will make a request to these agencies that they modify reference of the segment, to reflect the change in scenic byway status, on maps and in materials and website applications identifying scenic byways.

(6) On receiving notification of a change in byway status to National Scenic Byway or All-American Road, the department shall amend Rule 926-13 to update the description of the byway to reflect the approved changes and the date of NSBP approval.

#### **R926-14-8. Process and Criteria for Removing the Designation of a Highway as a Scenic Byway or Segmentation of a Portion Thereof.**

(1) The committee may de-designate a scenic byway if the intrinsic values for which the corridor was designated have become significantly degraded and no longer meet the requirements for which it was originally designated.

(2) The ~~[committee]~~ local legislative body may ~~[also]~~ remove designation on a localized segment of a designated byway if the intrinsic values within the segment have become degraded or if the segment being considered was included primarily for continuity of travel along the designated corridor, does not in and of itself contain the intrinsic values for which the corridor was designated, and the segmentation has strong community-based support.

(3) Highways that are part of the National Highway System (NHS) are still subject to certain federal outdoor advertising regulations, regardless of their scenic byway status. When considering a de-designation or segmentation on an NHS route, either the committee or the local legislative body should become familiar with the regulatory differences between scenic byway status and NHS status, since de-designation or segmentation would not affect the ongoing applicability of NHS regulations and may not always produce the desired effect.

(4) De-designated corridors and communities or parcels segmented out of the scenic byway designation are no longer subject to byways-related regulations and are no longer eligible for byways-related grants and promotional considerations.

(5) Committee processes for de-designation ~~[or segmentation]~~ may be initiated by the committee itself or by request from a ~~[governmental]~~ local legislative body.

(6) Alternatively, segmentation of specific parcels or portions of a scenic byway may be considered directly by the local legislative body of a county, city, or town where the segmentation is proposed, as provided in Title 72, Chapter 4. The same public hearing requirements are followed for local legislative actions as are provided herein for committee actions.

(7) Requests to the committee for ~~[segmentation or]~~ de-designation of state scenic byways shall be submitted by a ~~[governmental]~~ local legislative body along or adjacent to the scenic byway corridor. Each request shall include discussion of the specific reasons for ~~[segmentation or]~~ de-designation. Reasons may include, but are not limited to:

(a) segment or corridor is no longer consistent with the state's criteria for selection as a scenic byway;

(b) failure to have maintained or enhanced intrinsic values for which the scenic byway was designated;

(c) degradation of the intrinsic values for which the scenic byway was selected;

(d) segment of byway is not representative of the intrinsic values for which the scenic byway was designated and was included primarily for connectivity; or

(e) state scenic byway designation has become a liability to the corridor.

(8) Local legislative bodies shall inform the committee and UDOT Program Development of their action to segment within 30 days of the date of the action to segment. The local legislative body shall include the discussion of the specific reasons for segmenting. Reasons may include, but are not limited to those identified in R926-14-8(7)(a) through (e).

(9)2 Parcels on existing byways may not be segmented out of a byway solely for the purpose of evading state and federal regulations pertaining to byway designation, but must also be considered non-scenic or otherwise meet the criteria listed in Paragraph (7). However, towns, cities, and counties may remove themselves entirely for any purpose, as provided in Title 72, Chapter 4.

(9)10 State and federal highway regulations require that no regulated outdoor advertising be located within 500 feet of a designated scenic area. Therefore, the size of any parcel or parcels being considered for segmentation would need to be large enough to meet that offset requirement.

(10)11 Upon receipt of the local legislative body's action to request for segment~~ation or de-designation~~, the committee chair will add the request~~action~~ to the agenda of the next committee meeting.

(11)12 ~~The committee will review the request at the next committee meeting and discuss at least the following:~~ The local legislative body shall provide the committee the following information at the next committee meeting:

(a) ~~reasons for segmentation or de-designation~~ the date of segmentation, being the day the local legislative body took action on the request to segment;

(b) ~~whether segmentation or de-designation of the scenic byway will significantly degrade the statewide scenic byway system; and~~ the defined limits of the segmented portion of the scenic byway, including route and milepost details and definitions;

(c) ~~whether segmentation or de-designation is an attempt to evade applicable rules, regulations or requirements;~~ the approved meeting minutes from the public meeting(s); and

(d) a copy of the signed resolution from the local legislative body.

(12)13 After the responsible legislative body has heard and denied a request to segment a state scenic byway, the denial can be appealed to the committee. ~~The committee will act on a byway segmentation or de-designation request only after the responsible organization has held~~ The appeal must include information regarding the public hearings, [and submitted] minutes of the hearings, including names and addresses of people making comments, a detailed summary of comments made, and proof of public notification.

(13)14 Following discussion of the request or appeal, the committee will vote on the request for de-designation or appeal of the denial of segmentation ~~or de-designation~~. The committee will then forward the result of the vote to the requesting ~~governmental~~ local legislative body or appealing party. For segmentation ~~requests~~ denial appeals heard by the committee and for de-designation actions, the date of approval by the committee is considered the official date of the segmentation or de-designation, for the intent and purpose of how it affects byway program eligibility and subjection to byway regulations.

(14)15 Upon approval or disapproval of a de-designation or segmentation request or decision on appeal, the acting body, whether the committee or the local legislative body, shall notify the Utah Office of Tourism, the department and other interested agencies of the action taken.

(a) In the case of approval of a de-designation or segmentation, the acting body will make a request to these agencies that they modify reference of the segment, to reflect the change in scenic byway status, on maps and in materials and website applications identifying scenic byways.

(b) In the case where the committee approves the de-designation of a scenic byway that had also been designated as a National Scenic Byway, the committee will inform the National Scenic Byway Program of the decision and make a request to the NSBP that they modify reference of the segment, to reflect the change in scenic byway status, on maps and in materials and website applications identifying scenic byways.

(c) In the case of a local legislative action on a segmentation request, the local legislative body shall also notify the committee and the local byway coordinator of the action taken. For segmentation requests heard by a local ~~governmental~~ legislative body, the date of approval by the local ~~governmental~~ legislative body is considered the official date of the segmentation, for the intent and purpose of how it affects byway program eligibility and subjection to byway regulations.

(15)16 Appeals to the committee concerning local legislative actions are handled as provided in Title 72, Chapter 4.

(16)17 On receiving notification of segmentation or de-designation, the department shall amend Rule 926-13 to update the description of the byway to reflect the approved changes. The department shall forward to the NSBP any changes that would have a substantive effect on online maps, brochures, or other publications of the NSBP. The department will also show substantive changes on the official highway map at its next printing.

#### **R926-14-9. Local Government Consent.**

Consent of affected local governments along the byway corridor is required by Title 72, Chapter 4 for any change in scenic byway status.

#### **R926-14-10. Requirements for Public Hearings to Be Conducted Regarding Changes to Status of a State Scenic Byway and Related Notifications.**

(1) Whenever changes to the scenic byway status of a corridor or of a segment thereof are considered, one or more public hearings must be held for the purpose of receiving the public's views and to respond to questions and concerns expressed before action is taken.

(a) The organization initiating the request for change in status is responsible for arrangement, notification, and execution of the hearing(s). The responsible organization may be:

(i) an organization (local scenic byway committee, community, county or association of governments) submitting an application or request to the committee;

(ii) the committee, in the case of a process initiated by the committee itself; or

(iii) a local legislative body considering a segmentation request.

(b) The hearing(s) shall be held in the area affected by the proposed status changes.



(c) Multiple hearings in varied locations may be appropriate, based on the length of the corridor or the affected area within the corridor. The committee chair will review and approve the number and locations of hearings as proposed by the nominating organization to ensure collection of a broad base of public comments throughout the length of the corridor where the scenic byway status changes are proposed.

(d) The responsible organization shall invite the state committee and the local scenic byway committee to attend the public hearing(s).

(2) The required public hearing(s) may be held separately, or as an identifiable agenda item of a regular meeting of a [governmental]local legislative body.

(3) Notification of all public hearings shall be made as required by the laws governing the responsible organization.

(4) At a minimum, the following information related to the proposed change in status is to be addressed at each public hearing:

- (a) the impact on outdoor advertising;
- (b) the potential impact of traffic volumes;
- (c) the potential impact of land use along the byway;
- (d) the potential impact on grant eligibility; and
- (e) the potential impact on the local tourist industry.

(5) The responsible organization shall keep minutes of the hearing, including a detailed summary of comments and the names and addresses of those making comments and shall make these available to the committee, along with proof of required notifications.

**KEY: transportation, scenic byways, highways**

**Date of Enactment or Last Substantive Amendment:** [August 22, 2011]2013

**Authorizing, and Implemented or Interpreted Law:** 52-4-207; 63G-3-201; 72-4-301; 72-4-301.5; 72-4-302; 72-4-303; 72-4-304

## Transportation, Preconstruction R930-1 Intallation of New Mailboxes and Correction of Nonconforming Mailboxes

### NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 38053

FILED: 10/10/2013

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is being repealed because its provisions will be included in the proposed repeal and reenactment of Rule R930-6, Access Management. (DAR NOTE: The proposed repeal and reenactment of Rule R930-6 is under DAR No. 38052 in this issue, November 1, 2013, of the Bulletin.)

**SUMMARY OF THE RULE OR CHANGE:** This rule is being repealed in its entirety and its provisions added to Rule R930-6.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 72-3-102

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget because the provisions of this rule are being moved to Rule R930-6.

◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government because the provisions of this rule are being moved to Rule R930-6.

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses because the provisions of this rule are being moved to Rule R930-6.

◆ **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 provisions of this rule are being moved to Rule R930-6.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs for affected persons because the provisions of this rule are being moved to Rule R930-6.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no anticipated fiscal impacts on businesses because the provisions of this rule are being moved to Rule R930-6.

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

TRANSPORTATION  
PRECONSTRUCTION  
CALVIN L RAMPTON COMPLEX  
4501 S 2700 W  
SALT LAKE CITY, UT 84119-5998  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at [cwnewman@utah.gov](mailto:cwnewman@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/02/2013**

**THIS RULE MAY BECOME EFFECTIVE ON:** 12/09/2013

**AUTHORIZED BY:** Carlos Braceras, Executive Director

**R930. Transportation, Preconstruction.**

~~[R930-1. Installation of New Mailboxes and Correction of Nonconforming Mailboxes.~~

~~R930-1-1. Authority.~~

~~(1) This rule is allowed under Utah Code Ann. Section 72-7-102.~~

**R930-1-2. Definitions.**

~~(1) "State Highway" in this rule is defined in Utah Code Ann. Section 72-3-102.~~

~~(2) "Mailbox" means a box, approved by the United States Postal Service, at or near a dwelling or building which holds the occupants' mail.~~

**R930-1-3. Purpose.**

~~(1) The purpose of this rule is to provide:~~

- ~~(a) a procedure for installation of new mailboxes;~~  
~~(b) for the correction of nonconforming mailboxes.~~

**R930-1-4. When Mailboxes are on Highway Right of Way.**

~~(1) All new mailboxes placed on State highways shall be constructed by the owner in conformance with current standards and regulations of the Utah Department of Transportation and United States Postal Service.~~

~~(2) Existing mailboxes which do not conform to this rule shall be removed or altered by the owner to conform to the standards of this rule.~~

~~(3) The following provisions shall govern installation of new mailboxes and correction of nonconforming mailboxes:~~

~~(a) Mailbox supports that are deemed nonconforming and hazardous by the Utah Department of Transportation region director shall be reconstructed and replaced at the owner's expense. The following criteria shall be used to determine nonconformity:~~

~~(i) Mailbox supports of wood with over 25 square inches (16,000 square millimeters) cross sectional area;~~

~~(ii) Mailbox supports of metal shapes, if the supports are over 3.5 inches (89 millimeters) in greatest dimension or on pipe of over two inches (50 millimeters) diameter.~~

~~(b) Mailboxes and supports which are improperly located, in poor repair, and detract from the appearance of the highway, or if any part of the mailbox is closer than the shoulder of the road or over 50 inches (1.25 meters) high, shall be considered as nonconforming and shall be reconstructed or replaced at the owner's expense.~~

~~(c) All new mailboxes placed on State highways shall be constructed in conformance with Standard Drawings 725-1 and 725-1A of the Utah Department of Transportation's Standard Drawings for Road and Bridge Construction, which is hereby adopted and incorporated by reference.~~

~~(d) The Utah Department of Transportation's region permits officer shall:~~

~~(i) keep mailbox owners informed of current standards and regulations for mailbox installations on State highways;~~

~~(ii) conduct field checks of mailbox installations to insure compliance with standards and regulations;~~

~~(iii) notify the owner in writing of any nonconforming mailbox installation, which writing shall require the owner to correct any deficiencies within 30 days of receipt of the writing;~~

~~(iv) if owner fails to comply with the notice, removes the mailbox and delivers it onto the property of the owner.~~

**KEY: postal service**

**Date of Enactment or Last Substantive Amendment: 1987**

**Notice of Continuation: November 1, 2011**

**Authorizing, and Implemented or Interpreted Law: 72-3-102; 72-3-102]**

## Transportation, Preconstruction **R930-6** Manual of Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of- Way

### NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 38052

FILED: 10/10/2013

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of the rule change is to provide the necessary updates and improve the clarity and transparency for the Utah Department of Transportation's (UDOT) access management requirements and procedures. More specifically, the purpose of the change is to convert Rule R930-6 from manual to rule format, eliminate references to utility accommodations which are now addressed in Rule R930-7, eliminate reference to telecommunications facilities which are governed by Rules R907-64 and R907-7, incorporate controlled access requirements addressed in Rule R933-3, incorporate the requirements for mailboxes on state highways addressed in Rule R930-1, and add a new access category for freeway one-way frontage roads.

**SUMMARY OF THE RULE OR CHANGE:** Changes to the rule include the following: remove references to utility accommodations which are now addressed in Rule R930-7; remove references to telecommunications facilities which are now addressed in Rules R907-64 and R930-7; incorporate controlled access requirements addressed in Rule R933-3; incorporate mailbox requirements on state highways addressed in Rule R930-1; remove reference to special event permits which are governed by Rule R920-4; add a new access category for freeway one-way frontage roads recently constructed for 2100 North in Lehi and the Mountain View Corridor in Salt Lake County; remove requirements for local authority and street signs because they are covered in other administrative rules; remove Transportation Commission requirement to approve no-access and limited-access lines and changes to such lines because such responsibilities are not defined within the list of duties for the commission; and convert Rule R930-6 from "manual" to a "rule" format. Notable format-related changes include the following: modifications to the overall organization of the rule; to the extent possible, the conversion to rule format also included removal of redundancies, contradictions, and internal UDOT policies. The conversion to rule format also included the clarification of procedural guidelines and application requirements for access permits to be consistent with current UDOT practice and requirements and to incorporate some of

the findings outlined by recently completed audits of UDOT's access management practices. Revision to the rule included changes to requirements and procedures that were requested by UDOT personnel and legal counsel (Utah Attorney General's office). Notable changes include the following: added a "land use intensity change" criteria that requires properties with existing driveways to submit a grant of access application when occupying a property after it has been vacant for 12 or more months. For properties with existing driveways who may be required to submit a grant of access application because of a change in land use intensity, the revision to the rule deleted the language which, in the current rule, constrains intensity changes to changes created through "development and redevelopment". Removed requirements for "edge clearance" because of their limited application to state highways. Removed requirement for accesses to be paved to a maximum of 50 feet. With this removal, accesses would be required to be paved to the highway right-of-way line. Revised the appeals process to simplify and be consistent with the procedures defined in Rule R907-1 and Utah Code Title 63G, Chapter 4. Added legal counsel participation to ensure appeals process and rule requirements are followed. Removed "two affidavits" as an acceptable method of establishing historical access. Lengthened horizons for updating the highway access category designations from two years to five years. Revised provisions for grant of access to expire if access construction is not completed within 12 months (compared to the existing provisions for the grant of access to expire if access construction does not commence within 6 months). Defined a 12-month maximum period for temporary grant of access permits.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 41-6a-1701 and Section 41-6a-216 and Section 72-1-201 and Section 72-3-109 and Section 72-4-102.5 and Section 72-6-117 and Section 72-7-102 and Section 72-7-103 and Section 72-7-104 and Section 72-7-105 and Section 72-7-503 and Subsection 72-1-102(11)

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** Anticipated savings to the state budget may come from the improved clarity of the rule resulting in time savings for UDOT personnel responsible for implementing and enforcing the requirements of the rule. Addition of 12-month vacancy UDOT review trigger increases the potential number of property owners (or business tenants) required to obtain a grant of access permit. This change could therefore increase the number and corresponding cost of grant of access permit reviews to be completed by UDOT. Also, the removal of "development and redevelopment" restrictions for activities that may trigger a UDOT review based on a change of land use intensity increases the frequency with which property owners with existing driveways may be required to obtain a grant of access permit. This change could therefore increase the number and corresponding cost of grant of access permit reviews to be completed by UDOT.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs to local governments because the changes to the rule do not impose any new requirements on local governments. There may be savings for local governments seeking public access to state highways and for property owners seeking access to state highways located within their local governmental jurisdiction, resulting from the improved clarity of the rule.

◆ **SMALL BUSINESSES:** Revisions are expected to provide added clarity and transparency for small businesses seeking access to state highways. More specifically, qualitative time savings are expected to be realized for applicants who will now only navigate through approximately 50% of the volume of the previous regulation. In addition, the time-frame from permit issuance to construction completion has been expanded from 6 to 12 months. This time expansion is expected to translate into savings for the applicant who may obtain permit approval in the winter months, but may be unable to begin construction until weather-related conditions can accommodate such construction activity. Finally, additional flexibility for when a traffic impact study is required has been added. This additional flexibility allows a qualified UDOT engineer to determine if a traffic impact study is required for Level I and II applications. This, in turn, will allow UDOT to apply good business sense by not mandating comprehensive traffic studies for simple low impact accesses (which is currently mandated by the existing rule). Ultimately, this additional flexibility will translate into savings in both time and money for the applicant. The changes to the land use intensity triggers (including the 12-month vacancy trigger and the removal of "development and redevelopment" restrictions) will require preparation and application for grant of access for property owners who may not be required to do so with the review triggers of the existing rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Revisions are expected to provide added clarity and transparency for small businesses seeking access to state highways. More specifically, qualitative time savings are expected to be realized for applicants who will now only navigate through approximately 50% of the volume of the previous regulation. In addition, the time-frame from permit issuance to construction completion has been expanded from 6 to 12 months. This time expansion is expected to translate into savings for the applicant who may obtain permit approval in the winter months, but may be unable to begin construction until weather-related conditions can accommodate such construction activity. Finally, additional flexibility for when a traffic impact study is required has been added. This additional flexibility allows a qualified UDOT engineer to determine if a traffic impact study is required for Level I and II applications. This, in turn, will allow UDOT to apply good business sense by not mandating comprehensive traffic studies for simple low impact accesses (which is currently mandated by the existing rule). Ultimately, this additional flexibility will translate into savings in both time and money for the applicant. The changes to the land use intensity triggers (including the 12-month vacancy trigger and the removal of "development and redevelopment" restrictions) will require

preparation and application for grant of access for property owners who may not be required to do so with the review triggers of the existing rule.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Revisions are expected to provide added clarity and transparency for persons seeking access to state highways. More specifically, qualitative time savings are expected to be realized for applicants who will now only navigate through approximately 50% of the volume of the previous regulation. In addition, the time-frame from permit issuance to construction completion has been expanded from 6 to 12 months. This time expansion is expected to translate into savings for the applicant who may obtain permit approval in the winter months, but may be unable to begin construction until weather-related conditions can accommodate such construction activity. Finally, additional flexibility for when a traffic impact study is required has been added. This additional flexibility allows a qualified UDOT engineer to determine if a traffic impact study is required for Level I and II applications. This, in turn, will allow UDOT to apply good business sense by not mandating comprehensive traffic studies for simple low impact accesses (which is currently mandated by the existing rule). Ultimately, this additional flexibility will translate into savings in both time and money for the applicant. The changes to the land use intensity triggers (including the 12-month vacancy trigger and the removal of "development and redevelopment" restrictions) will require preparation and application for grant of access for property owners who may not be required to do so with the review triggers of the existing rule.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** On balance, there is an anticipated cost increase as described above with the 12-month vacancy trigger. At the same time, a property that has been vacant for more than a year produces zero trip generations and without a vacancy trigger UDOT is unable to effectively modulate aggregate traffic volumes where substandard levels of service may already be adversely affecting congested state routes. This, in turn, creates greater legacy costs to UDOT and the public because roadway expansion ultimately becomes the only viable alternative solution. In addition, any overall cost increase to the public is effectively offset by responsible adjustments in the areas of reducing the total volume of regulation, improving clarity of process, significantly increasing program transparency, applying additional flexibility with respect to traffic impact study requirements, and increasing construction completion time-frames. In the final analysis, these combined regulatory adjustments constitute a significant public benefit and they are in direct alignment with the UDOT's Final Four Strategic Goals - preserve infrastructure, optimize mobility, zero fatalities, and strengthen the economy.

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

TRANSPORTATION  
PRECONSTRUCTION  
CALVIN L RAMPTON COMPLEX  
4501 S 2700 W  
SALT LAKE CITY, UT 84119-5998  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at [cnewman@utah.gov](mailto:cnewman@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/02/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2013

AUTHORIZED BY: Carlos Braceras, Executive Director

**R930. Transportation, Preconstruction.**

~~[R930-6. Manual of Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way.~~

**R930-6-1. Incorporation by Reference.**

~~(1) In order to implement its federally-mandated responsibility to ensure the safe use and protection of federal aid highways, except as stated in R930-6-1(2), the department incorporates by reference the Manual of Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way, January 2006 edition, copies of which are available at the department's headquarters, 4501 South 2700 West, Salt Lake City, Utah 84114, and on the department's Internet site, <http://www.udot.utah.gov/main/ucowner.gf?n=200402231315131>. The provisions of this Manual also apply to non-federal aid state highways.~~

~~(2) Inasmuch as utility accommodation is now governed by R930-7, Section 5 of the Manual of Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way is not incorporated, nor are any terms in the manual that refer to utility accommodation or utilities in the right-of-way or percent of reimbursement.]~~

**R930-6. Access Management.**

**R930-6-1. Purpose.**

(1) The purpose of this rule is to:

- (a) maximize public safety;
- (b) provide for efficient highway operations and maintenance of roadways; and
- (c) utilize the full potential of the highway investment.

(2) This rule serves to establish highway access management procedures and standards to protect Utah's state highway system. The state highway system constitutes a valuable resource and a major public investment. The Utah Department of Transportation (Department) has an obligation and a public-trust responsibility to

preserve and maintain the state highway system, protect the public investment in this system, and to ensure the continued use of state highways in meeting state, regional, and local transportation needs and interests. This rule also serves to establish a procedure for allowing and establishing new or existing highways as limited-access facilities, for the elimination of intersections and for the right to access restricted facilities.

(3) The primary function of a state highway is to provide system continuity and efficiency of state highway system operation and maintenance activities. Utah Code Section 72-4-102.5. A state highway may provide access to property as a secondary function. The primary function of city and county roads is to provide access to property. Owners of property adjoining a state highway have certain rights of access unless such access has been restricted by purchase or by legal action. The Department recognizes that property owners have the right of reasonable access to their property. This rule establishes standards that balance the need for reasonable access to properties with the need to preserve the smooth flow of traffic on the state highway system in terms of safety, capacity, and speed.

(4) Failure to manage access to and from state highways can cause an increase in accidents, increased traffic congestion, decline in operating speed, loss of traffic carrying capacity, and increased traffic delays. This failure results in reduced traffic mobility, increased congestion, transportation costs and delays, and contributes to higher rates of property damage, personal injury, and fatal accidents. The proliferation of driveways, intersections, and traffic signals without regard to their proper design, location, and spacing degrades highway operation and performance and poses traffic hazards for the traveling public.

(5) It is a goal of the Department to improve public safety in the development, design, and operation of the state highway system. In exercising this public safety duty, the Department enacts this rule to limit the number of conflict points at driveway locations, separate highway conflict areas, reduce the interference of through-traffic, and adequately space at-grade signalized and unsignalized intersections. The Department works closely with property owners and local authorities to provide reasonable access to the state highway system that is safe, and enhances the movement of traffic. The Department shall utilize all of the state highway right-of-way to the best advantage for highway purposes through a permit process that assesses and grants the number, location, width, and design of connecting streets and driveways.

(6) This rule provides guidance to Department Permit Officers, local authorities, land owners, or developers for when a grant of access or encroachment permit is required, how to apply for a permit, what standards or guidelines are considered in the granting of an access and encroachment permits, and what to do when a variance is sought to deviate from the standards and requirements of this rule.

#### **R930-6-2. Authority.**

(1) This rule is authorized by the following sections of the Utah Code.

(a) Section 41-6a-216. Removal of plants or other obstructions impairing view - Notice to owner - Penalty.

(b) Section 41-6a-1701. Backing - When permissible.

(c) Subsection 72-1-102(11). "Limited-access facility" defined.

(d) Section 72-1-201. Creation of Department of Transportation - Functions, powers, duties, rights, and responsibilities.

(e) Section 72-3-109. Division of responsibility with respect to state highways in cities and towns.

(f) Section 72-4-102.5. Definitions - Rulemaking - Criteria for state highways.

(g) Section 72-6-117. Limited-access facilities and service roads - Access - Right-of-way acquisition - Grade separation - Written permission required.

(h) Section 72-7-102. Excavations, structures, or objects prohibited within right-of-way except in accordance with law - Permit and fee requirements - Rulemaking - Penalty for violation.

(i) Section 72-7-103. Limitation on access authority.

(j) Section 72-7-104. Installations constructed in violation of rules - Rights of highway authorities to remove or require removal.

(k) Section 72-7-105. Obstructing traffic on sidewalks or highways prohibited.

(l) Section 72-7-503. Advertising - Permit required - Penalty for violation.

#### **R930-6-3. Scope.**

(1) This rule supersedes the following publications:

(a) "Regulations for the Accommodation of Utilities on Federal Aid and Non Federal Aid Highway Rights-of-way" - 1970.

(b) "Regulations for the Control and Protection of State Highway Rights-of-way" - 1982, and previous editions of this rule, "Accommodation of Utilities and the Control and Protection of State Highway Rights of Way" - 2006.

(2) Utility accommodation in state highway right-of-way is governed by Rule 930-7.

(3) Regulations, laws, or orders of public authority or industry code prescribing a higher degree of protection or construction than provided by this rule shall govern.

#### **R930-6-4. Application.**

(1) This rule applies to all state highways within the Department's jurisdiction.

(2) The Department may issue grants of access and encroachment permits only when the application is found by the Department to be in compliance with this rule. The Department is authorized to impose terms, conditions and limitations as necessary, and convenient to meet the requirements of this rule. In no event shall a grant of access or encroachment permit be issued or authorized if it is detrimental to the public health, welfare, and safety.

(3) This rule requires that installation or modification of access facilities to the state highway system be made by permit from the Department. This rule provides a description of information to be contained in the grant of access and encroachment permit application, the standards against which the application shall be measured, and the administrative relief offered by the Department to review the balance of private property rights of reasonable access versus the public need to preserve the smooth flow of traffic on the state highway system. The standards, procedures, and requirements of this rule are in addition to other county or municipal land use regulation authority and apply to grant of access approvals on the state highway system. Local authorities may adopt similar policies or procedures for application of access management on other street systems.

(4) If any part or parts of this rule are held to be unlawful, such unlawfulness may not affect the validity of the remaining parts of this rule. Nothing in this rule shall be construed to disqualify the Department from receiving federal participation on any federal-aid highway project.

#### **R930-6-5. Definitions.**

(1) "AADT" means the Annual Average Daily Traffic, the average 24-hour traffic volume at a given location over a full 365-day year, divided by 365.

(2) "AASHTO" means the American Association of State Highway and Transportation Officials.

(3) "ADT" means the Average Daily Traffic, the total volume during a given time period (in whole days), greater than one day and less than one year, divided by the number of days in that time period. The Department may, at its own discretion, define the appropriate time period (including days of the week) to be considered when measuring or calculating ADT.

(4) "Acceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

(5) "Access" or "access connection" means any driveway or other point of entry or exit such as a street, road, or highway that connects to the general street system. Where two public roadways intersect, the secondary roadway is considered the access.

(6) "Access approval" see "grant of access."

(7) "Access category" is a classification assigned to a segment of highway that determines the degree to which access to a state highway is managed. It is also referred to as "category."

(8) "Access control" see "controlled access highway."

(9) "Access corridor control plan" specifies the limitation or management of driveways, streets or other access points which balance the need for reasonable access to land development with the smooth and efficient flow of traffic defined by safety, capacity, and travel speed. Also referred to as a "corridor agreement."

(10) "Access management plan" means a roadway design plan that designates access locations and their design for the purpose of bringing those portions of roadway included in the access management plan into conformance with their access category to the extent feasible.

(11) "Access opening" means a vehicular access point through or across a limited-access or no-access line.

(12) "Access operation" refers to the utilization of an access for its intended purpose and includes all consequences or characteristics of that process including access volumes, types of access traffic, access safety, time of the access activity, and the effect of such access on the state highway system.

(13) "Access spacing" means the distance measured from the inside point of curvature of the radius of an intersection or driveway to the inside point of curvature of the adjacent intersection or driveway radius. In the case of a flared curb driveway, the distance is measured from or to the inside driveway edge.

(14) "Access width" means the width of the traveled portion of the access as it extends away from the main highway. Access width measures only the travel portion of the access; it excludes auxiliary or turn lanes, transitions, radii, flares, and curb and gutter.

(15) "Agricultural access" means an access to undeveloped or agricultural property.

(16) "Applicant" means any person, corporation, entity, designee or agency applying for a permit. As used within this rule, applicant also refers to the property or project subject to a grant of access or encroachment permit application.

(17) "Application fees" means the latest application fees established by the Department and approved by the legislature. Application fees are non-refundable and are designed to offset access management application review costs.

(18) "Arterial highway" is a general term denoting a highway primarily for through traffic, usually on a continuous route.

(19) "Auxiliary lane" refers to the portion of the roadway adjoining the traveled way for speed change, turning, storage for turning, weaving, truck climbing, and other purposes supplementary to through traffic movement.

(20) "Bandwidth" means the time in seconds or the percent of traffic signal cycle between a pair of parallel speed lines on a time-space diagram that delineate a progressive movement. It is a quantitative measurement of the through traffic capacity of a signal progression system. The greater the bandwidth the higher the roadway capacity.

(21) "Capacity" means the maximum rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or a roadway during a given time period under prevailing roadway and traffic conditions. Capacity may refer to the entire roadway, a single lane, or an intersection. Measures of capacity may include, but are not limited to, traffic volumes, speed, throughput and density.

(22) "Channelizing island" means a defined area between traffic lanes for control of vehicle movements.

(23) "Clear roadside policy" refers to the policy employed by the Department to increase safety, improve traffic operations and enhance the appearance of highways by designing, constructing, and maintaining highway roadsides as wide, flat and rounded as practical and as free as practical from physical obstructions above the ground, within the clear zone as defined in the AASHTO Roadside Design Guide and the Department's current standards and specifications, including Standard Drawing DD-17.

(24) "Clear zone" means the total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. The desired width is dependent upon the traffic volumes and speeds and on the roadside geometry as referenced in the AASHTO Roadside Design Guide.

(25) "Control of access" means the condition where the right of owners of abutting land or any other persons having access to highway right-of-way is controlled by the appropriate public authority.

(26) "Controlled access highway" means a street or highway to which owners or occupants of abutting lands and other people have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. See also "limited-access line" and "no-access line."

(27) "Contiguous property" means a parcel of land that has two or more adjoining properties abutting highway rights-of-way.

(28) "Corridor agreement" refers to a multi-agency cooperative agreement for managing the development, operations, and maintenance of a highway corridor or segment of highway corridor. In this rule, corridor agreements refer to agreements between the Department and one or multiple Local Authorities and are based on

signal control plans and access corridor control plans agreed on and approved by the Department and local authorities.

(29) "County roads" are all roads that are or may be established as a part of a county system of roads.

(30) "Deceleration lane" is a speed-change lane, including tapered areas, enabling a vehicle to leave the mainstream of faster moving traffic and to slow to a safe turning speed prior to exiting the highway.

(31) "Department" means the Utah Department of Transportation. Where referenced to be contacted, submitted to, approved by, accepted by or otherwise engaged, Department means an authorized representative of the Utah Department of Transportation.

(32) "Department Region permitting office" refers to the permitting office of the Utah Department of Transportation regional offices.

(33) "DVH" means the design hour volume, an hourly traffic volume determined for use in the geometric design of highways. It is by definition the 30th highest hour vehicular volume experienced in a one-year period. The Department shall determine the appropriate DVH conditions. In most cases the Department will require the use of the peak hour volume as the DVH, typically in a range of 8-12 percent of AADT if actual volume data not available. For rural areas and recreational routes the Department will typically require the use of the 30th highest hour for DVH.

(34) "Design speed" means the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern as referenced in the most recent addition of the AASHTO "A Policy on Geometric Design of Highways and Streets."

(35) "Divided highway" means a highway with separated traveled ways for traffic in opposite directions, such separation being indicated by depressed dividing strips, raised curbing, traffic islands, or other physical barriers so constructed as to discourage crossover vehicular traffic.

(36) "Driveway" refers to an access constructed within the public highway right-of-way, connecting the public highway with the adjacent property. Driveway to highway connection designs may include, but are not limited to, curb cuts and radius curb returns.

(37) "Driveway angle" means the angle of the driveway alignment relative to the highway alignment. The driveway angle refers to the alignment of a driveway near and at the connection with the highway. The driveway angle is measured between the alignment of the driveway and the alignment of the highway traveled way.

(38) "Driveway spacing" means the distance between adjacent driveways on the side of the roadway as measured from near edge to near edge, considered necessary for the safe ingress and egress of vehicles and the safe operation of the highway at its posted speed.

(39) "Easement" is an interest in real property that conveys use, but not ownership, of a portion of an owner's property.

(40) "Encroachment" is the use of highway right-of-way.

(41) "Encroachment permit" is a document that specifies the requirements and conditions for performing work on the highway right-of-way.

(42) "Expressway" is a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

(43) "Federal-aid highway" is a highway eligible to receive Federal aid.

(44) "FHWA" means the Federal Highway Administration.

(45) "Freeway" is an expressway with full control of access.

(46) "Freeway one-way frontage road" is a one-way public street that runs parallel to a freeway and provides direct freeway access through ramps that connect the freeway main lane and frontage road.

(47) "Frontage road" is a public street or road auxiliary to and normally alongside and parallel to the main highway, constructed for the purposes of maintaining local road continuity and the controlling of direct access to the main highway.

(48) "Full access" means that ingress and egress is afforded at the point of access. It does not mean full movement.

(49) "Full movement" means that all possible vehicle turning movements are afforded at the point of access.

(50) "Functional classification" refers to a classification system that defines a public roadway according to its purposes and hierarchy in the local or statewide highway system.

(51) "General street system" is the interconnecting network of city streets, county roads, township roads, and state highways in an area.

(52) "Grade separation" is a crossing of two roadways, a roadway and a fixed guideway, a roadway and a pedestrian walkway, or bike path in such a way that neither facility interferes with the operation of the other.

(53) "Gradient or grade" means the rate or percent change in slope, either ascending or descending from or along the highway measured along the centerline of the roadway or access.

(54) "Grant of access" is the document that specifies requirements and conditions under which a driveway, curb cut, or other vehicular access point is granted. Also referred to as grant of approval or access approval. Unless specified, references to grant of access refer to grants of access and temporary grants of access.

(55) "Hierarchy of the roadway" refers to the functionality and the mobility flow of traffic across a system of highway facilities. The natural progression to flow from a highest order facility of high capacity and high operational speed serving major economic centers to the lowest order facility of low volume, low speed and serving multiple driveway connections.

(56) "Highway" is a general term for denoting a public way for the transportation of people, materials, and goods, including the entire area within the right-of-way. Also referred to as road.

(57) "Interchange" is a facility that provides ramps for access movements between intersecting roadways that are separated in grade. The ramps and any structures used to accomplish the movement of traffic between the roadways are considered part of the interchange.

(58) "Interchange crossroad access spacing" means the distance measured between the interchange ramp gore area (point of widening on the crossroad) and the adjacent driveway or street intersection.

(59) "Intersection" is the general area where two or more highways or streets join or cross at-grade.

(60) "Intersection sight distance" is the distance at which a motorist attempting to enter or cross a highway is able to observe traffic in order to make a desired movement. The required distance varies with the speed of the traffic on the main highway.

(61) "Interstate highway system" refers to the Dwight D. Eisenhower National System of Interstate and Defense Highways as defined in the Federal-aid Highway Act of 1956 and any supplemental acts or amendments. It is also referred to as interstate.

(62) "Inventory" means the listing maintained by the Department that gives the access category for each section of state highway.

(63) "ITE" means the Institute of Transportation Engineers.

(64) "Lane" is the portion of a roadway for the movement of a single line of vehicles. It does not include the gutter or shoulder of the roadway.

(65) "LOS" means level of service, a qualitative measure describing a range of traffic operating conditions such as travel speed and time, freedom to maneuver, traffic interruptions, and comfort and convenience as experienced and perceived by motorists and passengers. Six levels of service are defined from A to F, with A representing the free flow travel conditions and F representing extreme traffic congestion. LOS shall be evaluated according to the procedures and conditions defined in the most recent edition of AASHTO "A Policy on Geometric Design of Highways and Streets."

(66) "Limited-access line" means a line parallel or adjacent to the state highway right-of-way purchased and held with the intent to limit and control access across such lines and thereby preserve the functionality, operation, safety, and capacity of the highway system. The highest priority and consideration for access category spacing standards and design apply where lines exist. Also referred to as line of limited-access, limited-access highway, limited-access freeway or limited-access facilities (See Utah Code Section 72-1-102(11)).

(67) "Local authority" means the governing body of counties and municipalities.

(68) "Local road" includes any road or highway in public ownership that is not designated part of the Utah state highway system or as defined by Utah Code. It is also referred to as a "local street."

(69) "Median" means the portion of a roadway separating the traveled ways for opposing traffic flows.

(70) "Median island" means a curbed island that prevents egress traffic from encroaching upon the side of the drive used by ingress traffic. The island ensures that ingress traffic has the necessary maneuvering space.

(71) "MPH" means miles per hour, a rate of speed measured in miles per hour.

(72) "MUTCD" means the current Utah Manual on Uniform Traffic Control Devices referenced in R920-1.

(73) "No-access line" means a line parallel or adjacent to the state highway right-of-way purchased and held with the intent to disallow connections across such lines. No-access lines are of the highest priority and order of the state highway system and have been established to preserve and protect the functional operation of the adjacent facility. No-Access Lines are created through the purchase of access rights. The purchase of these access rights may utilize federal, state, or combination of federal and state funds. Also referred to as line of no-access or no-access facilities.

(74) "Peak hour" means the hour of the day in which the maximum volume occurs.

(75) "Peak hour volume" see "design hour volume."

(76) "Permit" as referenced under this rule may include grant of access or encroachment permit. Permits defined under this rule do not include other written permission that may be required by local authorities for utility work in the state highway right-of-way, and other permits referenced in other applicable rules.

(77) "Permit issuance date" means the date when the authorized Department official signs the permit electronically or by any other means.

(78) "Permittee" means any person, unit of government, public agency, or any other entity to whom a grant of access or encroachment permit is issued. The permittee is responsible for fulfilling all the terms, conditions and limitations of the grant of access or encroachment permit.

(79) "Person" means any individual, partnership, corporation, association, government entity, or public or private organization of any character other than a state agency, as noted in Section 63G-3-102(12).

(80) "Posted speed" means the maximum speed limit for a specified section of highway.

(81) "Public authority" means a public administrative agency or corporation authorized to administer a public facility.

(82) "Reasonable alternate access" refers to conditions where access to the general street system from a property adjoining a state highway can be achieved by way of another alternative including but not limited to a lesser function road, internal street system, or dedicated rights-of-way or easements. For example, where a subject property adjoining a state highway also adjoins or has access to an internal street system, such access shall be considered a reasonable alternate access and any access to the state highway shall be considered an additional access. Determination of reasonable alternate access shall be determined in consultation with the appropriate local authority and as prescribed in this rule.

(83) "Relocate" means to remove and establish in a new place and may include, if necessary to conform a property's access to the provisions of this rule, merging or combining nonconforming access with other existing access so as to eliminate the non-conformance. In such event, the property owner or permittee, if applicable, may be required to remove all physical elements of the non-conforming access such as curb cuts and surfacing material and install curbing, barriers, or other physical separators to prevent continued use of the access.

(84) "Right-in right-out" refers to a type of three-way road intersection where turning movements of vehicles are restricted with only right turns allowed. Also refers to intersection or driveway movements restricted to right-turn ingress and right-turn egress movements only.

(85) "Right-of-way" is a general term denoting property or property interest, usually in a strip devoted to transportation purposes.

(86) "Road" see "highway."

(87) "Roadside" means the area between the outside shoulder edge and the right-of-way limits.

(88) "Roadway" means the portion of a highway, including shoulders, for vehicular use.

(89) "Rural" includes areas incorporated, or designated by census, with a population of less than 5,000.

(90) "Shared access" is an access point serving more than one parcel or landowner.

(91) "Shoulder" means the paved or unpaved portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles.

(92) "Signal" means a traffic control signal. It is also used to refer to a signalized intersection or traffic signal.

(93) "Signal control plan" is a comprehensive action plan for identification of signal locations along a corridor or segment of a corridor. The purpose of a signal control plan is to provide for efficiency of signal progression and corridor functionality. This is also referred to as a corridor agreement.



(94) "Signalization" means the installation or modification of a traffic control signal.

(95) "Signal progression" means the progressive movement of traffic at a planned rate of speed without stopping through adjacent signalized locations along a corridor or within a traffic control system.

(96) "Signal spacing" means the distance between signalized intersections measured from the centerline of a signalized intersection cross street to the centerline of the adjacent existing or future signalized intersection cross street. Signal spacing addresses the uniformity and frequency of signalized intersections along a highway and is thought to be one of the most important access management techniques. Signal spacing generally governs the performance of urban and suburban highways. Traffic signals that are closely or irregularly spaced bring about increases in the number of accidents, stops, delay, fuel consumption, and vehicular emissions. Long and uniform signal spacing allows for more efficient progression throughout the corridor and provides for the implementation of a more efficient traffic control system to accommodate variations in peak and off-peak period traffic flows.

(97) "Slope" means the relative steepness of the terrain expressed as a ratio or percentage. Slopes may be categorized as positive or negative and as parallel or cross slopes in relation to the direction of traffic.

(98) "Speed" refers to the posted legal speed limit at the access location at the time of permit approval. A higher speed for access design must be used if the section of highway is presently being redesigned or reconstructed to a higher speed or an approved access control plan requires a higher speed.

(99) "Speed change lane" means a separate lane for the purpose of enabling a vehicle entering or leaving a roadway to increase or decrease its speed to a rate at which it can safely merge with or diverge from through traffic. Acceleration and deceleration lanes are speed change lanes.

(100) "State highway" includes those highways designated as state highways in Utah Code Title 72, Chapter 4, Designation of State Highways Act

(101) "Stewardship and oversight agreement" means the current agreement formalizing the roles and responsibilities of the FHWA, Utah Division and the Department in administering the Federal-Aid Highway Program. This agreement is available from the Department's website.

(102) "Stopping sight distance" means the distance required by a driver of a vehicle traveling at a given speed to bring the vehicle to a stop after an object on the roadway becomes visible. It includes the distance traveled during driver perception and reaction times and the vehicle braking distance.

(103) "Storage length" means the additional lane length added to a deceleration lane to store the maximum number of vehicles likely to accumulate in the lane during a peak hour period to prevent stored vehicles from interfering with the function of the deceleration lane or the through travel lanes.

(104) "Street" is a general term for denoting a public way or private way for purpose of transporting people, materials, and goods.

(105) "Street spacing" means the distance between intersections (signalized or unsignalized) measured as the distance between the leaving point of tangent of a street access to the receiving point of tangent of the adjacent street access.

(106) "Structure" means any device used to convey vehicles, pedestrians, animals, waterways or other materials over

highways, streams, canyons, or other obstacles. A major structure is a highway structure with a span or multiple span length of 20 feet or more measured along the center line of the roadway and a minor structure is the same as a major structure except it is less than 20 feet.

(107) "Taper" means a transitional area of decreasing or increasing pavement width to permit the formation or elimination of an auxiliary lane.

(108) "Traffic control equipment" means equipment, including but not limited to, traffic control signs, traffic signal poles, circuitry and appurtenant equipment.

(109) "Temporary grant of access" is required from the Department whenever a temporary driveway or connection to a state highway is sought. A temporary grant of access shall expire within twelve months of the permit issue date or before as specified in the terms, conditions, and limitations of the temporary grant of access. No extensions may be granted. To reestablish a temporary access, the permittee or applicant shall submit a new grant of access application. Unless specified, references to grant of access include temporary grants of access.

(110) "TIS" means traffic impact study, a study that may be required by the Department or local authorities that addresses the impacts of a proposed development, mitigation of impacts, access usage, or land use to ensure the efficient flow of traffic.

(111) "Traveled way" includes the portion of the roadway for the movement of vehicles.

(112) "Urban" refers to a census designated area with a population of 5,000 or more or any portion of a designated urbanized Metropolitan Planning Organization planning boundary.

(113) "Variance" is a granting of permission to depart from the standards and requirements of this rule.

(114) "Warrant" is the criteria by which the need for a treatment or improvement can be determined.

(115) "Working day" includes any weekday in which a normal day of work can be performed exclusive of delays that result from inclement weather, labor disputes, and material shortages. It does not include weekends and legal holidays.

#### **R930-6-6. Access Control.**

(1) General.

(a) This section addresses general methods, requirements and limitations utilized to manage and control access to state highways.

(2) Access categories.

(a) Access category management system. This rule provides a system of ten highway access categories to which all sections of state highways have been or will be assigned.

(i) Each access category describes the function of the highways including the operational standards that are applied to maintain the highway's function in terms of mobility, capacity, traffic flow, and safety.

(ii) The access category is assigned based on, but not limited to, evaluation of the attributes and characteristics of whether or not the facility is a part of the National Highway System, FHWA, functional classification, urban or rural designation, and posted speed.

(iii) The number, spacing, type, and location of accesses and traffic signals have a direct and often significant effect on the capacity, speed, and safety of the highway and are therefore managed by this category system which establishes a hierarchy of the roadway for access management.

(iv) The spacing and design standards for each category are necessary to ensure the highway functions at the levels expected for its assigned access category.

(v) The access management standards of this rule have been developed for segments or classifications of highways that have similar context and functions. Access Management standards have been established to achieve safety, capacity, and traffic flow objectives for each classification.

(vi) Implementation of the statewide access management requirements of this rule ensures equitable, uniform, consistent, and systematic application of access management standards.

(b) Access category description. The following describe the function and application of the ten access categories used to manage access to state highways:

(i) Category 1: Freeway/interstate system facilities (I).

(A) Category 1 is appropriate for use on highways that have the capacity for high speed and high traffic volumes over medium and long distances.

(B) These facilities serve major interstate, intrastate, and inter-regional travel demand for through traffic. In urbanized and metropolitan areas, they may also serve high volume and high speed intracity travel.

(C) All interstate and freeway facilities are included in this category.

(ii) Category 2: System priority-rural importance (S-R).

(A) Category 2 is appropriate for use on highways that have the capacity for high speed and relatively high traffic volumes.

(B) Category 2 highways are designed and intended to achieve a posted speed of 55 mph or higher in areas without signals, and 45 mph or higher in areas with signals.

(C) These facilities provide for interstate, inter-regional, intra-regional, and intercity travel needs in rural areas.

(D) Direct access service to adjoining land is subordinate to providing service to through traffic movements.

(iii) Category 3: System priority-urban importance (S-U).

(A) Category 3 is appropriate for use on highways that have the capacity for high speed and relatively high traffic volumes.

(B) Category 3 highways are designed and intended to achieve a posted speed of 50 mph or higher in areas without signals, and 40 mph or higher in areas with signals.

(C) These facilities provide for interstate, inter-regional, intra-regional, and intercity travel needs in urban areas.

(D) Direct access service to abutting land is subordinate to providing service to through traffic movements.

(iv) Category 4: Regional-rural importance (R-R).

(A) Category 4 is appropriate for use on highways that have the capacity for moderate to high speeds (generally greater than 50 mph) and relatively high traffic volumes.

(B) These facilities move traffic across multiple communities or jurisdictions, typically connecting facilities of interstate or system importance in rural areas.

(v) Category 5: Regional priority-urban importance (R-PU).

(A) Category 5 is appropriate for use on highways that have the capacity for moderate speed (generally 45 mph or higher) and moderate to high traffic volumes.

(B) There is a balance between direct access and mobility needs within this category.

(C) These facilities move traffic across multiple communities or jurisdictions, typically connecting facilities of interstate or system importance and through urban areas that have significant potential for development or redevelopment.

(vi) Category 6: Regional-urban importance (R-U).

(A) Category 6 is appropriate for use on highways that have the capacity for moderate to low speeds (generally to a speed range of 40 mph or less) and moderate to high traffic volumes.

(B) While this category provides service to through traffic movements, it allows more direct access to occur.

(C) These facilities move traffic across multiple communities or jurisdictions, typically connecting facilities of Interstate or system importance but through urban areas that are significantly developed to the point where travel speed and capacity has eroded.

(vii) Category 7: Community-rural importance (C-R).

(A) Category 7 is appropriate for use on highways that have the capacity for moderate to low speeds and moderate volumes.

(B) This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic but with emphasis on local movements such as those common on small city Main Streets.

(viii) Category 8: Community-urban importance (C-U).

(A) Category 8 is appropriate for use on highways that have the capacity for moderate to low speeds and moderate volumes.

(B) This category provides a balance between through traffic movements and direct access.

(C) These facilities move traffic through a single community or to an adjacent community but not generally used for long distance (greater than five mile) travel.

(ix) Category 9: Other importance (O).

(A) Category 9 is appropriate for use on frontage roads, back roads, service roads, critical connections of short distance, and other special use facilities.

(x) Category 10: Freeway one-way frontage road (F-FR).

(A) Category 10 is appropriate for use on one-way frontage road systems that provide direct access to and from freeway ramps. Specifically, this category applies to the one-way frontage roads.

(B) Freeway main lane and ramp components of the freeway/frontage road systems must meet the criteria defined for Category 1 facilities.

(c) Access category assignments. To make category assignments for specific sections of state highways, the Department may consider adopted administrative and functional classifications, National Highway System routes, designated urban areas, existing and projected traffic volumes, posted and operating speed, current and future highway capacity and levels of service, current and predicted levels of highway safety, adopted state and local transportation plans and needs, the character of lands adjoining the highway, adopted local land use plans and zoning, the availability of existing and planned vehicular access from local streets and roads other than a state highway, and other reasonable alternate access provided by municipal streets and county roads. Category assignment boundaries shall be logical and identifiable. Category assignments shall maintain highway system hierarchy and facility continuity to the extent possible.

(i) Category reviews and reassignments. Requests for changes in the access category of a state highway or sections thereof must be submitted to the Department through the appropriate local

authority and metropolitan planning organization where appropriate. Such requests must include information pertaining to the factors cited in this rule for determination of category assignment and explain the need for the requested change. The explanation must also discuss how the requested change is consistent with and conforms to the purpose and standards of this rule and does not compromise the public health, safety, and welfare. A reassignment in access category may not be granted solely to accommodate eventful or planned growth of an entity, a specific access request, or to allow the permitting of access connections that would otherwise not be permitted.

(A) Local authority coordination. Upon request by local authorities, the Department shall coordinate with local authorities in the review of zoning, subdivision, and other land use regulations affecting the safety and operation of state highways to ensure that future access requirements related to local land use decisions are consistent with the purposes and standards of this rule. The issuance or approval of any permit, agreement, plat, subdivision, plan, or correspondence does not abrogate or limit the regulatory powers of the Department in the protection of the public's health, safety and welfare.

(i) Access category inventory. The Department maintains an inventory of each section of state highway listing its access category assignment. This inventory is available from the appropriate Department Region and District office or the Department's website. Mapping inventory may not be held as the sole determination for access category assignment. Field assessment by a Department Permit Officer or designee shall verify the appropriate access category assignment.

(iii) Category updates. The Department may review the access category inventory once every five years to accommodate requests and changes in the highway environment affecting the access requirements of the highway. The initial assignment of access categories and any subsequent revision must be determined in cooperation and coordination with local authorities to ensure category assignments are compatible with preserving and maintaining the highway's intended and designed function within the state highway system and within the context of the area's transportation needs and plans.

### (3) Corridor agreements.

(a) General. The Department, in cooperation with local authorities, may draft agreements for the planned and future spacing or installation of access connections based on the assigned access category for the facility. The local authorities must consider these agreements upon approval of their local development orders. A corridor agreement in the form of a signal control plan or access corridor control plan may supersede an access category assignment. The following apply to all corridor agreements including signal control plans and access corridor control plans.

(i) The corridor agreement shall balance between state and local authority transportation planning objectives and preserve and support the current and future functional integrity of the highway.

(ii) The corridor agreement must receive the approval of both the Department and the local authority to become effective. This approval shall be in the form of a written agreement signed by the local authority and the appropriate Department Region Director.

(iii) To be considered in effect, the corridor agreement shall be noted and reflected in the local jurisdiction transportation master plan.

(iv) Where a corridor agreement is in effect, all action taken in regard to the access must be in conformance with the agreement and

current design standards except by approval of the Department and local authority.

(b) Signal control plan. The Department may, at its discretion, initiate, direct or develop a signal control plan for a designated portion of a state highway. The following requirements apply for signal control plans in addition to those described for corridor agreements.

(i) A signal control plan must provide a comprehensive action plan for identification of signal locations along a designated portion of state highway. This plan shall, to the extent practical, meet the functional characteristics and design standards of the appropriate access category and requirements of the Department's Traffic and Safety division.

(ii) The signal control plan must indicate the location of existing and future signalized intersections. The plan must identify signal locations intended to be modified, relocated, realigned, removed, or added. The plan must reserve signalized access for state facilities and local jurisdiction routes noted in their corresponding transportation master plans.

(c) Access corridor control plan. The Department or local authority may, at its discretion, initiate, direct or develop an access corridor control plan for a designated portion of a state highway. The following requirements apply to access corridor control plans in addition to those described for corridor agreements.

(i) An access corridor control plan must provide a comprehensive roadway access design plan for a designated portion of a state highway. This plan shall, to the extent feasible and given existing conditions, bring said portion of highway into conformance with its access category and its functional needs.

(ii) The access corridor control plan must indicate existing and future access locations and all access related roadway access design elements including signals to be modified, relocated, removed, or added, or to remain. The plan must reserve signalized access for state facilities and local jurisdiction routes noted in their corresponding transportation master plans.

(iii) The access corridor control plan shall include current or future accommodation for multiple transportation modes, including vehicles, bicycles, pedestrians, and public transit.

### (4) Limited-access and no-access lines.

(a) Application of limited-access control lines. Limited-access control for new classified principal arterial highways other than the interstate system and expressways shall be obtained in all rural areas and in areas of the highway being constructed on new alignment or if the existing highway is in sparsely developed areas where control is desirable and economically feasible.

(i) Short alignments. Limited-access control may be justified for limited lengths of high volume minor arterial highways, especially on new alignments and if adjacent to a freeway interchange.

(ii) Existing urban alignments. Limited-access control in urban areas on existing alignment shall not be allowed unless approved by the Department.

(b) Application of no-access control lines. Interstate and freeway facilities shall have no-access control lines.

(c) Designation of access control lines. Determination of the final location for limited-access and no-access lines, including final access locations, shall be made by the Department. The following requirements and limitations apply:

(i) FHWA review and concurrence for access locations is required for federal-aid roads based on the Stewardship and Oversight

Agreement between FHWA and the Department, even if the right-of-way was nonparticipating.

(ii) The access openings granted shall be accurately described in the property deed and shown on right-of-way maps and roadway construction plans.

(iii) After execution of the deeds, no change may be made in the access location, use, or size or additional access openings granted except as provided in this rule.

(iv) If a portion of a property which has no access to the highway is later sold, the Department has no obligation to grant an access to the property.

(5) Local authority highway projects.

(a) Compliance requirements. A public highway reconstruction project is not required to bring legal access into full compliance with current standards of this rule, except to the extent reasonable within the limitations and scope of the project, consistent design parameters, and available public funds.

(b) Maintenance responsibility. Vehicular use and operation of local roads where they connect to (access) a state highway is the responsibility of the local authority. The local authority shall maintain such state highway access locations in conformance with this rule to the extent feasible and within statutory and public funding limitations. The local authority may fund any necessary improvements by obtaining contributions from the primary users of the access or as off-site subdivision improvements necessary for the public safety.

(c) Consolidation and modification of access. Where multiple accesses service the same ownership, public highway reconstruction projects may combine or reduce the number of accesses or modify access size and design to meet current standards.

(d) Temporary access. Temporary access within a highway project construction zone may be permissible at the discretion of the Department. A temporary grant of access is required for any new temporary access location that provides access to the traveled portion of the highway.

(e) Interference with public highway construction. Under no circumstances shall the construction or reconstruction of a private driveway by a private interest interfere with the completion of a public highway construction project. The private interest must coordinate work with the Department project engineer for the project.

### **R930-6-7. Design Requirements.**

(1) General.

(a) The design requirements presented herein are intended to protect the functional integrity of state highways, maintain and preserve traffic mobility, provide efficient and necessary access, while protecting the public health, safety, and welfare. Designs for access connections to state highways must comply with Department standards and conform to the current MUTCD. A design based on engineering standards and methods that are more exact than those presented in this rule may be allowed if the design meets the purposes of this rule, does not violate standards of this rule, is based on desirable nationally accepted standards, and is determined acceptable to the Department. Local authority standards that are more stringent than those required by this rule may be used only if determined acceptable by the Department.

(2) General criteria for granting access.

(a) General criteria. The Department may grant modified or new access that is in compliance with this rule.

(b) Reasonable alternate access. When an application is created for access to a state highway with assigned access category 4 through 9, the access may be granted if reasonable alternate access cannot be obtained from the local street or road system. If the proposed access does not meet design or spacing standards, the access shall be denied if the proposed access on the property has reasonable alternate access available to the general street system.

(i) Reasonable alternate access from a city or county road shall be determined in consultation with the appropriate local authority and the applicant. A determination of reasonable access from a local street or road shall include consideration of the local street or road function, purpose, capacity, operational and safety conditions and opportunities to improve the local street or road.

(ii) Where a subject property adjoins or has access to a lesser function road or an internal street system or by way of dedicated rights-of-way or easements, such access will be considered a reasonable alternate access and any access to the state highway will be considered an additional access.

(iii) Direct access to the state highway may be approved if the alternative local access will create, in the determination of the Department, a significant operational or safety problem at the alternative location and the direct access to the state highway will not be a safety or operational problem to the highway.

(c) Parcel division. No additional access rights may accrue upon the splitting or dividing of existing parcels of land or contiguous parcels under or previously under the same ownership or controlling interest.

(d) Signalized intersections. The Department shall give preference to public ways that meet or may be reasonably expected to meet signal warrants in the foreseeable future.

(e) Category 1. For highways and corresponding facilities with Category 1 designations, any new access or modification of existing access shall meet freeway/interstate design practices and Department and FHWA standards and must receive FHWA approval when the Interstate Highway system is involved.

(i) All private direct access to Category 1 highways, access ramps, and structures is strictly prohibited unless specifically authorized for official temporary highway construction purposes under Department contract and must receive approval from FHWA when the interstate highway system is involved.

(ii) Public access to a Category 1 facility shall only be provided by means of interchanges properly spaced, located, and designed in accordance with Department and FHWA standards and regulations.

(iii) Any new access or modification of existing access to Category 1 facilities shall separate all opposing traffic movements by physical constraints such as grade separations and non-traversable median separators.

(iv) A new interchange or, in the determination of the Department, a significant modification to an interchange on a Category 1 facility that is part of the interstate highway System requires the preparation of analyses and reports that meet current FHWA requirements and receive approval by FHWA.

(f) Category 2 and 3. For highways with Category 2 or 3 designations, access may be allowed by means of interchanges or public street intersections. Public street access to Category 3 highways shall be signalized.

(i) The Department may allow modifications to an existing private point of access abutting a Category 2 or 3 highway including relocation of the point of access within the limits of the property, if such modification or change will benefit the operation and safety of the highway, bring the access level of the highway into greater conformance with the access category, or be in the interest of public health, safety, and welfare.

(ii) Any direct private access granted for Category 2 or 3 highways shall be for right turns only and shall be closed when reasonable alternate access is available or based on additional criteria defined by the Department in the grant of access.

(g) Category 4 through 9. For highways with Category 4 through 9 designations, direct access may be granted if the alternative local access would create, in the determination of the Department, a significant operational or safety problem at the alternative location and the direct access to the state highway does not create an operational or safety problem for the state highway.

(h) Category 10. For highways with Category 10 designations, direct access shall be provided only by means of public street intersections.

(i) All private direct access to Category 10 highways is strictly prohibited unless specifically authorized for official temporary highway construction or utility maintenance and operations purposes under Department contract.

(ii) Spacing between ramps and adjacent intersections shall accommodate weaving movements and storage requirements to ensure smooth and safe operations for the frontage road.

(iii) No access shall be allowed between an exit ramp and its downstream cross-street intersection or between an entrance ramp and its upstream cross-street intersection.

(iv) No access shall be permitted within 100 feet of the intersection of freeway ramp and one-way frontage road.

(3) Access placement requirements.

(a) Spacing requirements. Table 1 summarizes the minimum required signal spacing, street spacing, driveway spacing, and interchange crossroad access spacing for corresponding state highway access categories.

TABLE 1

State Highway Access Management Spacing Standards

| Category  | Minimum Signal Spacing (feet) | Minimum Street Spacing (feet) | Minimum Driveway Spacing (feet) | Minimum Crossroad to 1st Right-in Right-out Driveway (feet) | Minimum Interchange Access to 1st Inter-section Right-out Driveway (feet) | Minimum Spacing to 1st from last Right-out Driveway (feet) |
|-----------|-------------------------------|-------------------------------|---------------------------------|---|---|--|
| 1 (I)     | N/A                           | N/A                           | N/A                             | n-a   | n-a   | n-a  |
| 2 (S-R)   | 5,280                         | 1,000                         | 1,000                           | 1,320   | 1,320   | 1,320  |
| 3 (S-U)   | 2,640                         | N/A                           | N/A                             | 1,320   | 1,320   | 1,320  |
| 4 (R-S)   | 2,640                         | 660                           | 500                             | 660   | 1,320   | 500  |
| 5 (R-PU)  | 2,640                         | 660                           | 350                             | 660   | 1,320   | 500  |
| 6 (R-U)   | 1,320                         | 350                           | 200                             | 500   | 1,320   | 500  |
| 7 (C-R)   | 1,320                         | 300                           | 150                             | n-a   | n-a   | n-a  |
| 8 (C-U)   | 1,320                         | 300                           | 150                             | n-a   | n-a   | n-a  |
| 9 (O)     | 1,320                         | 300                           | 150                             | n-a   | n-a   | n-a  |
| 10 (F-FR) | 1,320                         | 660                           | N/A                             | n-a   | n-a   | n-a  |

"N/A" means not allowed

"n-a" means not applicable

(i) Signal spacing. Signal spacing addresses the uniformity and frequency of signalized intersections along a highway and is thought to be one of the most important access management techniques. Signal spacing generally governs the performance of urban and suburban highways. Signals that are closely or irregularly spaced bring about increases in crashes, stops, delay, fuel consumption, and vehicle emissions. Long and uniform signal spacing allows for more efficient progression through a corridor and provides for the implementation of a more efficient traffic control system to accommodate variations in peak and off-peak period traffic flows. Signal spacing shall be as defined in this rule or as deemed necessary by the Department for the safe operation, capacity, signal progression, and proper design of the signal and adjacent accesses. Preference for the spacing, timing, and operation of a signal shall be given to highways and cross streets of a higher access category or function.

(ii) Street and driveway spacing. Access connections, including streets and driveways introduce conflicts and friction into the traffic stream of the main highway. Vehicles entering and leaving the main highway often slow the through traffic. The speed differentials between turning and through vehicles increase the potential for crashes. Increasing the distance between intersections and driveways enhances traffic flow and safety by reducing the frequency of conflicts for the main highway and providing greater distances to anticipate and recover from turning maneuvers. Where feasible or required by this rule, accesses must be combined or closed to reduce frequency and increase spacing between accesses. The spacing must also be consistent with current signal progression efficiency and cause no degradation to existing operations.

(iii) Interchange crossroad access spacing. Freeway and expressway interchanges allow traffic to transition from freeways to arterial or other lower functioning roadways. Interchanges also serve as important focal points of roadside development in urban, suburban, and rural areas. Intersections that are too close to the arterial/freeway interchange ramp termini result in heavy weaving volumes, complex signal operations, frequent accidents, and recurring congestion. Access connections to interchange crossroads shall be sufficiently spaced to allow the smooth transition between the freeway or expressway and intersecting lower functioning roadways. The Department may require applicants to conduct a weaving or speed change lane analysis given unique area conditions. The Department may require applicants to use a distance greater than defined in this rule when said analysis shows that a greater spacing is necessary to provide safe and efficient weaving maneuvers.

(A) The following elements must be considered in determining minimum interchange crossroad access spacing distances:

(I) The distance required to weave across the through travel lanes.

(II) The distance required for transition into left-turn lane(s).

(III) The distance needed to store left turns with a low likelihood of failure.

(IV) The distance from the stop line to the centerline of the intersecting road or driveway.

(B) The minimum interchange to crossroad spacing requirements of Table 1 are based on the following definitions:

(I) "To 1st right-in right-out driveway," means the distance from the interchange off-ramp gore area (point of widening on the crossroad) to the first right-in right-out driveway intersection.

(II) "To 1st intersection," means the distance from the interchange off-ramp gore area (point of widening on the crossroad) to the first major intersection.

(III) "From last right-in right-out driveway," means the distance from the last right-in right-out driveway intersection to the interchange on-ramp gore area (point of widening on the crossroad).

(b) Emergency access. Emergency access may be granted on state highways with category 2 through 10 designations and where required by local safety regulations. Such direct emergency access may be permitted only if it is not feasible to provide the emergency access to a secondary roadway. Requests for such access must include a written explanation with references to local standards from the local authority safety official. Emergency Access may not be granted to accommodate general vehicular ingress or egress. The access shall be gated and locked.

(c) Agricultural access. Agricultural access may be granted to state highways with access to category 2 through 9 designations and where, in the determination of the Department, the property has no other reasonable alternate access. Additional agricultural access to property under the same ownership or controlling interest may be granted if the necessity for such additional access due to topography or ongoing agricultural activities is demonstrated. Agricultural accesses must be kept to the minimum necessary to provide access service. Agricultural access must meet minimum access design and safety standards of this rule. A change in use of the parcel of land serviced by the agricultural access may require that the access be closed. The spacing criteria between accesses contained in this rule may be waived for agricultural access. All such agricultural accesses must meet the sight distance criteria of this rule.

(d) Access near at-grade railroad crossings. Access near an at-grade railroad crossing must not be located closer than 250 feet from the crossing. Circumstances may exist where greater spacing is required consistent with the appropriate access category spacing. See R930-5 for more information.

(e) Shared access. Shared access of two or more parcels may be required where a proposed new access or the redesign of an existing access does not meet spacing standards and criteria for the appropriate access category. The access location shall serve as many properties and interests as possible to reduce the need for additional direct access to the state highway.

(f) Offset placement. Where proposed or redesigned access connections which are offset and not separated by a non-traversable median are to be considered, every effort must be made to align opposing driveways and streets.

(g) Challenging topography. Where existing topography or other existing conditions make the required access spacing intervals not feasible, the Department may consider topography, established property ownerships, unique physical limitations, unavoidable or pre-existing historical land use patterns, and physical design constraints with a reasonable attempt to achieve the required access spacing.

(h) Access to limited-access facilities. Under limited-access control, the following additional limitations shall apply. Where there are conflicts between the following limitations and other requirements of this rule, the more stringent requirement shall be met.

(i) The maximum feasible and economic access control must always be obtained.

(ii) On bypasses of cities and towns, all property access shall be prohibited except where the bypass is in a low population

town with little or no business and where inadequate public crossroads for property access exists.

(iii) Other than on bypass roads, a maximum of five accesses per mile on each side of the highway may be granted. Accesses to property shall only be granted opposite to each other.

(iv) Where any property has access to another public road or roads, no access shall be given closer than 1/2 mile from the public road nor shall any two granted accesses be closer than 1/2 mile. However, where the proposed project involves reconstruction on or near an existing highway where a home, business or other property development is located and lack of direct access to a home, business or other property development would involve excessive property damage and added construction costs, access openings may be provided within the other stated limitations.

(4) Access design requirements.

(a) Sight distance. Access points must be located and designed to provide adequate sight distance along the state highway and the access.

(i) Access design must meet AASHTO sight distance guidelines and Department standards.

(ii) Potentially obstructing objects, including but not limited to, advertising signs, structures, trees, and bushes must be designed, placed, and maintained to meet sight distance requirements for vehicles using the access.

(iii) Modifications to the existing highway may be required for access points with less than the required minimum sight distance. Modifications may include, but are not limited to, changes to horizontal or vertical alignments, addition of acceleration or deceleration lanes, roadway relocation, use or creation of other general street system facilities, or other modifications as required by the Department.

(b) Access width. Access width shall be designed and constructed to properly accommodate the anticipated traffic volumes, lane geometries, and vehicle characteristics of both the access and the adjoining highway.

(i) Minimum and maximum access widths (feet):

(A) Commercial or industrial land uses:

(I) Two-way direction use: 25 feet minimum to 50 feet maximum.

(II) One-way direction use: 16 feet minimum to 30 feet maximum.

(B) Residential land uses:

(I) Two-way or one-way direction use: 16 feet minimum to 30 feet maximum.

(C) Agricultural uses:

(I) Two-way or one-way direction Use: 16 feet minimum to 32 feet maximum.

(ii) One-way approaches. The Department may treat adjacent one-way approaches (one-way in, one-way out) as one access when all of the following conditions are met:

(A) The one-way approaches are divided by a non-traversable median at least four feet wide but no more than 25 feet.

(B) Signing for the access median is clear and visible.

(iii) Future public streets. Applications for an access point intended to become a future public street access must consider long-term traffic projections, modal use, and agency standards to determine appropriate access widths.

(iv) Private openings for limited-access highways. The maximum size of private access openings shall be 16 feet for residences, 30 feet for farms or other areas where large equipment is used, and 50 feet for commercial and industrial areas

(c) Access radii. The turning radii of an access must accommodate the turning radius of the largest vehicle using the access on a regular basis.

(i) Minimum and maximum radii ranges:

(A) Commercial, industrial, or agricultural land uses:

(I) Urban areas: 30 feet minimum to 60 feet maximum.

(II) Rural areas: 20 feet minimum to 60 feet maximum.

(B) Residential land uses:

(I) Urban areas: 10 feet minimum to 15 feet maximum.

(II) Rural areas: 20 feet minimum to 30 feet maximum.

(ii) Where possible, applicants shall reduce the access radii to improve visual and physical separation of accesses and to reduce pedestrian conflicts by reducing the total access width at the roadway edge (i.e., at the intersection). Access radii shall be no larger than required to accommodate the volume and type of vehicles using the access on a regular basis.

(iii) Curb cut style driveways are typically required where curbs are present. However, radius curb returns may be used when determined by the Department to be necessary and consistent with existing or planned conditions.

(iv) Access points intended to become a future public street access may use the design criteria of the local authority and the Department to select appropriate radii, corner and intersection design. Access designs are subject to approval by the Department.

(d) Driveway profile. Driveways must be designed to minimize slope changes to prevent dragging and must conform to Department standards, including standard drawing GW-4-series.

(e) Driveway vertical curves. Driveway vertical curves must be as flat as feasible and at least 20 feet long. To prevent dragging, the following driveway vertical curve designs are prohibited:

(i) A hump or dip greater than 6 inches within a wheelbase of 10 feet.

(ii) Crest vertical curves exceeding a 3-inch hump in a 10-foot chord.

(iii) Sag vertical curves exceeding a 2-inch depression in a 10-foot chord.

(iv) Rolled gutters crossed by traffic.

(f) Driveway angle. Driveway angles less than 80 degrees are prohibited. Whenever possible, driveways must provide a right (90-degree) driveway angle.

(i) Exceptions. For one-directional use driveways with a right-turn entry-only or a right-turn exit-only operation, driveway angles may not be less than 60 degrees. Whenever possible, these one-directional driveways must provide a right (90-degree) driveway angle.

(g) Access signing. Traffic control devices for accesses that serve the general public must conform to the current MUTCD. Stop or yield signs are required for all street intersections and driveways when warranted by traffic conditions.

(h) Emergency access. Emergency access features must be designed to accommodate emergency vehicle characteristics appropriate for the development or intended land use and in conformance with the Department driveway standards, including those defined in this rule. However, emergency access widths may be designed to serve one-way traffic and may be less than 16 feet wide.

(i) Emergency access surfacing must minimize its visibility while still providing sufficient strength.

(ii) Emergency access must be designed based on the standards of the local emergency services and accommodate emergency vehicles necessary to serve the site.

(iii) Emergency access must provide a suitable barrier to eliminate non-emergency use. The access must be signed for emergency services only and shall only be opened during emergencies.

(iv) The access, including but not limited to barriers and signing, shall be maintained by the permittee.

(v) Emergency access barriers shall not be placed within the state highway right-of-way.

(i) Other design elements. The Department may require other design elements or features to ensure accesses are designed and constructed in a manner that will encourage proper operations and safety. Additional design elements and features include, but are not limited to, the following:

(i) Positive barrier. The Department may require access with turn restrictions to provide positive barrier such as a non-traversable median to prevent unauthorized turns. Intersection or driveway islands that channel traffic movements may be required for turn-restricted movements when any of the following apply.

(A) No restrictive center median is in place or programmed to be constructed.

(B) When frequent violations of the turn restrictions are anticipated.

(ii) Parking and site circulation. Accesses must be designed to facilitate turning movements to and from the highway while preventing vehicle queues on the highway.

(A) Parking or storing vehicles within the state highway right-of-way is prohibited. Roadside businesses must provide sufficient private parking or storage space to handle their corresponding parking needs.

(B) No access may be granted for parking areas that require backing maneuvers within the state highway right-of-way. Circulation for parking facilities must be arranged to restrict backing onto the state highway and allow vehicles to enter and exit the site in forward drive. This requirement does not apply to residential single unit driveways.

(C) Accesses that have or are planned to have a gate across it, must be designed so the longest vehicle using the access can clear the highway when the gate is closed. For locations with prohibitive topographical features, applicants must provide a wide shoulder for temporary standing while the gate is operated.

(D) The Department may require the review of the parking lot and circulation layout and require designs, terms, and conditions necessary to ensure the safe use of the access.

(iii) Modal considerations. Access designs must provide for the safe and convenient movement of all highway right-of-way users and modes of transportation including but not limited to pedestrians, bicyclists, transit, and the physically challenged. Sidewalks and bike lanes or paths may be required where deemed appropriate by the Department or when required by the local authority.

(iv) Storm drainage. All new or modified accesses must make provisions for site retention, detention, or accommodation of site originating surface run off such that no flow of storm water or spill shall utilize the state highway drainage system unless by prior analysis and agreement.

(A) Applicants must construct all driveways and buffer areas to maintain a positive drainage system within the highway right-of-way and not alter the stability of the roadway sub-grade.

(B) The Department is not liable for the quality of drainage waters originating at service stations or special industrial processing plants that are directed into irrigation canals through highway drainage system. Such drainage concerns are the subject of separate agreements and permits by the developers and irrigation companies.

(v) Roadside development lighting equipment. All lighting equipment for the roadside development must be placed outside the highway right-of-way. Directing light beams toward the eyes of approaching drivers on the highway is prohibited.

(5) State highway design requirements.

(a) General. This section describes the Department requirements for highway features located within the rights-of-way of any state highway. Highway features include, but are not limited to, traffic signs and street name signs, traffic signals, traffic control equipment, highway lighting, crosswalks, curb and gutter, sidewalks, and pavements. Installation of new features within the highway right-of-way and modifications to existing highway features necessary as part of permitted work must be completed at the expense of the permittee and in accordance with plans approved by the Department. Any damage to existing highway features must be repaired or restored at the expense of the permittee and in accordance with plans approved by the Department. Any work completed within state highway right-of-way must comply with Department standards and conform to the current MUTCD.

(i) Site specific requirements. For specific sections of state highway, the Department may provide additional requirement details for access design and construction, including but not limited to, pavement thickness and specifications, curb design and specifications, roadway fill design and compaction, testing and inspection, and other specific details.

(ii) Posted speed. A proposal for access may not presume a lower posted speed limit than currently posted or request a lower speed limit in order to accommodate the access unless specifically directed in writing by the Department. Where a traffic signal will be installed as part of the access construction, the access design and the anticipated posted speed limit after signal installation may be used for the overall access design at the discretion of the Department.

(b) Traffic signals. The installation of permanent traffic control devices, including but not limited to traffic signals is regulated by the MUTCD and Department guidelines and standards.

(i) Nothing in this rule is intended to require the Department to authorize a traffic signal or other permanent traffic control device.

(ii) The Department may, at its discretion, complete the installation of permanent traffic control devices. The permittee shall pay for direct costs and labor provided by the Department for the installation and relocation of all traffic control devices within public right-of-way which are directly related to the use or construction of the permitted access.

(iii) Signal location, timing, and operation are not intended to serve or benefit single use or private access connections. Preference to signal location, timing and operation shall be given to highways and cross streets of a higher access category or function.

(iv) New traffic signals and modifications to existing traffic signals shall be allowed only as approved by the Department. No traffic signal may be authorized without the completion of an analysis that is sealed (stamped) by a Professional Engineer licensed in the

State of Utah and meets MUTCD signal warrants and all requirements of the Department. The traffic signal analysis must consider traffic signal system operation, design, construction feasibility, and safety.

(v) For existing or proposed accesses that meet MUTCD warrants and the Department requirements for signalization, but do not meet the spacing or placement requirements of this rule, the access shall be reconstructed to conform to appropriate design criteria and eliminate or reduce the traffic movements that caused the traffic signal warrant to be met.

(vi) Where the access may warrant signalization in the future, phasing of the installation may be required.

(vii) The Department may, at its discretion in consideration of granting access, require design, and operational modifications, restrict one or more turning movements, or deny access.

(viii) Category 2 and 3. For state highways with Category 2 or 3 designations, signals at intersections with major cross streets or roads of equal importance may be programmed to optimize traffic on both streets equally. Cross-streets of lesser importance need not be optimized equally. Traffic signals must be programmed to allow a desirable highway bandwidth of at least 50 percent. The efficiency of the signal system must be analyzed utilizing traffic volume, capacity, and level of service calculations. The analysis must determine the optimum progression speed under both existing and proposed conditions.

(ix) Category 4, 5 and 6. For state highways with Category 4, 5, or 6 designations, where it is not feasible to meet one-half mile spacing and where signal progression analysis indicates good progression (40 percent efficiency or better), or does not degrade the existing signal progression, a full movement intersection may be allowed. In such cases, a variance and subsequent traffic study is required. Spacing to nearby intersections must be sufficient to accommodate the future vehicle storage queues for both turning and through movements. The access location must also meet other access spacing, design, and need requirements of this rule.

(c) Surface. The permittee must appropriately surface driveways and connections between the traveled way and the service area. For accesses adjoining paved highways, the permittee must pave the access surface to the right-of-way line. Pavement materials used within the state highway right-of-way shall meet Department standards and requirements.

(i) Preservation of new pavement. The Department may not issue permits to cut or excavate on newly constructed, paved, or overlaid state highways. This preservation restriction applies for a period of two years after installation of pavement or overlay. Exceptions to preservation of new pavement restrictions shall be made only in cases of emergency, and only with the approval of the appropriate Department Region Director or designee.

(d) Median treatments. A raised median or movement channelization may be required.

(i) Nothing in this rule is intended to require the Department to authorize a left turn movement at any location.

(ii) Left turn movements may not be permitted if a median is already established and the proposed opening of the median does not provide, in the determination of the Department, any significant operational or safety benefits to the general public or will be counter to the purpose of the median construction and the continued function of the highway at the category assigned to it.

(iii) A median opening may not be allowed if any of the following apply:



(A) A safety or hazard situation is likely or identified.

(B) The location is within the functional area of an existing or planned interchange, signalized intersection, or major unsignalized intersection.

(iv) Category 2 and 3. For state highways with Category 2 or 3 designations, Left turn movement may be permitted if all of the following apply:

(A) Access does not have potential for signalization.

(B) Travel is circuitous in one direction that exceeds two miles.

(C) Left turn movement can be designed to the Department's satisfaction that meets all safety, design, and operational standards.

(v) Category 4, 5, 6, 7 and 8. The following apply for state highways with Category 4, 5, 6, 7 or 8 designations:

(A) If a restrictive median exists, left turns at unsignalized intersections shall be restricted unless the restriction of these movements will cause a safety or operations problem or cause an out-of-direction movement of greater than one mile (or one-half mile for state highways with Category 6, 7, or 8 designations).

(B) If a flush or traversable median exists, left turns may be permitted unless an operational or safety problem is identified.

(e) Auxiliary lanes. Auxiliary lanes for state highways must conform to Department Standards, including standard drawing DD-series.

(i) Auxiliary lanes may be required where any of the following apply:

(A) An auxiliary lane has been specifically identified and documented necessary to prevent or correct an operational or safety condition that will be associated with traffic imposed by the creation of a new access or an existing access.

(B) Any of the following apply for an access to an access category 2 or 3 highway:

(I) A left turn lane with deceleration, storage, and taper lengths is required for any access with a projected peak hour left turn ingress turning volume greater than 5 vehicles per hour.

(II) A right turn lane with deceleration and taper lengths is required for any access with a projected peak hour right turn ingress turning volume greater than 10 vehicles per hour.

(III) A right turn lane with acceleration and taper lengths is required for any access with a projected peak hour right turning volume greater than 10 vehicles per hour.

(IV) A left turn acceleration lane may be required if such a design will be a benefit to the safety and operation of the roadway.

(V) Left turn acceleration lanes are generally not required where the posted speed is less than 50 mph, the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.

(C) The following applies for an access to an access category 3 highway:

(I) Left turn acceleration lanes are generally not required where the posted speed is less than 45 mph, the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.

(D) The following apply for an access to an access category 4 or 5 highway:

(I) A left turn deceleration lane with taper and storage length is required for any access with a projected peak hour left ingress

turning volume greater than 10 vehicles per hour. The taper length must be included in the required deceleration length.

(II) A right turn deceleration lane and taper length is required for any access with a projected peak hour right ingress turning volume greater than 25 vehicles per hour. The taper length must be included in the required deceleration length.

(III) A right turn acceleration lane and taper length is required for any access with a projected peak hour right turning volume greater than 50 vehicles per hour when the posted speed on the highway is greater than 40 mph. The taper length must be included in the required acceleration length. A right turn acceleration lane may also be required at a signalized intersection if a free-right turn is needed to maintain an appropriate level of service for the intersection.

(IV) Right turn deceleration and acceleration lanes are generally not required on roadways with three or more travel lanes in the direction of the right turn.

(V) A left turn acceleration lane may be required if it will be a benefit to the safety and operation of the roadway.

(VI) A left turn acceleration lane is generally not required where the posted speed is less than 45 mph, the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.

(E) Any of the following apply for an access to an access category 6, 7, 8, or 9 highway

(I) A left turn lane with storage length plus taper is required for any access with a projected peak hour left ingress turning volume greater than 25 vehicles per hour. If the posted speed is greater than 40 mph, a deceleration lane and taper is required for any access with a projected peak hour left ingress turning volume greater than 10 vehicles per hour. The taper length must be included in the deceleration length.

(II) A right turn lane with storage length plus taper is required for any access with a projected peak hour right ingress turning volume greater than 50 vehicles per hour. If the posted speed is greater than 40 mph, a right turn deceleration lane and taper is required for any access with a projected peak hour right ingress turning volume greater than 25 vehicles per hour. The taper length must be included in the deceleration length.

(F) The following apply for an access to an access category 10 highway:

(I) Exclusive turning lanes are required for all intersections. At a minimum all street accesses must provide an exclusive right turn lane with a minimum length of 250 feet, exclusive of tapers. Longer storage lengths may be necessary based on traffic analysis. Left turn lane dimensions to be defined through traffic analysis. Taper and deceleration lengths to meet current Department standards for posted speeds.

(ii) For specifically identified and documented safety and operation reasons, a turn acceleration or deceleration lane may also be required based on any of the following location factors:

(A) Volume of commercial trucks.

(B) Influence of nearby access.

(C) Highway speed and traffic density access volume.

(D) Existing highway auxiliary lanes close to the access.

(E) Nearby traffic control devices.

(F) Available stopping sight distance.

(G) Topographic and highway design factors.

(iii) For access locations with high percentage of truck use, the Department may require corresponding auxiliary lanes be built to full length and width and the transition taper length extend beyond the full length.

#### **R930-6-8. Access Application Procedures and Requirements.**

##### (1) General.

(a) Current standards. Applicant must use the most recent editions of engineering and state standards and best practices, including but not limited to those cited in this rule.

(b) Compliance responsibility. It is the responsibility of the applicant to demonstrate the application meets the requirements of this rule. Requirements for grant of access refer to the applicant's responsibility to obtain a grant of access approval from the Department before being granted access to a state highway.

(c) Approvals and environmental compliance. Applicants must comply with all Federal, State, and local authority approvals and laws, including environmental laws before the Department can grant a permit.

(d) Site plan. A site plan approval by a local authority does not entitle the applicant to access a state highway. Grant of access from the Department does not imply endorsement or approval of the submitted site plan.

(e) Multiple accesses. A grant of access application may cover multiple access connections serving a site.

(f) Review periods. Failure of the Department to comply with the review periods defined in this rule shall not preclude the Department from approving or denying any application.

(g) Encroachment permit. Grant of access approval does not allow the applicant to construct the access. An encroachment permit must be obtained prior to any construction in the state highway right-of-way.

(h) Movement restrictions. A grant of access does not guarantee a right of full movement access. The Department may, at its own discretion, require access movements to be restricted.

##### (2) Conditions requiring grant of access.

(a) Access changes. A grant of access is required whenever a new driveway, other curb cut, or local street connection is sought on a state highway. This applies to proposals to construct a new vehicular access, modify or relocate an existing access, or to close an access on the state highway right-of-way.

(b) Change in land use type and intensity. A grant of access is required when there is a change in land use or a change in the land use intensity of an existing access.

(i) Change of land use. A change in land use includes any land use change that requires a change in zoning, site plan, or conditional use approval by the local authority.

(ii) Change of intensity of land use. A change of intensity of land use is considered to have occurred when an existing land use intensifies as described below. The applicant must use current ITE Trip Generation procedures or other Department accepted methodology to identify this change. A level of change requiring a grant of access is a trip generation that exceeds 100 peak hour trips or 500 daily trips or a change in trip generation of 20% or greater relative to existing conditions. If the property is vacant for more than twelve months, the trip generation for that property is considered zero. A grant of access is also required if trip generation change causes a change in the Access Application Level.

(c) Modification or improvement by local authorities. A grant of access is required for new or modified public access to the state highway (such as county roads and municipal streets).

(i) Access to subdivisions and other developments must be processed in the same manner as a private access and applied for pursuant to this rule, until the access is constructed, completed, and accepted as a public access and public way by the local authority.

(ii) The local authority shall be considered the applicant for requests submitted by local authorities for a new or modified public access. A private development may not apply for a private driveway with the local jurisdiction as the applicant.

(iii) Where a private development accessing the roadway of a local authority necessitates access improvements and where the private access shall become and operate as a local roadway connecting to a state highway, the applicant may either be the local jurisdiction, the developer, or a combination, at the discretion of the local authority. The corresponding application must identify the intended connection on the local jurisdiction transportation master plan.

(iv) Appropriate requests submitted by local authorities shall be administered by the Department by one of the following:

(A) As provided in this rule for any applicant (including non-public applicants);

(B) By special written agreement; or

(C) By contract between the Department and the local authority.

(d) Transfer of Additional Right-of-Way and Improvements. The increased intensity of traffic associated with a proposed access may require the transferring of new state highway real property and highway improvements to handle the traffic associated with the proposed development. The Department may require the applicant to transfer real property, improvements and highway appurtenances when an essential link exists between a legitimate governmental interest and the transfer of the mitigation requirements and the mitigation requirements are roughly proportionate to the impact of the proposed development. In some instances where the transfer of real property is not feasible, the Department may require the applicant to pay for the mitigation of the development impacts to the highway. Additional right-of-way necessary for the state highway improvements, including but not limited to, travel lanes, turn lanes, and auxiliary lanes, are to be conveyed without cost to the Department by dedication or by a warranty deed in a form acceptable to the Department. The Department may accept a perpetual easement for facilities or improvements located outside of the highway right-of-way. If the applicant transfers the property by warranty deed, all rights, title and interests are conveyed to the Department. The applicant shall provide a title policy for the real property to be transferred to the Department. The title policy shall only contain exceptions approved by the Department. If the property is being dedicated through a plat, the property shall not have any encumbrances that are not approved by the Department. The Department may refuse to accept the transfer of real property if the property has unacceptable encumbrances, contains hazardous substances or other conditions of the property. The real property must be in compliance with all applicable state and federal statutes, regulations and rules.

(e) Temporary grant of access. A temporary grant of access is required for any temporary driveway or connection to a state highway. A temporary driveway or connection may be granted to accommodate actions associated with site construction or

development. The term of the temporary grant of access shall be noted on the permit.

(3) Pre-application coordination.

(a) Department primary contact. The Region permits officer or other designated employee of the Department shall be the primary contact for the applicant. Direct inquires regarding an application or review must be directed to this person.

(b) Local agency coordination. To apply for a grant of access, it is recommended that applicants work closely with the local authority's land use approval division and the appropriate Department Region permitting office.

(c) Pre-application meeting. Prior to submitting an application, applicant must contact the appropriate Department Region permitting office to schedule a pre-application meeting. A pre-application meeting provides Department personnel and local authorities an early opportunity to examine the feasibility of the access proposal with the applicant and to consider whether it is permissible under the Department's standards, the requirements of this rule and requirements of locally adopted access plans. The applicant is advised to consult with the Department during the pre-application meeting to determine the appropriate access category, access application level, traffic impact study requirements, and other application requirements. An application may be submitted anytime after the pre-application meeting.

(i) Meeting is not binding. The pre-application meeting is not binding to the Department or the applicant. Information presented and findings generated during the pre-application meeting may be documented and confirmed in a written notification. However, any pre-application written notification or communication from the Department shall not be considered binding.

(ii) Number of meetings. For typical access applications, one pre-application meeting shall be provided in regards to a specific access application. A second pre-application meeting may be allowed at the Department's discretion to address complex access situations, or to include other affected jurisdictional partners. Additional meetings shall not be held until after the application has been submitted and the appropriate fee has been rendered.

(4) Application requirements.

(a) State highway access category. The applicant must identify and note the appropriate access category assignment for the application. Upon submittal of the application, the Department shall verify the access category assignment. The Department shall make the final determination on the appropriate access category assignment.

(b) Access type. The applicant must note on the application the type of access requested. Access types are defined based on the applicant's property land use and include agricultural, residential, industrial or commercial accesses.

(c) Connection service type. The applicant must note on the application the type of physical connection requested. The connection may serve either a private or public street or private or public driveway connection.

(d) Limited-access and no-access lines. The Applicant must identify any Limited-Access and No-Access lines adjoining the property. The Department makes final determination whether an established line of Limited-Access or No-Access exist in the area in which access is sought.

(e) Permit type. The applicant must identify the type of access permit requested for the site. Permit types include grant of access, temporary grant of access, and encroachment. Procedures and

requirements for the encroachment permit are included in Subsection R930-6-8(8) of this rule. The application process for a grant of access and temporary grant of access are the same. A temporary grant of access may be requested alone or in conjunction with a grant of access for a site.

(f) Access application level. The applicant must identify the level of application required for the site. The level of application required is based on the size and magnitude of the project being proposed by the applicant. The application levels define specific threshold elements related to required applicant site plan elements, permitting process, permitting schedule, applicant fees, traffic impact study requirements, and other permit related issues. The applicant must declare all property within the application area to which they hold interest, including, but not limited to, property to be developed. The application levels are based on anticipated changes to state highway facilities and site-generated traffic volumes for daily (ADT) or peak hour time periods. Higher application levels are required when the construction of the proposed access would require significant modifications to elements of a state highway. The Department reserves the right to determine at its own discretion which modifications are considered minor or significant. Generally, the Department will consider modifications to traffic signals, pedestrian ramps, and sidewalks to be minor modifications. For convenience, application level thresholds are also presented in terms of standalone land use intensity. Land use intensities are based on published ITE Trip Generation rates. The Department may require the applicant to provide more precise trip generation estimates to determine the appropriate access application level for mixed land use or complex developments.

(i) Application level I thresholds. Applicant shall meet the requirements of application level I if the projected site generated traffic is less than 100 ADT and there are no proposed modifications to traffic signals or elements of the roadway. Stand alone land use intensities corresponding to application level I site generated traffic thresholds include the following:

(A) Single Family: < 10 units.

(B) Apartment: < 15 units.

(C) Lodging: < 11 occupied rooms.

(D) General Office: < 9,000 square feet.

(E) Retail: < 2,500 square feet.

(ii) Application level II thresholds. Applicant shall meet the requirements of application level II if the projected site generated traffic between 100 and 3,000 ADT or less than 500 peak hour vehicle trips and there are minor modifications to traffic signals or elements of the roadway. Standalone land use intensities corresponding to application level II site generated traffic thresholds include the following:

(A) Single Family: 10 to 315 units.

(B) Apartment: 15 to 450 units.

(C) Lodging: 11 to 330 occupied rooms.

(D) General Office: 9,000 to 270,000 square feet.

(E) Retail: 2,500 to 70,000 square feet.

(F) Gas Station: < 18 fueling positions.

(G) Fast Food: < 6,000 square feet.

(H) Restaurant: < 26,000 square feet.

(iii) Application level III thresholds. Applicant shall meet the requirements of application level III if the projected site generated traffic between 3,000 and 10,000 ADT or between 500 to 1,200 peak hour vehicle trips or there is a proposed installation or, in the

determination of the Department, significant modification of one or more traffic signals or elements of the roadway, regardless of project size. Standalone land use intensities corresponding to application level III site generated traffic thresholds include the following:

- (A) Single Family: 316 to 1,000 units.
- (B) Apartment: 451 to 1,500 units.
- (C) Lodging: 331 to 1,100 occupied rooms.
- (D) General Office: 270,001 to 900,000 square feet.
- (E) Retail: 70,001 to 230,000 square feet.
- (F) Fast Food: 6,000 to 20,000 square feet.

(iv) Application level IV thresholds. Applicant shall meet the requirements of application level IV if the projected site generated traffic greater than 10,000 ADT or there is a proposed installation or, in the determination of the Department, significant modification of two or more traffic signals, addition of travel lanes to the state highway or proposed modification of freeway interchange, regardless of project size. Standalone land use intensities corresponding to application level IV site generated traffic thresholds include the following:

- (A) Single Family: > 1,000 units.
- (B) Apartment: > 1,500 units.
- (C) Lodging: > 1,100 occupied rooms.
- (D) General Office: > 900,000 square feet.
- (E) Retail: > 230,000 square feet.

(g) Reasonable alternate access. The applicant shall identify any and all reasonable alternate access for the subject site.

(i) Determination of reasonable access. Reasonable local access shall be determined in consultation with the appropriate local authority and as defined in this rule.

(ii) Limited-access and no-access lines. When applications are made for properties adjoining a state highway with a limited-access or no-access line, reasonable alternate access shall be afforded through the use of other existing or planned facilities in consultation with the appropriate local authorities and their transportation master plan.

(h) Traffic impact study (TIS). The applicant is responsible for performance and delivery of an acceptable traffic impact study. The TIS shall be completed by an individual or entity demonstrating capability to analyze and report mobility, traffic engineering elements, and design elements as necessary for the application study area and site design.

(i) Conditions requiring a TIS. A TIS is required for all grant of access applications. A TIS is required for modifications to existing state highway traffic control equipment. A TIS may also be required for encroachment permit applications. For access application levels I and II, the Department may, at its own discretion, waive requirements for a TIS. Applicants wishing to waive the requirement for a TIS must submit a written request, including justification for waiving the requirement for a TIS. Requirements for a TIS for access application levels III and IV shall not be waived.

(ii) Purpose of the TIS. The purpose of the TIS is to identify system and immediate area impacts associated with the proposed connection(s). A traffic study is necessary to identify, review, and make recommendations for mitigation of the potential impacts a development may have on the roadway system.

(iii) Study area of the TIS. The TIS must include any proposed or existing access or connection within an area identified by the Department. Determination of the extent of the TIS study area is at the discretion of the Department. The study area may be defined by, but not limited to, an identified safety problem, accident review, congested locations, or as a result of a change in land use or access in

accordance with an application. The study area may also be defined by the size and intensity of the development and surrounding development and by a travel time boundary, area of influence, parcel boundaries, physical boundaries, or political boundaries.

(iv) Scope of the TIS. The TIS must, at a minimum, incorporate traffic engineering principles and the standards as presented in this rule. Additional requirements and investigation not specifically identified in this rule may be imposed upon the applicant as necessary. In general, the TIS scope must achieve the following:

(A) Present project overview of the proposed development including information such as site location and proposed access point(s), phased and full development trip generation, connection point design elements, adjacent and relevant development, existing and future traffic volumes, assessment of the system impacts, and mitigation measures as appropriate.

(B) Document whether or not the access request can meet the standards and requirements of this rule and other applicable regulations.

(C) Analyze appropriate location, spacing, and design of the access connection(s) necessary to mitigate the traffic.

(D) Analyze operational impacts on the highway and permissible under the highway's assigned access category and in accordance with applicable requirements and standards of this rule.

(E) Recommend the need for any improvements to the adjacent and nearby roadway system to maintain a satisfactory level of service and safety and to protect the function of the highway system while providing appropriate and necessary access to the proposed development.

(F) Assure that the internal traffic circulation of the proposed development is designed to provide safe and efficient access to and from the adjacent and nearby roadway system consistent with the purpose of this rule.

(G) Analyze and recommend the means for land uses to minimize their external transportation costs to the traveling public through traffic improvements necessitated by that development as well as making the fullest use of alternative travel modes.

(5) Application submittal.

(a) Application and attachments. Applicants must submit to the appropriate Department Region permitting office, the complete application including any required attachments reasonably necessary to review and assess the application and complete the application review process. Required attachments may include detailed site plans, maps, traffic studies, surveys, deeds, agreements, documents, and other data to demonstrate compliance with this rule. Maps and site plans to be submitted may include, but are not limited to utilities in the vicinity of the access and utilities to be moved. The Department shall determine the scope of the attachments necessary for application submission based on the identified access application level.

(b) Site or development overview. Applications must provide a description of the site/development including site plan and overview materials such as preliminary maps, plans, and documents to illustrate the site, the size and type of proposed land use, estimated traffic volumes, vehicle types generated by the site, adjacent public roads and highways, adjacent properties, and any existing or available access points. The application must include all the information and materials requested at the pre-application meeting.

(c) Document ownership. All submitted applications become the property of the Department. The Department may not request items without relevance to the approval or denial of the

application. If the applicant is other than the fee surface rights owner of the property to be served, the applicant shall include sufficient evidence of concurrence or knowledge in the application by the fee surface rights owner and proof of development rights (i.e. option to buy, federal use permit). The applicant shall give complete names, addresses, and telephone numbers of the property owner(s), the applicant(s), and primary contact person, on the application along with the expected dates of construction and commencement of use of the access.

(d) Corporate or agency applicant. When the owner or applicant is a company, corporation, government agency or other entity, the application must provide the office, title, and the name of the responsible officer. A corporation must be licensed to do business in the State of Utah.

(e) Misrepresentation. Intentional misrepresentation of existing or future conditions or of information requested for the application for the purposes of getting a more favorable determination is sufficient grounds for the rejection or denial of the application or revocation of a granted access and encroachment permit.

(f) Application fees. A fee shall be assessed for the review and assessment of the grant of access and temporary grant of access application.

(i) The Department shall establish and collect a reasonable schedule of fees for the review and administration of grants of access and construction permits pursuant to this rule. The permit fee schedule shall not exceed the cost of the review and administration of the application. The appropriate application fees may be found in the Department schedule of fees.

(ii) The application review may not proceed until payment has been received by the Department. The application shall not be considered submitted until payment has been received.

(6) Application review and approval.

(a) Completeness review. The Department shall review the application to verify that the required information has been submitted. If the Department determines an application to be incomplete, the applicant shall be notified in writing including by, but not limited to, email notification. The notice shall include any outstanding items, issues, or concerns given the available information. Upon receipt of the Department's letter requesting more information, the applicant shall provide additional data and information as appropriate, or withdraw the application. The applicant is required to submit the necessary information as determined by the Department to complete the application within six months from the date the application was submitted. Otherwise the application is considered withdrawn.

(b) Completeness review period. The typical completeness review period is ten working days. This review period begins when the applicant submits a completed application packet with all required components for approval and has rendered the appropriate nonrefundable application fee. Once additional requested information is submitted, or resubmitted, by the applicant the ten-day completeness review period starts over.

(c) Application review. The Department shall begin processing the application when the application has been identified as complete. The Department shall use this rule and any other applicable state and federal laws, policies, or guidelines to evaluate and act on the application. If during the review of the application it is found that additional information for review is necessary, the Department shall address in writing to the applicant the need for additional information. Written notification may include, but not be limited to, email

notification. The application review period may be lengthened or begin again when the applicant submits significant additional information.

(d) Signatures. When this rule or related official forms require the signature of the permittee(s) or applicant, the signatures shall be that of the specific individual or if a corporation or partnership or other entity, the duly authorized officer or agent of the corporation or partnership or other entity. The applicant shall include the name of the corporation, partnership, or entity with the signature.

(e) Application review period. The typical application review period is forty-five working days.

(f) Action by the Department. As determined by the standards of this rule, the Department may grant the access as proposed, require layout, design and location modifications as it considers appropriate, restrict one or more turning movements as necessary to reduce traffic and safety impacts, or deny the access.

(i) The application shall be denied if the proposed access cannot meet the requirements or standards of this rule including consideration of appropriate variance criteria or other applicable laws. If the Department denies the application, the Department shall provide a written explanation of the decision.

(ii) Upon access approval, the Department shall prepare a grant of access document and transmit it to the applicant.

(iii) The issue date of the grant of access shall be the date the Department representative signed the grant of access.

(g) Grant of access expiration. A grant of access shall expire if the access construction is not completed within twelve months of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to complete construction within twelve months after the permit issue date, the permittee may request a six-month extension from the Department. No more than one six-month extension may be granted under any circumstances. The applicant must submit request for an extension in writing to the Department before the permit expires. The request shall state why the extension is necessary, when construction is anticipated, and include a copy the grant of access approval. Extension approvals shall be in writing and may include, but not be limited to, email documentation. To reestablish an access approval that has expired, the applicant shall begin the application procedures again. The Department shall maintain a copy of the grant of access issued for as long as the granted access is in existence pursuant to the grant of access.

(7) Additional requirements for limited control lines.

(a) Applicable procedures and standards. The following procedures and standards apply to requests for modification of a Limited Access or No Access line.

(i) No-access lines. A modification of a no-access line is only allowed to create a general or local street connection as proposed by the local authority where no other reasonable alternate access to abutting property can be provided.

(ii) Limited-access lines. Only in cases where, in the determination of the Department, significant public benefit is expected may new access openings be granted through established Limited-Access lines. A request for a new or modified access opening shall be submitted by the property owner or local authority in writing to the Department and must clearly identify the proposed public benefit resulting from the access opening.

(iii) If there are other justifications for the access opening that are not solely for the public's benefit, the applicant shall

identify those justifications and any public interests served by those justifications.

(iv) Upon review of the application, the Department, in its sole discretion, shall determine whether there is a sufficient public benefit to justify allowing the proposed new or modified access opening.

(b) Extended review period. While most requests for a new access opening may be reviewed within 45 days, additional review time may be needed. There is no fixed amount of time that the Department may take to review a request to create or modify an access opening. Complex or incomplete requests may take longer than 45 days to review and approve or deny.

(c) Corridor agreements. Requests to modify a limited-access line may require the applicant to produce or provide analysis for a signal control plan or access corridor control plan. Requests to modify a no-access Line must include a signal control plan agreement or access corridor control plan agreement.

(i) If no such agreement exists, the applicant must complete an analysis that the Department may use to create or modify a signal control plan or access corridor control plan.

(ii) The Department, local authorities and, if one exists, the Metropolitan Planning Organization, must ratify signal control plan and access corridor control agreements.

(iii) Signal control plans and access corridor control plans must be consistent with the local authority's transportation master plan. Such plans must also conform to the Metropolitan Planning Organization's plans and designs.

(d) Approval or denial decision. Upon recommendation of Department staff, the Department Deputy Director or designee shall approve or deny the grant of access request for changes to limited-access lines or no-access lines and send notice of the decision to the applicant. FHWA review is required for federal-aid roads based on the Stewardship and Oversight Agreement between FHWA and the Department, even if the right-of-way was nonparticipating.

(e) Fees and reimbursements. The Department considers access control rights an asset that is purchased and can be sold. Any approved changes to limited-access or no-access lines requires reimbursement to the Department of its fair market value. If the access opening is approved and is to serve private property, the property owner shall pay the Department for property appreciation, resulting from the Department's relinquishment of the access. The appreciation of the private property involved shall be determined by an independent licensed appraiser as listed within the Department's certified pool of approved appraisers. The property appraisal must show the property valuation before the access is created or modified (the before condition) and after the access is created or modified (the after condition). The difference in the appraised property valuation in the before condition, when compared with the appraised property valuation in the after condition, determines the current fair market value for the access, which shall be the price of the access. Because appraised access valuation costs are a major consideration for any development-related initiative, it is considered a best practice for the applicant to obtain the appraisal at the beginning of the grant of access application process. Upon approval to modify a limited-access line or no-access line, the applicant must pay the fair market value of the access right acquired from the Department. The property owner shall also pay all costs for construction of gates, approaches and any other incidental construction costs involved.

(f) Recorded deed. The applicant shall execute and record the grant of access on the appropriate property deed indicating the access opening. The applicant shall revise all maps and plans. This procedure applies to roads constructed with federal-aid funds, which will remain on a federal-aid system and be transferred to local authorities.

(g) Review considerations. Department and, if applicable, FHWA staff shall investigate safety and other operational features and impacts of the request review and comment on the following:

(i) Finding or demonstration of no reasonable alternate access and,

(ii) Providing the access connection to a local street system or an identified local street system on which:

(A) The opening is identified on the local master street plan,

(B) The opening provides continuity to other local streets,

(C) The opening provides reasonable alternate access via the local system,

(D) If the opening creates or exists as a dead-end, it is for a local and not private connection.

(iii) Identifying the access on an agreed local signal control or access corridor control plan on which:

(A) The opening provides continuity to other local streets,

(B) The opening provides reasonable alternate access via the local system, and

(C) If the opening creates or exists as a dead-end, it is for a local and not private connection.

(h) Revision of access openings. If a property owner desires to change the location, use or size of an access opening, after execution of the deed, a new application must be submitted to the Department giving the location of the desired change and its justification. Changes shall comply with the standards and requirements of this rule.

(i) The Department shall evaluate the application to determine if the change in location, use or size will cause any adverse safety or other traffic operational effects and submit a report with recommendations to the Deputy Director.

(ii) If the change is approved by the Deputy Director and by FHWA for federal-aid roads, new deeds shall be prepared and executed and all maps corrected.

(iii) The property owner shall pay for all costs involved in closing or modifying an existing access opening.

(iv) Requests for modification of access control shall be forwarded with recommendations to the Department by the local authority.

(8) Encroachment permit requirements.

(a) General. No work on the state highway right-of-way may begin until an approved encroachment permit is issued by the Department and the permittee is authorized in writing to proceed. Written authorization may include, but not be limited to, email.

(i) Prior to any construction, the applicant must receive approval for an encroachment permit (related to the grant of access approval) with appropriate traffic control, construction plans, bonds, and insurance requirements. The applicant must attach a copy of the grant of access document to the encroachment permit application.

(ii) In addition to procedures and requirements defined herein, all of the application procedures defined for grant of access application within this rule, including review periods, apply to applications for an encroachment permit.

(iii) All construction materials, techniques, and processes shall be in conformance with the terms, conditions, and limitations of the permit and consistent with Department requirements and standard specifications.

(b) Permit fees. A fee shall be assessed for approved encroachment permits. The Department may not authorize the permittee to begin work on the state highway until the permit fee is paid.

(c) Notice of construction and work completion timeframes. The permittee shall notify the Department at least two working days prior to any construction within state highway right-of-way. The permittee shall execute access construction in an expeditious and safe manner. Access construction must be completed within ninety days from initiation of construction within the highway right-of-way.

(d) Phased construction of access. Upon request, the phasing of the installation of access design requirements may be allowed if the average use of the access at any time does not exceed the constructed design and the Department or local authority is provided monetary or legal guarantees that access approval terms, conditions and limitations shall be met prior to any use of the access, exceeding the existing design of the access.

(i) The following items may be used to provide the monetary or legal guarantees referenced above:

(A) Posting a bond.

(B) Irrevocable letter of credit.

(C) Certificates of deposit.

(D) Inclusion in zoning ordinance.

(E) Inclusion in subdivision plats or land use permit requirements.

(F) Inclusion in the deeds to the properties involved.

(G) Any other techniques as approved and accepted by the Department.

(ii) All such arrangements shall be included as terms and conditions of the permit.

(iii) The local authority and Department may record notices in the county records of such agreements to inform future property owners of potential liabilities and responsibilities.

(iv) If the project is to be phased over time, the schedule, location and other details of each phase must be provided as part of the application for an encroachment permit.

(e) Traffic control. The permittee shall provide appropriate construction traffic control devices at all times during access construction in conformance with the MUTCD and Department standard drawings for traffic control.

(i) The applicant shall provide traffic control plans detailing the location, duration, design, use, and traffic controls of the access.

(ii) Construction may not commence until the traffic control plan has been approved by the Department.

(iii) Traffic control plans must be sealed (stamped) by a Professional Engineer licensed in the State of Utah or, when determined appropriate by the Department, a certified Traffic Control Supervisor.

(iv) Traffic control plans must conform to the current MUTCD and Department requirements and standards, including Department Traffic Control Standards and Specifications.

(v) Traffic control plans must address the following:

(A) Construction phasing.

(B) Lane/shoulder closures.

(C) Tapers and device spacing.

(D) Sign boards, arrow boards, and variable message signs.

(E) Temporary modifications to traffic signals.

(F) Time restrictions and work schedule.

(G) Lane shifts.

(H) Flagging operations.

(vi) Traffic control plans may be revised as necessary with Department concurrence.

(vii) The Department may establish a fee schedule to charge an hourly fee or daily fees for the closure of any travel lanes necessary for the construction of a private access. The purpose of the fee is to encourage the quick completion of all work that reduces highway capacity and safety or interferes with the through movement of traffic.

(f) Professional evaluation. For any permit involving changes to state highways or structures, the Department may require the permittee to hire a Professional Engineer licensed in the State of Utah to inspect the access and state highway and structures carefully and to affirm to the best of their knowledge and belief that the construction is in compliance with the permit, Department specifications, materials construction monitoring and testing, and to report any item that may not be in compliance or cannot be determined to be in compliance and the nature and scope of the item relative to compliance. The Department may require testing of materials at the permittee's expense. When so required by the Department or as specified on the permit, test results must be provided to the Department.

(g) Construction operations. Installation of highway and access elements must be in compliance with all Department requirements for grant of access and encroachment permits, the Department standard drawings and the state or local health ordinance specifications for culverts, catch basins, drainage channels, and other drainage structures.

(i) Applicant must ensure adequate sight distance for traffic operation and comply with the requirements of the Department approved traffic control plans during all construction operations.

(ii) Applicant must provide proper drainage, suitable slopes for maintenance operations, and good appearance during construction operations.

(iii) Trees, shrubs, ground cover, or other landscape features may need to be removed, replaced, or suitably adjusted.

(iv) Applicant must free the construction buffer area, as defined by Department traffic control standards from any encroachment that will hinder traffic. Applicant must grate or landscape the buffer area between driveways to prevent use by vehicles while protecting clear sight across the area.

(9) Withdrawn applications.

(a) No payment. A permit shall be deemed withdrawn if the Department has not received the signed copy of the permit or fee payment, if any, from the applicant within forty-five days of the date of approval transmittal.

(b) Non-responsive applicant. The application shall be deemed withdrawn if the applicant fails to provide requested documents, plan alterations, or similar application components as required by the Department within sixty days of such a request. The clock for a non-responsive applicant starts anytime the Department provides the applicant a written request for additional information, plan alterations, or other application components deemed necessary to effect further review of the application. Written requests for additional information may include, but are not limited to, email. Prior to

deeming a nonresponsive application withdrawn, the Department shall make a minimum of three direct contact attempts in approximately two week intervals to advise an applicant that their access approval is in jeopardy of being terminated. Contact attempts may be made in person, via email, written letter, or phone call.

(c) Resubmission. Once an application is deemed withdrawn, the applicant must:

(i) Submit a new application.

(ii) Include a complete re-submittal of the current plans and studies.

(iii) Pay a new application fee.

### **R930-6-9. Variances and Appeals.**

(1) General.

(a) This section describes procedures and requirements for applicants to request a variance from the standards and requirements of this rule. This section also describes the procedures to appeal the Department's decision to deny a grant of access or encroachment permit request.

(b) Variations from provisions of this rule may be allowed if they do not violate state and federal statutes, laws, or regulations and the Department has determined there is no reasonable alternate access and the access and use of the state highway right-of-way will not compromise the safety and operation of the of the state highway.

(2) Variance requests.

(a) Application submittal. A variance may be considered for any design standard of this rule that is not applicable or feasible given the proposed physical and operational characteristics of the site. Applicants seeking a variance from the standards and requirements of this rule must submit a thoroughly detailed variance request as an attachment to the grant of access or encroachment permit application. The Department may allow a request for a variance as a supplement to a previously submitted application if the Department determines that it is in the public interest to do so.

(i) General requirements. The applicant is responsible to demonstrate that the variance request meets minimum acceptable engineering, operation, and safety standards is not detrimental to the public health, welfare, and safety and is reasonably necessary for the convenience and welfare of the public.

(A) The request for a variance must specify, in writing, why the variance is appropriate and necessary. The request must include documentation of conditions with and without the variance and documentation showing that the applicant has considered all practical mitigation alternatives and demonstrate that better alternatives in terms of highway operations are not feasible or do not exist. A variance from the spacing standards shall not be considered unless the subject property and proposed access points cannot achieve the minimum spacing standards under the appropriate access category and no other reasonable alternate access can be afforded the site.

(B) The applicant must show that the variance request results from the application of the standards or requirements of this rule and is not self-created or self-imposed (such as by the applicant acting with or without knowledge of the applicable standard or requirement).

(ii) Existing non-conforming access. Non-conforming modifications to an existing highway access that is either in use or can demonstrate historical use and does not comply with the provisions of this rule, may be allowed when the applicant demonstrates to the Department that the proposed access point(s) modifications will

improve the operation and safety of the highway. Consolidation of access points is considered to benefit the highway operations and is encouraged. Where there are multiple accesses serving a site, the Department shall consider a 50 percent reduction (rounded up for odd numbers) to demonstrate an improvement to operations of the highway.

(iii) Limited-access and no-access facilities. Variance requests to modify a limited-access line or no-access line shall include detailed reports of appraisals, costs and justification for the variance. A request to modify a limited-access line or no-access line shall be treated as a request for variance. The Department may consider variances from the provisions of this rule for limited-access facilities when a careful appraisal reveals extensive damage, or if needed frontage roads would involve excessive right-of-way costs or construction costs.

(b) Department review considerations. The Department shall not grant variances that, in the Department's determination, pose hazards to public mobility, health, safety, and welfare. The Department shall not grant variances for procedural requirements. The Department shall review the variance request for consistency with the purposes of this rule. The Department shall consider the following specific factors in determining that the granting of a variance will not negatively impact the current and proposed operation of the highway:

(i) The applicant has considered all other feasible alternatives to provide reasonable alternate access to the property or development and can demonstrate that better alternatives in terms of highway operations are not feasible or do not exist.

(ii) The applicant has considered access through a shared use driveway or access point with an adjacent land use and such a shared use access is not feasible.

(iii) The applicant is providing on-site or off-site traffic improvements that might offset the negative impacts of granting an access that does not meet the provisions of this rule.

(iv) The applicant has considered and demonstrated trip reduction strategies that allow the access to properly function without creating a negative impact to the highway.

(v) The applicant has provided traffic engineering or other studies to determine that the access will not degrade the efficient flow of traffic on the highway in terms of safety, capacity, travel speed, and other functional features of the highway.

(c) Department review period. The review periods defined within this rule for grant of access applications shall apply to request for variance applications.

(d) Department documentation. The Department shall include in its files documentation of reasons for approving or denying a variance request.

(e) Limitations and conditions of variance approval. An approved grant of access or encroachment permit may stipulate conditions and terms for the expiration of the permit when the necessity for the variance no longer exists. It may also require the permittee to improve, modify, eliminate, or correct the condition responsible for the variance when it is evident that the justification for the variance is no longer valid. Such stipulations and requirements shall be stated in the approved permit.

(3) Appeals.

(a) Applicant appeal rights. The applicant may appeal the Department's decision only if the Department has denied a grant of access, encroachment permit or variance request. Any appeal of Department action must comply with this rule, R907-1, and Utah Code



Title 63G Chapter 4, Administrative Procedures Act. The Assistant Attorney General shall assist the Department Region Director during the hearing and drafting of the final order.

**R930-6-10. Conditions of Right-of-Way Use.**

(1) General.

(a) This section describes conditions that apply to all connections, encroachments, and uses of the state highway right-of-way. The conditions and requirements of this section are in addition to other conditions, limitations, and requirements of this rule and the grant of access and encroachment permit.

(2) Right-of-way encroachment requirements.

(a) Prohibited right-of-way uses. The state highway right-of-way shall not be used for servicing vehicles or equipment, displays, sales, exhibits, business overhang signs, parking areas, banners, or any other form of advertising, or conducting of private business.

(b) Buildings and structures. The placement of buildings or structures of any type within state highway rights-of-way is not allowed unless authorized by a permit obtained from the Department.

(c) Advertising. Private advertising or business endeavors on federally funded or other state highway rights-of-way are prohibited.

(i) No part of the state highway right-of-way may be used for servicing vehicles or equipment, displays, sales, exhibits, business overhang signs, parking areas, banners, or any other form of private advertising or to conduct private business.

(ii) Special advertisement may be allowed within the state highway right-of-way if it will not compromise traffic flow or safety and will be in the public interest. A permitted encroachment to occupy the right-of-way for such advertising may be issued, for a time not to exceed one week. All such special advertisement shall not conflict with any provisions of Utah's Outdoor Advertising Act.

(d) Mailboxes. Installation of new mailboxes must be approved by the appropriate Department Region Director or an authorized representative. All new mailboxes placed within a state highway right-of-way must be constructed in conformance with Department standard drawings GW-7 and GW-8. Existing mailboxes located within the state highway right-of-way must be maintained or corrected to conform to the Department standards. Owners of mailboxes deemed nonconforming shall be notified in writing by the Department Region Director or an authorized representative. Within thirty days of receipt of notice, the owner must, at its own expense, reconstruct the mailbox or otherwise correct any deficiencies to conform to current safety standards and regulations of the Department. The Department may contact the postmaster and stop delivery of mail until compliance is achieved. Mailboxes may be deemed nonconforming for the following:

(i) Mailboxes that constitute a traffic hazard are considered nonconforming.

(ii) Mailboxes and supports that are in poor repair and detract from the appearance of the highway may be considered nonconforming.

(iii) Any part of a mailbox that is over 50 inches high is considered nonconforming

(iv) Any part of a mailbox that is located within the shoulder is considered nonconforming.

(v) Mailbox supports that exceed any of the following criteria are considered nonconforming:

(A) Wood support with over 16 square inches cross-sectional area.

(B) Metal support with greatest dimension over 3.5 inches.

(C) Metal pipe support of over 2 inches in diameter.

(D) Other metal supports deemed to be a hazard by the appropriate Department Region Director or an authorized representative.

(e) Special limitations. All encroachments on state highway, including permits issued for special encroachment, are subject to the following conditions and limitations:

(i) Red or reddish colored lights. Red or reddish colored decorations or advertising lights are not permitted within the right-of-way.

(ii) Clearance over highway surface. Any decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item placed within the right-of-way must have a minimum clearance of 20 feet.

(iii) Utility poles. Attach no decorations, displays, flags, banners, colored lights, handbills, structures or other advertising or decoration items may be attached to a utility facility without written permission of the appropriate entity or owner.

(iv) Highway control obstructions. No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item may block the normal view of any official highway sign or other traffic control device and signals.

(v) Shapes similar to highway control devices. No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item may be of such shape, size, color or design similar to any Department traffic control sign, signal, marking or device.

(vi) Attachments to traffic signals. No attachments of any type may be allowed on traffic signals.

(vii) Sight obstructions. No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item may obstruct the normal view of traffic nor may obstruct, impede or endanger the normal flow of traffic. In accordance with Utah Code Section 41-6a-216 "Removal of plants or other obstructions impairing view, Notice to owner - Penalty," owners of real property next to state highway rights-of-way shall be ordered to remove any trees, plants, shrubs, or any other obstructions that obstruct the view of motorists and thereby constitute a hazard.

(3) Department changes to existing access.

(a) The Department may, when necessary for the improved safety and operation of the roadway, rebuild, modify, remove, or relocate any access or redesign the highway including any auxiliary lane and allowable turning movement.

(i) The Department shall notify the permittee or current property owner of the change.

(ii) Changes in roadway median design that may affect turning movements normally does not require a hearing because a grant of access approval confers no private rights to the permittee regarding the control of highway design or traffic operation even when that design affects access turning movements.

(iii) In order to eliminate public road access, a study shall be made in conjunction with local authorities for a feasibility of dead ending or rerouting of intersecting roads.

(4) Permittee requirements and limitations.

(a) Grant of access limitations. The granting of an access approval conveys no rights, title, or interest in state highway rights-of-

way to the permittee or property served. A grant of access for direct access to a state highway does not entitle the permittee to control or have any rights or interests in any portion of the design, specifications or operation of the highway or roadway, including those portions of the highway built pursuant to the terms, conditions and limitations of the grant of access.

(b) Completion requirements. Prior to using the access, the permittee is required to complete the construction according to the terms, conditions and limitations of the grant of access and encroachment permit. Department approval is required if the permittee wishes to use the access prior to completion.

(c) Access transferability and maintenance. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access is responsible for meeting the terms, conditions and limitations of the permit, including, but not limited to the following maintenance requirements:

(i) Ensuring that the use of the access to the property is not in violation of this rule and terms, conditions and limitations of the permit.

(ii) Repairing and maintaining the access beyond the edge of the roadway, including any cattle guard and gate.

(iii) Removing or clearing snow or ice upon the access, including snow or ice deposited on the access in the course of Department snow removal operations.

(iv) Repairing and replacing any access-related features within the right-of-way, including culverts. Any significant repairs, such as culvert replacement, resurfacing, or changes in design or specifications requires authorization from the Department.

(d) Notification of changes. The permittee shall contact the Department if changes are made or will be made in the use of the property which would affect access operation, traffic volume, or vehicle type to determine if a new grant of access and or modifications to the access approval are required.

(e) Indemnification requirements. Permittees shall, at all times, indemnify and hold harmless the Department, its employees and the State of Utah from responsibility for any damage or liability arising from their construction, maintenance, repair, operation, or use of an access or other facility.

(f) Insurance, bonding and letter of credit requirements. The permittee is responsible for the maintenance of the construction performed within the state highway right-of-way for a period of three years from the date of beginning work or two years from the end of work, whichever provides the longer period of coverage.

(i) Insurance. Permittee is required to have in force a liability insurance policy, naming the Department as an additional insured in the minimum amount of \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate. Failure to meet this requirement for the life of the permit shall result in permit revocation.

(ii) Bonding. As authorized by Utah Code Subsection 72-7-102(3)(b)(i) this rule requires encroachment permit applicants to post a performance and warranty or maintenance bond, using the Department's approved bond form, for a period of three years from the date of beginning of work or two years from the end of work, whichever provides the longer period of coverage. A performance and warranty bond is required for each individual encroachment permit. Political subdivisions of the state are not required to post a bond unless the political subdivision fails to meet the terms, conditions and limitations of previous permits issued as determined by the Department. The amount of the bond is determined by the Department

Region Permits Officer based on the scope of work being performed but will not be less than \$10,000.00.

(iii) Proceeds Against Bond. The Department may proceed against the bond to recover all expenses incurred if payment is not received from the permittee within forty-five calendar days of receiving an invoice. Upon discovery of permittee caused damage to the highway or to the right of way, the Department may opt to exercise its bonding rights in recovering costs incurred to restore the highway or right of way due to permittee caused damages. Failure by the permittee to maintain a valid bond in the amounts required shall be cause for denying issuance of future permits and for the closure of the access to from the state highway right of way.

(iv) Letter of credit. For small projects, the Department may accept an irrevocable letter of credit as reasonable security in lieu of bonding. A letter of credit shall be issued by a federally insured bank authorized to do business in Utah and shall be placed in the possession of and payable upon demand only to the Department. A letter of credit shall be irrevocable during its terms and shall be automatically renewable, or the applicant shall insure continuous coverage by replacing letters of credit, if necessary, at least thirty days before their expiration date with other acceptable bond types or letters of credit.

(5) Existing interests.

(a) Historical interest. The Department recognizes that pre-existing property interests within the state highway rights-of-way may exist. Proof of a pre-existing property interest within a public right-of-way must be provided to the Department in the form of a duly executed deed, grant or other document establishing the same are required to establish prior right or title of the entity or person. In the absence of such proof, it shall be assumed that the entity or person occupies the right-of-way under permit (i.e., by permission), and enjoys no vested interest in the state highway right-of-way. In those instances when the Department requires an entity or person with a pre-existing property interest to move completely or partially off the right-of-way, the Department shall make appropriate remuneration for the relinquishment of that interest.

(i) The adoption of this rule by the Department does not constitute an acceptance or recognition of pre-existing property interests.

(ii) The Department assumes no liability associated with these interests and uses; either for the safety to users or the traveling public, damage to property, or for the continued use thereof.

(b) Parcel division. No additional access rights may accrue upon the splitting or dividing of existing parcels of land or contiguous parcels under or previously under the same ownership or controlling interest.

(c) Permittee improvement of existing access. The property owner or authorized representative served by a lawful access may make physical improvements to the access per the requirements of this rule and only with the written permission of the Department. Denial of the application for improvements does not constitute revocation of the existing access authorization. Denial of an application to enlarge, relocate, or modify an existing lawful access, in no way impairs the permit for or right to the existing access for its legal historical use.

#### **R930-6-11. Enforcement.**

(1) Access violations enforcement.

(a) The Department may install barriers across or remove any access that it determines to be unlawful. Costs incurred by the

Department to install barriers or remove access must be reimbursed by the permittee before the access is restored.

(b) When an access is constructed or used in violation of this rule, the Department may suspend an access approval and immediately order closure of the access. Costs incurred by the Department in closing an access shall be reimbursed by the permittee.

(c) When an access is constructed without prior grant of access, the Department may impose a fine or fee. The Department may order immediate closure of the access. The offender shall reimburse costs incurred by the Department in closing an access.

(d) Upon detection of unauthorized modifications to limited-access lines, the Department shall contact the property owner and require the owner to restore the state highway right-of-way, including, but not limited to, any damaged fences.

(e) Highways with limited-access control may be marked by the Department with public property plates on fences at sufficient intervals to clearly indicate to maintenance personnel the limits of access control.

(2) Permit violations enforcement.

(a) Abuse or noncompliance of a grant of access or encroachment permit shall be subject to enforcement through fine and corrective measures.

(b) Failure by the permittee to abide by all permit terms, conditions and limitations is sufficient cause for the Department to initiate action to suspend or revoke the permit and close the access. The Department may suspend the permit for cause if it determines failure to comply with or complete the construction requirements of the permit create a highway safety hazard. The Department may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials.

(c) Failure of the permittee to pay the Department for costs related to the Department's installation or relocation of traffic control devices within a reasonable period may be considered grounds for permit suspension that may lead to revocation and access removal.

**KEY:** ~~[utility rules, utilities access]~~ access control, permits  
**Date of Enactment or Last Substantive Amendment:** ~~[October 10, 2012]~~ 2013  
**Notice of Continuation:** November 14, 2011  
**Authorizing, and Implemented or Interpreted Law:** 41-6a-216; 41-6a-1701; 72-1-102(11); 72-1-201; 72-3-109; 72-4-102.5; 72-6-11(6)7; 72-7-102; 72-7-103; 72-7-104; 72-7-10(8)5; 72-7-503

**Transportation, Preconstruction, Right-of-way Acquisition**

**R933-3**

**Relocation or Modification of Existing Authorized Access Openings or Granting New Access Openings on Limited Access Highways**

**NOTICE OF PROPOSED RULE**

(Repeal)

DAR FILE NO.: 38054

FILED: 10/10/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is being repealed because its provisions will be incorporated into the proposed repeal and reenactment of Rule R930-6, Access Management. (DAR NOTE: The proposed repeal and reenactment of Rule R930-6 is under DAR No. 38052 in this issue, November 1, 2013, of the Bulletin.)

**SUMMARY OF THE RULE OR CHANGE:** This rule is being repealed in its entirety and its provisions added to Rule R930-6.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 72-1-102 and Section 72-1-201 and Section 72-7-102

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget because the provisions of this rule are being moved to Rule R930-6.
- ◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government because the provisions of this rule are being moved to Rule R930-6.
- ◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to the small businesses because the provisions of this rule are being moved to Rule R930-6.
- ◆ **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 provisions of this rule are being moved to Rule R930-6.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs for affected persons because the provisions of this rule are being moved to Rule R930-6.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no anticipated fiscal impacts on businesses because the provisions of this rule are being moved to Rule R930-6.

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

TRANSPORTATION  
 PRECONSTRUCTION, RIGHT-OF-WAY  
 ACQUISITION  
 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 cnewman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/02/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2013

AUTHORIZED BY: Carlos Braceras, Executive Director

**R933. Transportation, Preconstruction, Right of Way Acquisition.**  
~~[R933-3. Relocation or Modification of Existing Authorized Access Openings or Granting New Access Openings on Limited Access Highways.~~

**R933-3-1. Authority.**

~~The provisions of this rule are authorized by grants for rulemaking authority Utah Code Ann. Sections 72-1-201 and 72-7-102.~~

**R933-3-2. Purpose.**

~~To establish a procedure for allowing and establishing new or existing highways as limited access facilities, for the elimination of intersections and for the right to access restricted facilities.~~

**R933-3-3. Definition.**

~~Limited access facility shall be defined as in Section 72-1-102.~~

**R933-3-4. When Access is Controlled.**

~~(1) Limited access control for classified principal arterial highways other than the interstate system and expressways shall be obtained in all rural areas and in urban areas if the highway is being constructed on new alignment or if the existing highway is in sparsely developed areas where control is desirable and economically feasible. Control in urban areas on existing alignment shall not be allowed unless approved by the Utah Transportation Commission.~~

~~(2) In addition to the limited access control of principal arterial highways, a limited mileage of high volume minor arterial highways may justify limited access control, especially on new alignment and if adjacent to a freeway interchange. Access, if desirable and economically feasible, shall be determined on an individual basis and is subject to approval of Utah Transportation Commission.~~

~~(3) Under limited access control, the following limitations shall apply:~~

~~(a) The maximum feasible and economic access control shall always be obtained.~~

~~(b) On bypasses of cities and towns, all property access shall be prohibited except where the bypass is in a low population town with little or no business and inadequate public crossroads for property access.~~

~~(c) On other than bypass roads, a maximum of five accesses per mile on each side of the highway may be granted. Unless justified under this rule, accesses to property shall only be granted opposite to each other.~~

~~(d) Where any one property has access to another public road or roads, no access shall be given closer than 1/2 mile from the public road nor shall any two granted accesses be closer than 1/2 mile with the following exception: Where the proposed project involves reconstruction on or near an existing highway where a home, business or other property development is located and lack of direct access to a home, business or other property development would involve excessive property damage and added construction costs, in which case access openings may be provided within the other stated limitations.~~

~~(e) No property access shall be closer than 500 feet from another property or public road access.~~

~~(f) In order to eliminate public road access, study shall be made in conjunction with local authorities as to feasibility of dead ending or rerouting of intersecting roads.~~

~~(g) The maximum size of private access openings shall be 16 feet for residences, 30 feet for farms or other areas where large equipment is used, and 50 feet for commercial and industrial areas.~~

~~(4) Exceptions to the above limitations shall only be made if a careful appraisal reveals extensive damage or if needed frontage roads would involve excessive right of way costs or, in canyons, excessive construction costs. Detailed reports of costs and justification for variance shall be prepared and submitted to the assistant director for approval.~~

**R933-3-5. Designation of Access Location.**

~~(1) The Utah Department of Transportation Right of Way Division shall conduct a study and prepare detailed right of way maps, to be used by the Utah Transportation Commission to make final access location determination. The study shall include the location of and justification for current access openings and property owners shall be contacted to determine development plans for the property. The Right of Way Division shall prepare cost estimates for proposed and alternate access locations. The Utah Transportation Commission shall make final access location determination.~~

~~(2) The access openings granted shall be accurately described in the property deed and shown on right of way maps and roadway construction plans.~~

~~(3) After execution of the deeds, no change shall be made in the access location or additional access openings granted except as provided below.~~

~~(4) If a portion of a property which has no access to the highway is later sold, the department has no obligation to grant an access to the property and if inquiries are made, a prospective buyer should be definitely so advised.~~

**R933-3-6. Revision of Access Openings.**

~~(1) If a property owner desires to change location or size of an access opening, after execution of the deed, a written request shall be submitted to the department giving location of desired change and its justification. Changes shall comply with the limitations as to spacing in the limited access control policy.~~

~~(2) The region director, in cooperation with the engineer for safety, shall determine if the change in location will cause any adverse safety or other traffic operational effects and submit a report with recommendations to the assistant director.~~

~~(3) If the change is approved by the assistant director and on federal aid roads by the Federal Highway Administration, new deeds shall be prepared and executed and all maps corrected.~~

~~(4) The property owner shall pay for all costs involved in closing or modifying an existing access opening.~~

**R933-3-7. New Access Openings.**

~~(1) Only in cases where significant public benefit will result will new access openings be granted. Access rights are purchased and are considered an asset, the same as purchased property, and can be disposed of the same as real property. Any additional access will not be considered if not in compliance with this rule.~~

~~(2) The request shall be submitted by the property owner or public agency in writing to the department, detail as to public benefit and other justifications.~~

~~(3) Before granting an opening, safety and other operational features shall be investigated by the region director and the engineer for safety and a written report and recommendations made.~~

~~(4) If the access opening is granted, the appreciation of the private property involved shall be determined by an appraisal from the Right of Way Division.~~

~~(5) Based on the findings, the executive director of transportation shall make a decision on the request. On federal-aid roads, concurrence of the Federal Highway Administration shall be obtained if the access opening is recommended by the executive director of transportation.~~

~~(6) If the access opening is approved and is to serve private property, the property owner shall pay the department for property appreciation, resulting from the department's relinquishment of the access, as determined by the executive director and the Federal Highway Administration.~~

~~(7) On the federal-aid roads the property owner shall also pay all costs for construction of gates, approaches and any other incidental construction costs involved.~~

~~(8) The deed shall be executed describing the access opening and all maps and plans shall be revised. This procedure applies to roads constructed with federal-aid funds, which will remain on a federal-aid system and be transferred to local authorities.~~

~~(9) Requests for modification of access control shall be forwarded with recommendations to the Utah Department of Transportation by the local authority.~~

**R933-3-8. Document Responsibility.**

~~(1) The Right of Way Section shall prepare submittals, documents and maps to the Federal Highway Administration. The deeds shall be prepared by the region. The Right of Way Division will be responsible for all plan corrections.~~

~~(2) Federal Highway Administration's approval is required if construction of the road was a federal-aid project though the right of way was nonparticipating.~~

**R933-3-9. Enforcement of Access Control.**

~~(1) Highways with limited access control should be marked by the department with public property plates on fences at sufficient intervals to clearly indicate to maintenance personnel the limits of access control.~~

~~(2) The station foreman shall be responsible for surveillance of these sections of fence as to any activity in modifying existing access openings or construction of new openings. Any modifications to an access opening shall be immediately reported to the region director. The region director shall designate personnel to contact the property owner and require the owner to repair, remove or replace any fence damaged and also remove any roadway approach material placed.~~

**KEY: limited access highways**

**Date of Enactment or Last Substantive Amendment: September 24, 2012**

**Notice of Continuation: November 14, 2011**

**Authorizing, and Implemented or Interpreted Law: 72-1-102; 72-1-201; 27-12-114; 72-7-102]**

**End of the Notices of Proposed Rules Section**



## NOTICES OF CHANGES IN PROPOSED RULES

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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 December 2, 2013.

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 March 1, 2014, 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.

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**The Changes in Proposed Rules Begin on the Following Page**

**Environmental Quality, Air Quality**  
**R307-350**  
**Miscellaneous Metal Parts and**  
**Products Coatings**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 37830  
 FILED: 10/02/2013

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, the Division of Air Quality received comments pointing out that military contractors also have to meet military technical data orders and that the rule did not clearly exempt military contractors from the requirements of the rule.

SUMMARY OF THE RULE OR CHANGE: Subsection R307-350-3(1)(h) is amended to add to the exemption Department of Defense contractors. The compliance schedule for the rule is changed to 01/01/2014. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the August 1, 2013, issue of the Utah State Bulletin, on page 24. 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: Because none of the changes to the rule affect the state, there are no anticipated costs or saving to the state budget.
- ◆ LOCAL GOVERNMENTS: Because none of the changes to the rule affect local government, there are no anticipated costs or savings to local government.
- ◆ SMALL BUSINESSES: Department of Defense contractors are generally businesses that employ more than 50 persons; therefore, the changes to the rule should not have any affect on the costs or savings to small businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: As the changes to this rule affect Department of Defense contractors, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no added compliance costs added to this rule. In fact, this

rulemaking will mitigate potential compliance costs for affected persons, as it adds a new exemption to the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rulemaking will mitigate the fiscal impact of the rule on Department of Defense contractors, as it exempts them from the requirements of the rule.

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

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2013

AUTHORIZED BY: Bryce Bird, Director

**R307. Environmental Quality, Air Quality.**

**R307-350. Miscellaneous Metal Parts and Products Coatings.**

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**R307-350-3. Exemptions.**

- (1) The requirements of R307-350 do not apply to the following:
- (a) The surface coating of automobiles and light-duty trucks;
  - (b) Flat metal sheets and strips in the form of rolls or coils;
  - (c) Surface coating of aerospace vehicles and components;
  - (d) Automobile refinishing;
  - (e) The exterior of marine vessels;
  - (f) Customized top coating of automobiles and trucks if production is less than 35 vehicles per day;
  - (g) Military munitions manufactured by or for the Armed Forces of the United States;
  - (h) Operations that are exclusively covered by Department of Defense military technical data and performed by a Department of Defense contractor and/or on site at installations owned and and[-]/or operated by the United States Armed Forces; or
    - (i) Stripping of cured coatings and adhesives.
- (2) The requirements of R307-350-5 do not apply to the following:
- (a) Stencil coatings;
  - (b) Safety-indicating coatings;
  - (c) Solid-film lubricants;
  - (d) Electric-insulating and thermal-conducting coatings;
  - (e) Magnetic data storage disk coatings; or



- (f) Plastic extruded onto metal parts to form a coating.
- (3) The requirements of R307-350-6 do not apply to the following:
  - (a) Touch-up coatings;
  - (b) Repair coatings; or
  - (c) Textured finishes.

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**R307-350-9. Compliance Schedule.**

~~[(1)-]~~All sources ~~[within Davis and Salt Lake counties-]~~ shall be in compliance with the requirements of R307-350 by ~~[September 1, 2013]~~January 1, 2014.

~~[----- (2) All sources in Box Elder, Cache, Tooele, Utah and Weber counties shall be in compliance with R307-350 by January 1, 2014.~~

**KEY: air pollution, emission controls, coatings, miscellaneous metal parts**

**Date of Enactment or Last Substantive Amendment: 2013**  
**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)**

(a)

**End of the Notices of Changes in Proposed Rules Section**



# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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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.

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## Education, Administration **R277-494**

### Charter School and Online Student Participation in Extracurricular or Co- curricular School Activities

#### **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 38041  
FILED: 10/04/2013

#### **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 (Board) to adopt rules in accordance with its responsibilities. Subsection 53A-1a-519(6)(a) directs the Board to make rules establishing fees for a charter school student's participation in extracurricular or co-curricular activities at school district schools. Subsection 53A-2-214(6) directs the Board to make rules establishing fees for an online student's participation in extracurricular or co-curricular activities at school district 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 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 charter school and

online school students to participate in extracurricular and co-curricular activities, and state law requires the Board to establish rules. 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](mailto:carol.lear@schools.utah.gov)

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

EFFECTIVE: 10/04/2013

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## Environmental Quality, Radiation Control **R313-21** General Licenses

#### **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 38039  
FILED: 10/04/2013

#### **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 19-1-106 created the

Radiation Control Board (Board) within the Department of Environmental Quality. Subsection 19-3-104(4) authorizes the Board to make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard. Section 19-3-108 allows the Director, as authorized by the Board, to issue licenses, review and approve plans, enforce rules, and authorize employees or representatives to inspect and investigate conditions and records concerning radiation sources.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: A review of the department's files, relating to Rule R313-21, determined that no comments have been submitted supporting or opposing 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: It is necessary to continue this rule because it establishes general licenses for the possession and use of radioactive material contained in certain items and a general license for ownership of radioactive materials. No opposing comments have been received.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 RADIATION CONTROL  
 THIRD FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Mike Givens by phone at 801-536-0278, by FAX at 801-533-4097, or by Internet E-mail at mgivens@utah.gov

AUTHORIZED BY: Rusty Lundberg, Director

EFFECTIVE: 10/04/2013

**Environmental Quality, Radiation  
 Control  
 R313-30  
 Therapeutic Radiation Machines**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 38040  
 FILED: 10/04/2013

**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 19-1-106 created the Radiation Control Board (Board) within the Department of Environmental Quality. Subsection 19-3-104(4) provides that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This rule has not been controversial. There have been a few amendments since the date the rule was enacted and since the last five-year review. With respect to the last amendment, no comments were submitted. The Division of Radiation Control Director has recommended to the Board that this rule be continued.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Board has determined that there is a need to write rules to control the use of radiation sources that constitute a significant health hazard. This rule specifies the regulatory requirements for radiation originating from Therapeutic Radiation Machines, such as a linear accelerator. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 RADIATION CONTROL  
 THIRD FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Craig Jones by phone at 801-536-4264, by FAX at 801-533-4097, or by Internet E-mail at cwjones@utah.gov

AUTHORIZED BY: Rusty Lundberg, Director

EFFECTIVE: 10/04/2013

**Environmental Quality, Radiation  
 Control  
 R313-38  
 Licenses and Radiation Safety  
 Requirements for Well Logging**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 38043  
FILED: 10/07/2013

**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 19-1-106 created the Radiation Control Board (Board) within the Department of Environmental Quality. Subsection 19-3-104(4) provides that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments since the last five-year review. The Division of Radiation Control Director has recommended to the Board that this rule be continued.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Radiation Control Board has determined that there is a need to write rules to control the use of radiation sources that constitute a significant health hazard. This rule specifies the regulatory requirements for radiation sources used in Well Logging operations. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
RADIATION CONTROL  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Spencer Wickham by phone at 801-536-0082, by FAX at 801-533-4097, or by Internet E-mail at [swickham@utah.gov](mailto:swickham@utah.gov)

AUTHORIZED BY: Rusty Lundberg, Director

EFFECTIVE: 10/07/2013

Financial Institutions, Administration  
**R331-25**

**Rule Governing Debt Cancellation and  
Debt Suspension Agreements Issued  
by Depository Institutions, Who Are  
Under the Jurisdiction of the  
Department of Financial Institutions**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 38060  
FILED: 10/11/2013

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 7-1-324(2) authorizes any member of a class of depository institution that is subject to the jurisdiction of the department to issue a debt cancellation or a debt suspension agreement pursuant to a rule issued by the commissioner.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No supporting or opposing written comments have been received by the agency concerning this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule regulates depository institutions authorized to issue a debt cancellation or a debt suspension agreement and should be continued.

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

FINANCIAL INSTITUTIONS  
ADMINISTRATIONROOM 201  
324 S STATE ST  
SALT LAKE CITY, UT 84111-2393  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at [pallred@utah.gov](mailto:pallred@utah.gov)

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 10/11/2013



## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

### Commerce

#### Real Estate

No. 37865 (AMD): R162-2g. Real Estate Appraiser

Licensing and Certification Administrative Rules

Published: 08/15/2013

Effective: 10/09/2013

### Education

#### Administration

No. 37920 (AMD): R277-410-3. Accreditation of Public

Schools

Published: 09/01/2013

Effective: 10/08/2013

No. 37921 (NEW): R277-412. State Capitol Visit Program

Published: 09/01/2013

Effective: 10/08/2013

No. 37922 (AMD): R277-425. Budgeting, Accounting, and Auditing for Utah Local Education Agencies (LEAs)

Published: 09/01/2013

Effective: 10/08/2013

No. 37923 (AMD): R277-470. Charter Schools - General Provisions

Published: 09/01/2013

Effective: 10/08/2013

No. 37924 (AMD): R277-481. Charter School Oversight, Monitoring and Appeals

Published: 09/01/2013

Effective: 10/08/2013

No. 37925 (AMD): R277-482. Charter School Timelines and Approval Processes

Published: 09/01/2013

Effective: 10/08/2013

No. 37926 (AMD): R277-492. Utah Science Technology and Research Initiative (USTAR) Centers Program

Published: 09/01/2013

Effective: 10/08/2013

No. 37927 (AMD): R277-609. Standards for School District, School and Charter School Discipline Plans

Published: 09/01/2013

Effective: 10/08/2013

No. 37928 (AMD): R277-613. School District and Charter School Bullying and Hazing Policies and Training

Published: 09/01/2013

Effective: 10/08/2013

No. 37929 (NEW): R277-620. Suicide Prevention Programs

Published: 09/01/2013

Effective: 10/08/2013

No. 37930 (AMD): R277-750-3. Standards and Procedures

Published: 09/01/2013

Effective: 10/08/2013

### Environmental Quality

#### Air Quality

No. 37831 (AMD): R307-401-7. Public Notice

Published: 08/01/2013

Effective: 10/03/2013

#### Drinking Water

No. 37795 (AMD): R309-105. Administration: General

Responsibilities of Public Water Systems

Published: 07/15/2013

Effective: 10/12/2013

No. 37796 (AMD): R309-400. Water System Rating Criteria

Published: 07/15/2013

Effective: 10/12/2013

No. 37797 (AMD): R309-405. Compliance and Enforcement: Administrative Penalty

Published: 07/15/2013

Effective: 10/12/2013

NOTICES OF RULE EFFECTIVE DATES

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Radiation Control  
No. 37867 (AMD): R313-28-80. Intraoral Dental Radiographic Systems  
Published: 08/15/2013  
Effective: 10/15/2013

Health  
Family Health and Preparedness, Children with Special Health Care Needs  
No. 37899 (NEW): R398-3. Children's Hearing Aid Pilot Program  
Published: 09/01/2013  
Effective: 10/15/2013

Health Care Financing  
No. 37906 (AMD): R410-14. Administrative Hearing Procedures  
Published: 09/01/2013  
Effective: 10/08/2013

Health Care Financing, Coverage and Reimbursement Policy  
No. 37898 (AMD): R414-2A-6. Service Coverage  
Published: 09/01/2013  
Effective: 10/11/2013

Human Services  
Services for People with Disabilities  
No. 37919 (REP): R539-15. Time-Limited Respite Care Program  
Published: 09/01/2013  
Effective: 10/10/2013

**End of the Notices of Rule Effective Dates Section**



**RULES INDEX  
BY AGENCY (CODE NUMBER)  
AND  
BY KEYWORD (SUBJECT)**

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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, 2013 through October 15, 2013. 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/>).

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## 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 |
|---|--|-------------|--------|----------------|---------------------|
| <b>ADMINISTRATIVE SERVICES</b>                |  |             |        |                |                     |
| <u>Administration</u>                         |  |             |        |                |                     |
| R13-1   | Public Petitions for Declaratory Orders  | 37839       | 5YR    | 07/11/2013     | 2013-15/123         |
| <u>Archives</u>                               |  |             |        |                |                     |
| R17-5   | Definitions for Rules in Title R17   | 37653       | 5YR    | 05/17/2013     | 2013-12/49          |
| R17-6   | Records Storage and Disposal at the State Records Center   | 37654       | 5YR    | 05/17/2013     | 2013-12/49          |
| R17-7   | Archival Records Care and Access at the State Archives   | 37659       | 5YR    | 05/28/2013     | 2013-12/50          |
| R17-7   | Archival Records Care and Access at the State Archives   | 37658       | AMD    | 08/15/2013     | 2013-12/8           |
| R17-8   | Application of Microfilm Standards   | 37655       | 5YR    | 05/17/2013     | 2013-12/50          |
| <u>Facilities Construction and Management</u> |  |             |        |                |                     |
| R23-13  | State of Utah Parking Rules for Facilities Managed by the Division of Facilities and Construction and Management | 37357       | 5YR    | 02/20/2013     | 2013-6/49           |
| R23-22  | General Procedures for Acquisition and Selling of Real Property  | 37358       | 5YR    | 02/20/2013     | 2013-6/49           |
| R23-30  | State Facility Energy Efficiency Fund  | 37845       | 5YR    | 07/15/2013     | 2013-15/123         |
| R23-30  | State Facility Energy Efficiency Fund  | 37848       | AMD    | 09/10/2013     | 2013-15/8           |
| <u>Finance</u>                                |  |             |        |                |                     |
| R25-5   | Payment of Per Diem to Boards  | 37521       | 5YR    | 04/15/2013     | 2013-9/29           |
| R25-5   | Payment of Per Diem to Boards  | 37558       | AMD    | 06/21/2013     | 2013-10/6           |
| R25-6   | Relocation Reimbursement   | 37522       | 5YR    | 04/15/2013     | 2013-9/29           |
| R25-7   | Travel-Related Reimbursements for State Employees  | 37523       | 5YR    | 04/15/2013     | 2013-9/30           |
| R25-7   | Travel-Related Reimbursements for State Employees  | 37556       | AMD    | 06/21/2013     | 2013-10/7           |
| R25-8   | Overtime Meal Allowance  | 37524       | 5YR    | 04/15/2013     | 2013-9/30           |
| R25-8   | Overtime Meal Allowance  | 37557       | AMD    | 06/21/2013     | 2013-10/12          |
| <u>Fleet Operations</u>                       |  |             |        |                |                     |
| R27-3   | Vehicle Use Standards  | 36949       | AMD    | 03/07/2013     | 2012-22/11          |
| R27-3-5                                       | Personal Use Standards   | 37392       | AMD    | 06/07/2013     | 2013-7/4            |
| <u>Purchasing and General Services</u>        |  |             |        |                |                     |
| R33-3-3                                       | Small Purchases  | 37633       | EMR    | 05/15/2013     | 2013-11/81          |
| R33-11  | Surplus Property   | 37937       | EMR    | 08/23/2013     | 2013-18/53          |
| <u>Records Committee</u>                      |  |             |        |                |                     |
| R35-1-3                                       | Issuing the Committee Decision and Order   | 37773       | AMD    | 08/30/2013     | 2013-14/8           |

AGRICULTURE AND FOOD

Animal Industry

|        |  |       |     |            |            |
|--------|--|-------|-----|------------|------------|
| R58-1  | Admission and Inspection of Livestock, Poultry and Other Animals | 37811 | AMD | 08/21/2013 | 2013-14/9  |
| R58-6  | Poultry  | 37248 | R&R | 03/25/2013 | 2013-4/6   |
| R58-18 | Elk Farming  | 37246 | AMD | 03/25/2013 | 2013-4/12  |
| R58-18 | Elk Farming  | 37850 | AMD | 09/10/2013 | 2013-15/15 |
| R58-19 | Compliance Procedures  | 37247 | AMD | 03/25/2013 | 2013-4/13  |
| R58-21 | Trichomoniasis   | 36962 | AMD | 01/04/2013 | 2012-22/16 |

Conservation and Resource Management

|       |   |       |     |            |             |
|-------|---|-------|-----|------------|-------------|
| R64-1 | Agriculture Resource Development Loans (ARDL)             | 37701 | NSC | 09/30/2013 | Not Printed |
| R64-2 | Utah Conservation Commission Proposed Electronic Meetings | 37698 | 5YR | 06/04/2013 | 2013-13/229 |
| R64-2 | Utah Conservation Commission Electronic Proposed Meetings | 37680 | AMD | 08/21/2013 | 2013-13/2   |

Horse Racing Commission (Utah)

|       |              |       |     |            |            |
|-------|--------------|-------|-----|------------|------------|
| R52-7 | Horse Racing | 37420 | EMR | 03/20/2013 | 2013-8/47  |
| R52-7 | Horse Racing | 37860 | EMR | 07/18/2013 | 2013-16/61 |

Plant Industry

|        |  |       |     |            |             |
|--------|--|-------|-----|------------|-------------|
| R68-1  | Utah Bee Inspection Act Governing Inspection of Bees           | 37631 | NSC | 06/07/2013 | Not Printed |
| R68-2  | Utah Commercial Feed Act Governing Feed.                       | 37632 | NSC | 06/07/2013 | Not Printed |
| R68-5  | Grain Inspection   | 37249 | 5YR | 02/05/2013 | 2013-5/189  |
| R68-9  | Utah Noxious Weed Act  | 37700 | 5YR | 06/06/2013 | 2013-13/229 |
| R68-14 | Quarantine Pertaining to Gypsy Moth - Lymantria Dispar         | 37445 | 5YR | 03/27/2013 | 2013-8/53   |
| R68-16 | Quarantine Pertaining to Pine Shoot Beetle, Tomiscus piniperda | 37669 | 5YR | 05/30/2013 | 2013-12/51  |

Regulatory Services

|            |                            |       |     |            |            |
|------------|----------------------------|-------|-----|------------|------------|
| R70-310    | Grade A Pasteurized Milk   | 37027 | AMD | 01/29/2013 | 2012-23/6  |
| R70-320-18 | Transport Tanks, Operators | 36915 | AMD | 01/29/2013 | 2012-21/8  |
| R70-330    | Raw Milk for Retail        | 36914 | AMD | 01/29/2013 | 2012-21/9  |
| R70-330    | Raw Milk for Retail        | 37620 | EMR | 05/14/2013 | 2013-11/84 |

ALCOHOLIC BEVERAGE CONTROL

Administration

|           |  |       |     |            |             |
|-----------|--|-------|-----|------------|-------------|
| R81-1-31  | Duties of the Commission Subcommittees     | 37611 | EMR | 05/13/2013 | 2013-11/88  |
| R81-1-31  | Duties of Commission Subcommittees         | 37363 | AMD | 06/25/2013 | 2013-6/4    |
| R81-1-31  | Duties of Commission Subcommittees         | 37363 | CPR | 06/25/2013 | 2013-10/206 |
| R81-2-12  | Store Site Selection                       | 37365 | AMD | 04/30/2013 | 2013-6/5    |
| R81-4A-2  | Application                                | 37367 | AMD | 04/30/2013 | 2013-6/5    |
| R81-4A-2  | Application                                | 37615 | AMD | 07/30/2013 | 2013-11/6   |
| R81-4B-2  | Application                                | 37368 | AMD | 04/30/2013 | 2013-6/6    |
| R81-4C    | Limited Restaurant Licenses                | 37834 | 5YR | 07/10/2013 | 2013-15/124 |
| R81-4C-2  | Application                                | 37369 | AMD | 04/30/2013 | 2013-6/7    |
| R81-4C-2  | Application                                | 37616 | AMD | 07/30/2013 | 2013-11/7   |
| R81-4D    | On-Premise Banquet License                 | 37835 | 5YR | 07/11/2013 | 2013-15/125 |
| R81-4D-2  | Application                                | 37370 | AMD | 04/30/2013 | 2013-6/8    |
| R81-4E-2  | Application                                | 37371 | AMD | 04/30/2013 | 2013-6/9    |
| R81-4F-2  | Application                                | 37372 | AMD | 04/30/2013 | 2013-6/10   |
| R81-5-1   | Licensing                                  | 37617 | AMD | 09/24/2013 | 2013-11/8   |
| R81-5-1   | Licensing                                  | 37617 | CPR | 09/24/2013 | 2013-16/54  |
| R81-5-2   | Application                                | 37373 | AMD | 04/30/2013 | 2013-6/11   |
| R81-5-5   | Advertising                                | 37618 | AMD | 07/30/2013 | 2013-11/9   |
| R81-5-18  | Age Verification - Dining and Social Clubs | 37619 | NSC | 06/07/2013 | Not Printed |
| R81-9-1   | Application                                | 37377 | AMD | 04/30/2013 | 2013-6/12   |
| R81-10    | Off-Premise Beer Retailers                 | 37673 | 5YR | 05/31/2013 | 2013-12/51  |
| R81-10A-3 | Application                                | 37374 | AMD | 04/30/2013 | 2013-6/13   |
| R81-10B   | Temporary Beer Event Permits               | 37836 | 5YR | 07/11/2013 | 2013-15/125 |
| R81-10C-2 | Application                                | 37375 | AMD | 04/30/2013 | 2013-6/14   |

RULES INDEX

|           |             |       |     |            |           |
|-----------|-------------|-------|-----|------------|-----------|
| R81-10D-2 | Application | 37376 | AMD | 04/30/2013 | 2013-6/15 |
| R81-11-1  | Application | 37378 | AMD | 04/30/2013 | 2013-6/16 |

CAPITOL PRESERVATION BOARD (STATE)

Administration

|          |  |       |     |            |            |
|----------|--|-------|-----|------------|------------|
| R131-2   | Capitol Hill Complex Facility Use                        | 37064 | AMD | 01/07/2013 | 2012-23/9  |
| R131-2-6 | General Requirements for Use of the Capitol Hill Complex | 37799 | AMD | 08/21/2013 | 2013-14/17 |

CAREER SERVICE REVIEW OFFICE

Administration

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| R137-1 | Grievance Procedure Rules                    | 37607 | AMD | 07/22/2013 | 2013-11/10  |
| R137-2 | Government Records Access and Management Act | 37535 | 5YR | 04/23/2013 | 2013-10/213 |

COMMERCE

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| R152-32a | Pawnshop and Secondhand Merchandise Transaction Information Act Rules | 37897 | 5YR | 08/05/2013 | 2013-17/45 |
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Corporations and Commercial Code

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| R154-100 | Utah Administrative Procedures Act Rules | 38024 | 5YR | 09/26/2013 | 2013-20/49 |
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| R156-1       | General Rule of the Division of Occupational and Professional Licensing                          | 37395 | NSC | 04/01/2013 | Not Printed |
| R156-1       | General Rule of the Division of Occupational and Professional Licensing                          | 37754 | AMD | 08/22/2013 | 2013-14/21  |
| R156-1-102   | Definitions  | 37199 | AMD | 03/11/2013 | 2013-3/2    |
| R156-3a-102  | Definitions  | 37073 | AMD | 01/24/2013 | 2012-24/6   |
| R156-5a      | Podiatric Physician Licensing Act Rule   | 37997 | 5YR | 09/16/2013 | 2013-19/147 |
| R156-11a     | Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rule | 37697 | AMD | 08/08/2013 | 2013-13/3   |
| R156-17b     | Pharmacy Practice Act Rule   | 37707 | AMD | 08/08/2013 | 2013-13/7   |
| R156-22      | Professional Engineers and Professional Land Surveyors Licensing Act Rule                        | 37074 | AMD | 01/24/2013 | 2012-24/7   |
| R156-24b-503 | Physical Therapist Supervisory Authority and Responsibility                                      | 37526 | AMD | 06/10/2013 | 2013-9/2    |
| R156-31b     | Nurse Practice Act Rule  | 37417 | 5YR | 03/18/2013 | 2013-8/53   |
| R156-37      | Utah Controlled Substances Act Rule  | 37040 | AMD | 01/08/2013 | 2012-23/18  |
| R156-37-502  | Unprofessional Conduct   | 37175 | NSC | 01/30/2013 | Not Printed |
| R156-37c     | Utah Controlled Substance Precursor Act Rule   | 37959 | 5YR | 09/03/2013 | 2013-18/61  |
| R156-37f     | Controlled Substance Database Act Rule   | 37039 | NEW | 01/08/2013 | 2012-23/21  |
| R156-44a     | Nurse Midwife Practice Act Rules   | 37071 | AMD | 01/22/2013 | 2012-24/11  |
| R156-49      | Dietitian Certification Act Rule   | 37273 | 5YR | 02/07/2013 | 2013-5/189  |
| R156-53      | Landscape Architects Licensing Act Rule  | 37274 | 5YR | 02/07/2013 | 2013-5/190  |
| R156-55a     | Utah Construction Trades Licensing Act Rule  | 37364 | AMD | 04/22/2013 | 2013-6/17   |
| R156-56-403  | Factory Built Housing Dispute Resolution Program   | 37753 | AMD | 08/22/2013 | 2013-14/27  |
| R156-63a     | Security Personnel Licensing Act Contract Security Rule  | 37974 | 5YR | 09/09/2013 | 2013-19/147 |
| R156-63b     | Security Personnel Licensing Act Armored Car Rule  | 37975 | 5YR | 09/09/2013 | 2013-19/148 |
| R156-67-306  | Exemptions from Licensure  | 37270 | AMD | 04/08/2013 | 2013-5/10   |
| R156-68      | Utah Osteopathic Medical Practice Act Rule   | 37272 | 5YR | 02/07/2013 | 2013-5/191  |
| R156-68-306  | Exemptions from Licensure  | 37271 | AMD | 04/08/2013 | 2013-5/11   |
| R156-69-302b | Qualifications for Licensure - Examination Requirements - Dentist                                | 37706 | AMD | 08/08/2013 | 2013-13/24  |
| R156-70a-304 | Continuing Education   | 37705 | AMD | 08/08/2013 | 2013-13/25  |
| R156-74      | Certified Court Reporters Licensing Act Rule   | 37958 | 5YR | 09/03/2013 | 2013-18/61  |
| R156-75      | Genetic Counselors Licensing Act Rule  | 37533 | AMD | 06/24/2013 | 2013-10/15  |
| R156-82      | Electronic Prescribing Act Rule  | 37202 | NEW | 03/11/2013 | 2013-3/5    |
| R156-82      | Electronic Prescribing Act Rule  | 37396 | NSC | 04/01/2013 | Not Printed |

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| <u>Real Estate</u> |  |       |     |            |             |  |
| R162-2c            | Utah Residential Mortgage Practices and Licensing Rules                | 37678 | AMD | 08/07/2013 | 2013-12/9   |  |
| R162-2e            | Appraisal Management Company Administrative Rules                      | 37677 | AMD | 08/28/2013 | 2013-12/19  |  |
| R162-2f            | Real Estate Licensing and Practices Rules                              | 37393 | AMD | 05/08/2013 | 2013-7/8    |  |
| R162-2f            | Real Estate Licensing and Practices Rules                              | 37530 | AMD | 06/21/2013 | 2013-10/17  |  |
| R162-2f-403        | Trust Accounts   | 37394 | AMD | 05/08/2013 | 2013-7/16   |  |
| R162-2f-403a       | Trust Accounts   | 37664 | NSC | 06/24/2013 | Not Printed |  |
| R162-2g            | Real Estate Appraiser Licensing and Certification Administrative Rules | 36973 | AMD | 01/02/2013 | 2012-22/19  |  |
| R162-2g            | Real Estate Appraiser Licensing and Certification Administrative Rules | 37750 | AMD | 08/21/2013 | 2013-14/28  |  |
| R162-2g            | Real Estate Appraiser Licensing and Certification Administrative Rules | 37865 | AMD | 10/09/2013 | 2013-16/4   |  |
| R162-57a           | Timeshare and Camp Resort Rules  | 37076 | AMD | 04/02/2013 | 2012-24/14  |  |
| <u>Securities</u>  |  |       |     |            |             |  |
| R164-31            | Administrative Fines   | 37660 | 5YR | 05/28/2013 | 2013-12/52  |  |
| R164-31-1          | Guidelines for the Assessment of Administrative Fines                  | 37042 | AMD | 01/08/2013 | 2012-23/26  |  |

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| <u>Administration</u> |  |       |     |            |             |  |
| R251-103              | Undercover Roles of Offenders  | 38032 | 5YR | 09/30/2013 | 2013-20/49  |  |
| R251-105              | Applicant Qualifications for Employment with Department of Corrections | 38030 | 5YR | 09/30/2013 | 2013-20/50  |  |
| R251-111              | Government Records Access and Management                               | 37828 | EXD | 07/09/2013 | 2013-15/137 |  |
| R251-114              | Offender Long-Term Health Care - Notice                                | 37389 | 5YR | 03/07/2013 | 2013-7/61   |  |

CRIME VICTIM REPARATIONS

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| <u>Administration</u> |   |       |     |            |             |  |
| R270-1                | Award and Reparation Standards                    | 37061 | AMD | 01/07/2013 | 2012-23/27  |  |
| R270-1                | Award and Reparation Standards                    | 37166 | NSC | 01/30/2013 | Not Printed |  |
| R270-1                | Award and Reparation Standards                    | 37380 | AMD | 04/22/2013 | 2013-6/25   |  |
| R270-2                | Crime Victim Reparations Adjudicative Proceedings | 37063 | AMD | 01/07/2013 | 2012-23/33  |  |
| R270-2                | Crime Victim Reparations Adjudicative Proceedings | 37167 | NSC | 01/30/2013 | Not Printed |  |

EDUCATION

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| <u>Administration</u> |  |       |     |            |             |  |
| R277-101              | Utah State Board of Education Procedures                                     | 37355 | AMD | 04/22/2013 | 2013-6/26   |  |
| R277-104              | ADA Complaint Procedure  | 37626 | 5YR | 05/15/2013 | 2013-11/97  |  |
| R277-106              | Utah Professional Practices Advisory Commission Appointment Process          | 37966 | 5YR | 09/09/2013 | 2013-19/149 |  |
| R277-113              | LEA Fiscal Policies and Accountability                                       | 37356 | NEW | 04/22/2013 | 2013-6/28   |  |
| R277-113-5            | Required LEA Fiscal Policies   | 37538 | NSC | 05/17/2013 | Not Printed |  |
| R277-403              | Student Reading Proficiency and Notice to Parents                            | 37708 | 5YR | 06/10/2013 | 2013-13/230 |  |
| R277-404              | Requirements for Assessments of Student Achievement                          | 37993 | 5YR | 09/13/2013 | 2013-19/149 |  |
| R277-406              | K-3 Reading Improvement Program and the State Reading Goal                   | 37709 | 5YR | 06/10/2013 | 2013-13/230 |  |
| R277-406              | K-3 Reading Improvement Program and the State Reading Goal                   | 37734 | AMD | 08/07/2013 | 2013-13/26  |  |
| R277-407-2            | Authority and Purpose  | 37755 | NSC | 07/19/2013 | Not Printed |  |
| R277-407-3            | Classes and Activities During the Regular School Day                         | 37735 | AMD | 08/07/2013 | 2013-13/28  |  |
| R277-410-3            | Accreditation of Public Schools  | 37920 | AMD | 10/08/2013 | 2013-17/4   |  |
| R277-411              | School District Sponsored School Seminars on Youth Protection-Related Issues | 37634 | NEW | 07/08/2013 | 2013-11/16  |  |
| R277-412              | State Capitol Visit Program  | 37921 | NEW | 10/08/2013 | 2013-17/4   |  |

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| R277-425   | Budgeting, Accounting, and Auditing for Utah Local Education Agencies (LEAs)   | 37884 | 5YR | 08/02/2013 | 2013-17/45  |
| R277-425   | Budgeting, Accounting, and Auditing for Utah Local Education Agencies (LEAs)   | 37922 | AMD | 10/08/2013 | 2013-17/6   |
| R277-436   | Gang Prevention and Intervention Programs in the Schools   | 37627 | 5YR | 05/15/2013 | 2013-11/97  |
| R277-445-2 | Authority and Purpose  | 37756 | NSC | 07/19/2013 | Not Printed |
| R277-445-3 | Standards  | 37278 | AMD | 04/08/2013 | 2013-5/13   |
| R277-445-3 | Standards  | 37737 | AMD | 08/07/2013 | 2013-13/30  |
| R277-460   | Distribution of Substance Abuse Prevention Account   | 37628 | 5YR | 05/15/2013 | 2013-11/98  |
| R277-460-6 | Evaluation and Reports   | 37419 | NSC | 04/15/2013 | Not Printed |
| R277-469   | Instructional Materials Commission Operating Procedures  | 37494 | 5YR | 04/08/2013 | 2013-9/31   |
| R277-469   | Instructional Materials Commission Operating Procedures  | 37509 | AMD | 06/07/2013 | 2013-9/3    |
| R277-470   | Charter Schools - General Provisions   | 37885 | 5YR | 08/02/2013 | 2013-17/46  |
| R277-470   | Charter Schools - General Provisions   | 37923 | AMD | 10/08/2013 | 2013-17/7   |
| R277-477   | Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program | 37710 | 5YR | 06/10/2013 | 2013-13/231 |
| R277-477   | Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program | 37738 | R&R | 08/07/2013 | 2013-13/32  |
| R277-481   | Charter School Oversight, Monitoring and Appeals   | 37886 | 5YR | 08/02/2013 | 2013-17/46  |
| R277-481   | Charter School Oversight, Monitoring and Appeals   | 37924 | AMD | 10/08/2013 | 2013-17/10  |
| R277-482   | Charter School Timelines and Approval Processes  | 37887 | 5YR | 08/02/2013 | 2013-17/47  |
| R277-482   | Charter School Timelines and Approval Processes  | 37925 | AMD | 10/08/2013 | 2013-17/13  |
| R277-483   | Persistently Dangerous Schools   | 37495 | 5YR | 04/08/2013 | 2013-9/31   |
| R277-484   | Data Standards   | 37145 | AMD | 02/21/2013 | 2013-2/4    |
| R277-484   | Data Standards   | 37739 | AMD | 08/07/2013 | 2013-13/39  |
| R277-485   | Loss of Enrollment   | 37496 | 5YR | 04/08/2013 | 2013-9/32   |
| R277-487   | Public School Student Confidentiality  | 37144 | AMD | 02/21/2013 | 2013-2/7    |
| R277-487   | Public School Data Confidentiality and Disclosure  | 37740 | AMD | 08/07/2013 | 2013-13/43  |
| R277-489   | Early Intervention Program   | 37741 | AMD | 08/07/2013 | 2013-13/46  |
| R277-490   | Beverley Taylor Sorenson Elementary Arts Learning Program  | 37711 | 5YR | 06/10/2013 | 2013-13/231 |
| R277-490   | Beverley Taylor Sorenson Elementary Arts Learning Program  | 37742 | AMD | 08/07/2013 | 2013-13/48  |
| R277-491   | School Community Councils  | 37629 | 5YR | 05/15/2013 | 2013-11/98  |
| R277-491   | School Community Councils  | 37636 | R&R | 07/08/2013 | 2013-11/17  |
| R277-492   | Utah Science Technology and Research Initiative (USTAR) Centers Program  | 37888 | 5YR | 08/02/2013 | 2013-17/47  |
| R277-492   | Utah Science Technology and Research Initiative (USTAR) Centers Program  | 37926 | AMD | 10/08/2013 | 2013-17/17  |
| R277-494   | Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities                                      | 38041 | 5YR | 10/04/2013 | Not Printed |
| R277-498   | Grant for Math Teaching Training   | 37279 | NEW | 04/08/2013 | 2013-5/14   |
| R277-498-4 | Criteria for Awarding Grants   | 37507 | NSC | 04/29/2013 | Not Printed |
| R277-502   | Educator Licensing and Data Retention  | 37058 | AMD | 01/07/2013 | 2012-23/34  |
| R277-502   | Educator Licensing and Data Retention  | 37146 | AMD | 02/21/2013 | 2013-2/10   |
| R277-508   | Employment of Substitute Teachers  | 37497 | 5YR | 04/08/2013 | 2013-9/32   |
| R277-508   | Employment of Substitute Teachers  | 37510 | AMD | 06/07/2013 | 2013-9/8    |
| R277-509   | Licensure of Student Teachers and Interns  | 37059 | AMD | 01/07/2013 | 2012-23/39  |
| R277-517   | Board and UPPAC Disciplinary Definitions and Actions   | 37147 | NEW | 02/21/2013 | 2013-2/15   |
| R277-517-5 | Board Disciplinary Actions   | 37359 | NSC | 03/15/2013 | Not Printed |

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| R277-518   | Career and Technical Education Licenses   | 37399 | 5YR | 03/12/2013 | 2013-7/61   |
| R277-525   | Special Educator Stipends   | 37712 | 5YR | 06/10/2013 | 2013-13/232 |
| R277-526   | Paraeducator to Teacher Scholarship Program   | 37889 | 5YR | 08/02/2013 | 2013-17/48  |
| R277-531-3 | Public Educator Evaluation Framework  | 37537 | AMD | 06/24/2013 | 2013-10/26  |
| R277-532   | Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees) | 37280 | NEW | 04/08/2013 | 2013-5/16   |
| R277-600   | Student Transportation Standards and Procedures   | 37400 | 5YR | 03/12/2013 | 2013-7/62   |
| R277-600   | Student Transportation Standards and Procedures   | 37413 | AMD | 05/16/2013 | 2013-7/20   |
| R277-602   | Special Needs Scholarships - Funding and Procedures   | 37713 | 5YR | 06/10/2013 | 2013-13/232 |
| R277-602   | Special Needs Scholarships - Funding and Procedures   | 37743 | AMD | 08/07/2013 | 2013-13/51  |
| R277-605   | Coaching Standards and Athletic Clinics   | 37401 | 5YR | 03/12/2013 | 2013-7/62   |
| R277-606   | Grants to Purchase or Retrofit Clean School Buses   | 37744 | REP | 08/07/2013 | 2013-13/55  |
| R277-609   | Standards for School District, School and Charter School Discipline Plans                             | 37890 | 5YR | 08/02/2013 | 2013-17/48  |
| R277-609   | Standards for School District, School and Charter School Discipline Plans                             | 37927 | AMD | 10/08/2013 | 2013-17/20  |
| R277-610   | Released-Time Classes   | 37402 | 5YR | 03/12/2013 | 2013-7/63   |
| R277-610   | Released-Time Classes   | 37414 | AMD | 05/16/2013 | 2013-7/24   |
| R277-613   | School District and Charter School Bullying and Hazing Policies and Training                          | 37891 | 5YR | 08/02/2013 | 2013-17/49  |
| R277-613   | School District and Charter School Bullying and Hazing Policies and Training                          | 37928 | AMD | 10/08/2013 | 2013-17/23  |
| R277-614   | Athletes and Students with Head Injuries  | 37630 | 5YR | 05/15/2013 | 2013-11/99  |
| R277-614   | Athletes and Students with Head Injuries  | 37635 | AMD | 07/08/2013 | 2013-11/23  |
| R277-617   | Smart School Technology Program   | 37714 | 5YR | 06/10/2013 | 2013-13/233 |
| R277-617   | Smart School Technology Program   | 37745 | AMD | 08/07/2013 | 2013-13/56  |
| R277-619   | Student Leadership Skills Development   | 37746 | NEW | 08/07/2013 | 2013-13/58  |
| R277-620   | Suicide Prevention Programs   | 37929 | NEW | 10/08/2013 | 2013-17/26  |
| R277-700   | The Elementary and Secondary School Core Curriculum   | 37403 | 5YR | 03/12/2013 | 2013-7/63   |
| R277-702   | Procedures for the Utah High School Completion Diploma (Effective on July 1, 2009)                    | 37404 | 5YR | 03/12/2013 | 2013-7/64   |
| R277-702   | Procedures for the Utah High School Completion Diploma (Effective on July 1, 2009)                    | 37415 | AMD | 05/16/2013 | 2013-7/26   |
| R277-705   | Secondary School Completion and Diplomas  | 37994 | 5YR | 09/13/2013 | 2013-19/150 |
| R277-709   | Education Programs Serving Youth in Custody   | 37405 | 5YR | 03/12/2013 | 2013-7/64   |
| R277-709-3 | Student Evaluation, Education Plans, and LEA Programs   | 37244 | NSC | 02/15/2013 | Not Printed |
| R277-713   | Concurrent Enrollment of High School Students in College Courses                                      | 37808 | AMD | 08/26/2013 | 2013-14/34  |
| R277-719   | Standards for Selling Foods Outside of the Reimbursable Meal in Schools                               | 37406 | 5YR | 03/12/2013 | 2013-7/65   |
| R277-746   | Driver Education Programs for Utah Schools  | 37498 | 5YR | 04/08/2013 | 2013-9/33   |
| R277-750-3 | Standards and Procedures  | 37930 | AMD | 10/08/2013 | 2013-17/28  |
| R277-751   | Special Education Extended School Year (ESY)  | 37499 | 5YR | 04/08/2013 | 2013-9/33   |
| R277-751   | Special Education Extended School Year (ESY)  | 37511 | AMD | 06/07/2013 | 2013-9/10   |

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| R280-200 | Rehabilitation | 37512 | AMD | 06/07/2013 | 2013-9/12 |

ENVIRONMENTAL QUALITY

Administration

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| R305-4 | Clean Fuels and Vehicle Technology Fund Grant and Loan Program | 37847 | 5YR | 07/15/2013 | 2013-15/126 |
| R305-6 | Administrative Procedures                                      | 36554 | REP | 01/31/2013 | 2012-16/28  |
| R305-6 | Administrative Procedures                                      | 36554 | CPR | 01/31/2013 | 2013-1/32   |

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| R305-7             | Administrative Procedures  | 36553 | CPR | 01/31/2013 | 2013-1/32   |
| R305-9             | Recusal of a Board Member for Conflict of Interest   | 36776 | NEW | 02/22/2013 | 2012-19/28  |
| R305-9             | Recusal of a Board Member for Conflict of Interest   | 36776 | CPR | 02/22/2013 | 2013-2/94   |
| <u>Air Quality</u> |  |       |     |            |             |
| R307-101-2         | Definitions  | 36723 | AMD | 02/01/2013 | 2012-19/29  |
| R307-101-2         | Definitions  | 36723 | CPR | 02/01/2013 | 2013-1/38   |
| R307-101-2         | Definitions  | 37702 | NSC | 07/09/2013 | Not Printed |
| R307-101-3         | Version of Code of Federal Regulations Incorporated by Reference   | 37582 | AMD | 08/08/2013 | 2013-11/24  |
| R307-102           | General Requirements: Broadly Applicable Requirements  | 37261 | 5YR | 02/06/2013 | 2013-5/191  |
| R307-107           | General Requirements: Breakdowns   | 37902 | 5YR | 08/08/2013 | 2013-17/49  |
| R307-115           | General Conformity   | 37260 | 5YR | 02/06/2013 | 2013-5/192  |
| R307-123           | General Requirements: Clean Fuels and Vehicle Technology Grant and Loan Program                            | 37901 | 5YR | 08/08/2013 | 2013-17/50  |
| R307-170           | Continuous Emission Monitoring Program   | 37259 | 5YR | 02/06/2013 | 2013-5/192  |
| R307-208           | Outdoor Wood Boiler Prohibition  | 36481 | NEW | 04/10/2013 | 2012-15/12  |
| R307-208           | Outdoor Wood Boiler Prohibition  | 36481 | CPR | 04/10/2013 | 2012-23/56  |
| R307-208           | Outdoor Wood Boilers   | 36481 | CPR | 04/10/2013 | 2013-5/184  |
| R307-214           | National Emission Standards for Hazardous Air Pollutants   | 37703 | AMD | 09/12/2013 | 2013-13/60  |
| R307-220           | Emission Standards: Plan for Designated Facilities   | 37258 | 5YR | 02/06/2013 | 2013-5/193  |
| R307-221           | Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills                         | 37257 | 5YR | 02/06/2013 | 2013-5/194  |
| R307-222           | Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste                          | 37256 | 5YR | 02/06/2013 | 2013-5/194  |
| R307-223           | Emission Standards: Existing Small Municipal Waste Combustion Units  | 37255 | 5YR | 02/06/2013 | 2013-5/195  |
| R307-224           | Mercury Emission Standards: Coal-Fired Electric Generating Units   | 37254 | 5YR | 02/06/2013 | 2013-5/195  |
| R307-250           | Western Backstop Sulfur Dioxide Trading Program  | 37253 | 5YR | 02/06/2013 | 2013-5/196  |
| R307-303           | Commercial Cooking   | 36480 | NEW | 04/10/2013 | 2012-15/13  |
| R307-303           | Commercial Cooking   | 36480 | CPR | 04/10/2013 | 2012-23/60  |
| R307-303           | Commercial Cooking   | 36480 | CPR | 04/10/2013 | 2013-5/186  |
| R307-307           | Davis, Salt Lake, and Utah Counties: Road Salting and Sanding  | 36741 | AMD | 02/01/2013 | 2012-19/42  |
| R307-307           | Davis, Salt Lake, and Utah Counties: Road Salting and Sanding  | 36741 | CPR | 02/01/2013 | 2013-1/45   |
| R307-307           | Road Salting and Sanding   | 37234 | NSC | 02/15/2013 | Not Printed |
| R307-312           | Aggregate Processing Operations for PM2.5 Nonattainment Areas  | 36740 | NEW | 02/01/2013 | 2012-19/45  |
| R307-312           | Aggregate Processing Operations for PM2.5 Nonattainment Areas  | 36740 | CPR | 02/01/2013 | 2013-1/47   |
| R307-340           | Ozone Nonattainment and Maintenance Areas: Surface Coating Processes                                       | 36725 | REP | 02/01/2013 | 2012-19/49  |
| R307-340           | Ozone Nonattainment and Maintenance Areas: Surface Coating Processes                                       | 36725 | CPR | 02/01/2013 | 2013-1/48   |
| R307-342           | Adhesives and Sealants   | 37275 | NEW | 08/01/2013 | 2013-5/17   |
| R307-342           | Adhesives and Sealants   | 37275 | CPR | 08/01/2013 | 2013-13/208 |
| R307-343           | Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture Manufacturing Operations | 36738 | AMD | 05/01/2013 | 2012-19/56  |
| R307-343           | Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture Manufacturing Operations | 36738 | CPR | 05/01/2013 | 2013-1/49   |
| R307-343           | Emissions Standards for Wood Furniture Manufacturing Operations  | 36738 | CPR | 05/01/2013 | 2013-7/44   |
| R307-344           | Paper, Film, and Foil Coatings   | 36726 | NEW | 02/01/2013 | 2012-19/65  |
| R307-344           | Paper, Film, and Foil Coatings   | 36726 | CPR | 02/01/2013 | 2013-1/52   |
| R307-345           | Fabric and Vinyl Coatings  | 36727 | NEW | 02/01/2013 | 2012-19/67  |
| R307-345           | Fabric and Vinyl Coatings  | 36727 | CPR | 02/01/2013 | 2013-1/54   |



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| R307-346              | Metal Furniture Surface Coatings   | 36728 | CPR | 02/01/2013 | 2013-1/57   |
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| R307-349              | Flat Wood Panel Coatings   | 36731 | CPR | 02/01/2013 | 2013-1/63   |
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| R805-2 | Government Records Access and Management Act Procedures      | 37824 | 5YR | 07/08/2013 | 2013-15/134 |

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| R810-2-1  | Parking Meters                               | 37092 | AMD | 03/21/2013 | 2013-1/14 |
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| R861-1A-12 | Policies and Procedures Regarding Public Disclosure Pursuant to Utah Code Ann. Sections 41-3-209, 59-1-210, 59-1-403, and 59-1-405 | 36991 | AMD | 01/10/2013 | 2012-22/144 |
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| R907-64   | Longitudinal and Wireless Access to Interstate System Rights-of-Way for Installation of Telecommunication Facilities                | 37951 | 5YR | 09/03/2013 | 2013-18/64  |
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| R986-100-118a                            | Improper Access of Public Assistance Benefits                             | 37541 | AMD | 06/27/2013 | 2013-10/200 |  |
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| R994-202                                 | Employing Units   | 37543 | 5YR | 04/25/2013 | 2013-10/218 |  |
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| R994-508-307                             | Withdrawal of Appeal to the Board   | 37876 | AMD | 09/25/2013 | 2013-16/51  |  |

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### ABBREVIATIONS

|                                |                                  |
|--------------------------------|----------------------------------|
| AMD = Amendment                | NSC = Nonsubstantive rule change |
| CPR = Change in proposed rule  | REP = Repeal                     |
| EMR = Emergency rule (120 day) | R&R = Repeal and reenact         |
| NEW = New rule                 | 5YR = Five-Year Review           |
| EXD = Expired                  |                                  |

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|  | 37362          | R317-15           | CPR    | 08/19/2013        | 2013-14/101            |
| <u>access</u>  |                |                   |        |                   |                        |
| Environmental Quality, Drinking Water  | 37732          | R309-545          | NSC    | 07/09/2013        | Not Printed            |
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| Administrative Services, Archives  | 37653          | R17-5             | 5YR    | 05/17/2013        | 2013-12/49             |
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|  | 37658          | R17-7             | AMD    | 08/15/2013        | 2013-12/8              |
|  | 37655          | R17-8             | 5YR    | 05/17/2013        | 2013-12/50             |
| <u>access to records</u>   |                |                   |        |                   |                        |
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|  | 36554          | R305-6            | CPR    | 01/31/2013        | 2013-1/32              |
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|  | 36553          | R305-7            | CPR    | 01/31/2013        | 2013-1/32              |
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| Environmental Quality, Radiation Control   | 37192          | R313-17           | AMD    | 03/19/2013        | 2013-3/40              |
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| Environmental Quality, Drinking Water                           | 37781 | R309-100     | NSC | 07/19/2013 | Not Printed |
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| Labor Commission, Industrial Accidents                          | 37129 | R612-1       | REP | 02/25/2013 | 2013-2/28   |
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|  | 37236 | R307-401-15 | NSC | 02/15/2013 | Not Printed |
|  | 37268 | R307-401-19 | AMD | 07/01/2013 | 2013-5/36   |
|  | 37268 | R307-401-19 | CPR | 07/01/2013 | 2013-11/72  |
|  | 37269 | R307-401-20 | AMD | 07/01/2013 | 2013-5/36   |
|  | 37269 | R307-401-20 | CPR | 07/01/2013 | 2013-11/72  |
|  | 37265 | R307-420    | AMD | 07/01/2013 | 2013-5/43   |
|  | 37265 | R307-420    | CPR | 07/01/2013 | 2013-11/78  |
|  | 37252 | R307-801    | 5YR | 02/06/2013 | 2013-5/197  |
| <u>air quality</u>                         |       |             |     |            |             |
| Environmental Quality, Air Quality         | 37263 | R307-403-1  | AMD | 07/01/2013 | 2013-5/37   |
|  | 37263 | R307-403-1  | CPR | 07/01/2013 | 2013-11/73  |
|  | 37264 | R307-403-2  | AMD | 07/01/2013 | 2013-5/39   |
|  | 37264 | R307-403-2  | CPR | 07/01/2013 | 2013-11/74  |
|  | 37266 | R307-403-10 | AMD | 07/01/2013 | 2013-5/42   |
|  | 37266 | R307-403-10 | CPR | 07/01/2013 | 2013-11/77  |
|  | 37267 | R307-403-11 | AMD | 07/01/2013 | 2013-5/43   |
|  | 37267 | R307-403-11 | CPR | 07/01/2013 | 2013-11/77  |
| <u>air travel</u>                          |       |             |     |            |             |
| Administrative Services, Finance           | 37523 | R25-7       | 5YR | 04/15/2013 | 2013-9/30   |
|  | 37556 | R25-7       | AMD | 06/21/2013 | 2013-10/7   |
| <u>airports of regional significance</u>   |       |             |     |            |             |
| Transportation Commission, Administration  | 37956 | R940-4      | 5YR | 09/03/2013 | 2013-18/66  |
| <u>alcoholic beverages</u>                 |       |             |     |            |             |
| Alcoholic Beverage Control, Administration | 37611 | R81-1-31    | EMR | 05/13/2013 | 2013-11/88  |
|  | 37363 | R81-1-31    | AMD | 06/25/2013 | 2013-6/4    |
|  | 37363 | R81-1-31    | CPR | 06/25/2013 | 2013-10/206 |
|  | 37365 | R81-2-12    | AMD | 04/30/2013 | 2013-6/5    |
|  | 37367 | R81-4A-2    | AMD | 04/30/2013 | 2013-6/5    |
|  | 37615 | R81-4A-2    | AMD | 07/30/2013 | 2013-11/6   |
|  | 37368 | R81-4B-2    | AMD | 04/30/2013 | 2013-6/6    |
|  | 37834 | R81-4C      | 5YR | 07/10/2013 | 2013-15/124 |
|  | 37369 | R81-4C-2    | AMD | 04/30/2013 | 2013-6/7    |
|  | 37616 | R81-4C-2    | AMD | 07/30/2013 | 2013-11/7   |
|  | 37835 | R81-4D      | 5YR | 07/11/2013 | 2013-15/125 |
|  | 37370 | R81-4D-2    | AMD | 04/30/2013 | 2013-6/8    |
|  | 37371 | R81-4E-2    | AMD | 04/30/2013 | 2013-6/9    |
|  | 37372 | R81-4F-2    | AMD | 04/30/2013 | 2013-6/10   |
|  | 37617 | R81-5-1     | AMD | 09/24/2013 | 2013-11/8   |
|  | 37617 | R81-5-1     | CPR | 09/24/2013 | 2013-16/54  |
|  | 37373 | R81-5-2     | AMD | 04/30/2013 | 2013-6/11   |
|  | 37618 | R81-5-5     | AMD | 07/30/2013 | 2013-11/9   |
|  | 37619 | R81-5-18    | NSC | 06/07/2013 | Not Printed |
|  | 37377 | R81-9-1     | AMD | 04/30/2013 | 2013-6/12   |
|  | 37673 | R81-10      | 5YR | 05/31/2013 | 2013-12/51  |
|  | 37374 | R81-10A-3   | AMD | 04/30/2013 | 2013-6/13   |
|  | 37836 | R81-10B     | 5YR | 07/11/2013 | 2013-15/125 |
|  | 37375 | R81-10C-2   | AMD | 04/30/2013 | 2013-6/14   |
|  | 37376 | R81-10D-2   | AMD | 04/30/2013 | 2013-6/15   |
|  | 37378 | R81-11-1    | AMD | 04/30/2013 | 2013-6/16   |
| <u>allegations</u>                         |       |             |     |            |             |
| Pardons (Board Of), Administration         | 37347 | R671-514    | 5YR | 02/15/2013 | 2013-5/214  |
|  | 37460 | R671-514    | AMD | 05/22/2013 | 2013-8/29   |
| <u>allowance</u>                           |       |             |     |            |             |
| Administrative Services, Finance           | 37524 | R25-8       | 5YR | 04/15/2013 | 2013-9/30   |

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|   | 37557 | R25-8        | AMD | 06/21/2013 | 2013-10/12  |
| <u>alternative energy</u>   |       |              |     |            |             |
| Governor, Economic Development  | 37207 | R357-9       | AMD | 05/01/2013 | 2013-4/16   |
| <u>alternative fuels</u>  |       |              |     |            |             |
| Environmental Quality, Administration   | 37847 | R305-4       | 5YR | 07/15/2013 | 2013-15/126 |
| Environmental Quality, Air Quality  | 37901 | R307-123     | 5YR | 08/08/2013 | 2013-17/50  |
| <u>alternative wastewater systems</u>   |       |              |     |            |             |
| Environmental Quality, Water Quality  | 37575 | R317-4       | R&R | 09/01/2013 | 2013-10/27  |
| <u>amendments</u>   |       |              |     |            |             |
| Health, Center for Health Data, Vital Records and Statistics                    | 37424 | R436-3       | 5YR | 03/21/2013 | 2013-8/57   |
| <u>amphibians</u>   |       |              |     |            |             |
| Natural Resources, Wildlife Resources   | 37667 | R657-53      | 5YR | 05/30/2013 | 2013-12/57  |
| <u>animal protection</u>  |       |              |     |            |             |
| Natural Resources, Wildlife Resources   | 37384 | R657-3       | 5YR | 03/05/2013 | 2013-7/67   |
| <u>animals</u>  |       |              |     |            |             |
| Health, Disease Control and Prevention, Laboratory Services                     | 37842 | R438-13      | 5YR | 07/12/2013 | 2013-15/126 |
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| Insurance, Administration   | 37515 | R590-93      | AMD | 06/11/2013 | 2013-9/12   |
| <u>antipoverty programs</u>   |       |              |     |            |             |
| Workforce Services, Housing and Community Development                           | 37542 | R990-101     | AMD | 07/01/2013 | 2013-10/201 |
| <u>appeals</u>  |       |              |     |            |             |
| Education, Administration   | 37886 | R277-481     | 5YR | 08/02/2013 | 2013-17/46  |
|   | 37924 | R277-481     | AMD | 10/08/2013 | 2013-17/10  |
| Professional Practices Advisory Commission, Administration                      | 37863 | R686-104     | NSC | 09/10/2013 | Not Printed |
| <u>appellate procedures</u>   |       |              |     |            |             |
| Administrative Services, Administration   | 37839 | R13-1        | 5YR | 07/11/2013 | 2013-15/123 |
| Crime Victim Reparations, Administration  | 37063 | R270-2       | AMD | 01/07/2013 | 2012-23/33  |
|   | 37167 | R270-2       | NSC | 01/30/2013 | Not Printed |
| Workforce Services, Unemployment Insurance                                      | 37649 | R994-508     | 5YR | 05/16/2013 | 2013-12/61  |
|   | 37670 | R994-508-102 | AMD | 08/01/2013 | 2013-12/39  |
|   | 37876 | R994-508-307 | AMD | 09/25/2013 | 2013-16/51  |
| <u>applications</u>   |       |              |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy                | 37215 | R414-302     | 5YR | 01/23/2013 | 2013-4/53   |
|   | 37223 | R414-308     | 5YR | 01/23/2013 | 2013-4/55   |
|   | 37881 | R414-308-4   | AMD | 10/01/2013 | 2013-16/15  |
| Natural Resources, Water Rights   | 37388 | R655-5       | 5YR | 03/07/2013 | 2013-7/66   |
| <u>applied behavioral analysis (ABA)</u>  |       |              |     |            |             |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 37809 | R398-15      | AMD | 08/27/2013 | 2013-14/70  |
| <u>appointment to office</u>  |       |              |     |            |             |
| Health, Center for Health Data, Vital Records and Statistics                    | 37418 | R436-1       | 5YR | 03/19/2013 | 2013-8/55   |
| <u>appraisal management company</u>   |       |              |     |            |             |
| Commerce, Real Estate   | 37677 | R162-2e      | AMD | 08/28/2013 | 2013-12/19  |
| <u>appraisals</u>   |       |              |     |            |             |
| Tax Commission, Property Tax  | 37109 | R884-24P-67  | AMD | 02/21/2013 | 2013-1/22   |

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|---|-------|-------------|-----|------------|-------------|
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| Environmental Quality, Air Quality  | 37831 | R307-401-7  | AMD | 10/03/2013 | 2013-15/27  |
|   | 37037 | R307-401-15 | AMD | 02/07/2013 | 2012-23/40  |
|   | 37236 | R307-401-15 | NSC | 02/15/2013 | Not Printed |
|   | 37268 | R307-401-19 | AMD | 07/01/2013 | 2013-5/36   |
|   | 37268 | R307-401-19 | CPR | 07/01/2013 | 2013-11/72  |
|   | 37269 | R307-401-20 | AMD | 07/01/2013 | 2013-5/36   |
|   | 37269 | R307-401-20 | CPR | 07/01/2013 | 2013-11/72  |
| <u>aquaculture</u>  |       |             |     |            |             |
| Natural Resources, Wildlife Resources   | 37895 | R657-59     | 5YR | 08/05/2013 | 2013-17/59  |
| <u>architects</u>   |       |             |     |            |             |
| Commerce, Occupational and Professional Licensing                               | 37073 | R156-3a-102 | AMD | 01/24/2013 | 2012-24/6   |
| <u>armored car company</u>  |       |             |     |            |             |
| Commerce, Occupational and Professional Licensing                               | 37975 | R156-63b    | 5YR | 09/09/2013 | 2013-19/148 |
| <u>armored car security officers</u>  |       |             |     |            |             |
| Commerce, Occupational and Professional Licensing                               | 37975 | R156-63b    | 5YR | 09/09/2013 | 2013-19/148 |
| <u>arts program</u>   |       |             |     |            |             |
| Education, Administration   | 37711 | R277-490    | 5YR | 06/10/2013 | 2013-13/231 |
|   | 37742 | R277-490    | AMD | 08/07/2013 | 2013-13/48  |
| <u>asbestos</u>   |       |             |     |            |             |
| Environmental Quality, Air Quality  | 37252 | R307-801    | 5YR | 02/06/2013 | 2013-5/197  |
| <u>asbestos hazard emergency response</u>                                       |       |             |     |            |             |
| Environmental Quality, Air Quality  | 37252 | R307-801    | 5YR | 02/06/2013 | 2013-5/197  |
| <u>asphalt</u>  |       |             |     |            |             |
| Environmental Quality, Air Quality  | 36740 | R307-312    | NEW | 02/01/2013 | 2012-19/45  |
|   | 36740 | R307-312    | CPR | 02/01/2013 | 2013-1/47   |
| <u>assessment</u>   |       |             |     |            |             |
| Education, Administration   | 37993 | R277-404    | 5YR | 09/13/2013 | 2013-19/149 |
| <u>assurance organization designation</u>                                       |       |             |     |            |             |
| Insurance, Administration   | 37907 | R590-250    | 5YR | 08/09/2013 | 2013-17/56  |
| <u>athletes</u>   |       |             |     |            |             |
| Education, Administration   | 37630 | R277-614    | 5YR | 05/15/2013 | 2013-11/99  |
|   | 37635 | R277-614    | AMD | 07/08/2013 | 2013-11/23  |
| <u>audit committee</u>  |       |             |     |            |             |
| Education, Administration   | 37356 | R277-113    | NEW | 04/22/2013 | 2013-6/28   |
|   | 37538 | R277-113-5  | NSC | 05/17/2013 | Not Printed |
| <u>autism spectrum disorders</u>  |       |             |     |            |             |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 37809 | R398-15     | AMD | 08/27/2013 | 2013-14/70  |
| <u>autism treatment</u>   |       |             |     |            |             |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 37809 | R398-15     | AMD | 08/27/2013 | 2013-14/70  |
| <u>automatic fire sprinklers</u>  |       |             |     |            |             |
| Public Safety, Fire Marshal   | 37443 | R710-5      | 5YR | 03/25/2013 | 2013-8/67   |
| <u>automotive refinishing</u>   |       |             |     |            |             |
| Environmental Quality, Air Quality  | 36736 | R307-354    | NEW | 02/01/2013 | 2012-19/88  |
|   | 36736 | R307-354    | CPR | 02/01/2013 | 2013-1/79   |

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background checks

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| Human Services, Substance Abuse and Mental Health, State Hospital | 37214 | R525-5 | 5YR | 01/23/2013 | 2013-4/57   |
|   | 37970 | R525-5 | NSC | 09/30/2013 | Not Printed |

background screening

|  |       |          |     |            |            |
|--|-------|----------|-----|------------|------------|
| Health, Family Health and Preparedness, Child Care Licensing | 37774 | R430-6-3 | AMD | 09/01/2013 | 2013-14/71 |
| Health, Family Health and Preparedness, Licensing            | 37441 | R432-35  | 5YR | 03/25/2013 | 2013-8/55  |

bail bond enforcement agent

|  |       |          |     |            |            |
|--|-------|----------|-----|------------|------------|
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37605 | R722-310 | AMD | 07/08/2013 | 2013-11/55 |
|--|-------|----------|-----|------------|------------|

bail bond recovery agent

|  |       |          |     |            |            |
|--|-------|----------|-----|------------|------------|
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37605 | R722-310 | AMD | 07/08/2013 | 2013-11/55 |
|--|-------|----------|-----|------------|------------|

bail bond recovery apprentice

|  |       |          |     |            |            |
|--|-------|----------|-----|------------|------------|
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37605 | R722-310 | AMD | 07/08/2013 | 2013-11/55 |
|--|-------|----------|-----|------------|------------|

beam limitation

|  |       |            |     |            |             |
|--|-------|------------|-----|------------|-------------|
| Environmental Quality, Radiation Control | 37183 | R313-28    | NSC | 01/31/2013 | Not Printed |
|  | 37867 | R313-28-80 | AMD | 10/15/2013 | 2013-16/6   |

beekeeping

|                                      |       |       |     |            |             |
|--------------------------------------|-------|-------|-----|------------|-------------|
| Agriculture and Food, Plant Industry | 37631 | R68-1 | NSC | 06/07/2013 | Not Printed |
|--------------------------------------|-------|-------|-----|------------|-------------|

benefits

|  |       |        |     |            |           |
|--|-------|--------|-----|------------|-----------|
| Labor Commission, Industrial Accidents | 37131 | R612-3 | REP | 02/25/2013 | 2013-2/43 |
|--|-------|--------|-----|------------|-----------|

bicycles

|  |       |        |     |            |            |
|--|-------|--------|-----|------------|------------|
| Regents (Board Of), University of Utah, Administration | 37407 | R805-1 | 5YR | 03/12/2013 | 2013-7/69  |
|  | 37770 | R805-1 | AMD | 08/21/2013 | 2013-14/85 |

big game

|                                       |       |         |     |            |            |
|---------------------------------------|-------|---------|-----|------------|------------|
| Natural Resources, Wildlife Resources | 37643 | R657-44 | AMD | 07/22/2013 | 2013-12/31 |
|---------------------------------------|-------|---------|-----|------------|------------|

birds

|                                       |       |         |     |            |             |
|---------------------------------------|-------|---------|-----|------------|-------------|
| Natural Resources, Wildlife Resources | 37233 | R657-20 | AMD | 04/23/2013 | 2013-4/26   |
|                                       | 37534 | R657-20 | NSC | 05/17/2013 | Not Printed |

board meetings

|                                       |       |        |     |            |           |
|---------------------------------------|-------|--------|-----|------------|-----------|
| Environmental Quality, Administration | 37360 | R305-2 | 5YR | 02/25/2013 | 2013-6/50 |
|---------------------------------------|-------|--------|-----|------------|-----------|

board member recusal

|                                       |       |        |     |            |            |
|---------------------------------------|-------|--------|-----|------------|------------|
| Environmental Quality, Administration | 36776 | R305-9 | NEW | 02/22/2013 | 2012-19/28 |
|                                       | 36776 | R305-9 | CPR | 02/22/2013 | 2013-2/94  |

boards

|                                  |       |       |     |            |           |
|----------------------------------|-------|-------|-----|------------|-----------|
| Administrative Services, Finance | 37521 | R25-5 | 5YR | 04/15/2013 | 2013-9/29 |
|                                  | 37558 | R25-5 | AMD | 06/21/2013 | 2013-10/6 |

boating

|   |       |            |     |            |            |
|---|-------|------------|-----|------------|------------|
| Natural Resources, Parks and Recreation | 37601 | R651-204   | AMD | 07/08/2013 | 2013-11/36 |
|   | 37602 | R651-214   | AMD | 07/08/2013 | 2013-11/37 |
|   | 37603 | R651-216-8 | AMD | 07/08/2013 | 2013-11/39 |
|   | 37242 | R651-224   | AMD | 04/12/2013 | 2013-4/22  |

boxing

|   |       |        |     |            |            |
|---|-------|--------|-----|------------|------------|
| Governor, Economic Development, Pete Suazo Utah Athletic Commission | 37672 | R359-1 | AMD | 09/13/2013 | 2013-12/21 |
|---|-------|--------|-----|------------|------------|

brachytherapy

|  |       |         |     |            |             |
|--|-------|---------|-----|------------|-------------|
| Environmental Quality, Radiation Control | 37184 | R313-32 | NSC | 01/31/2013 | Not Printed |
|--|-------|---------|-----|------------|-------------|



|  |       |             |     |            |             |  |
|--|-------|-------------|-----|------------|-------------|--|
| <u>breaks</u>  |       |             |     |            |             |  |
| Human Resource Management, Administration  | 37567 | R477-8      | AMD | 07/01/2013 | 2013-10/167 |  |
| <u>broad scope</u>   |       |             |     |            |             |  |
| Environmental Quality, Radiation Control   | 37195 | R313-22     | AMD | 03/19/2013 | 2013-3/56   |  |
| <u>broadband</u>   |       |             |     |            |             |  |
| Governor, Economic Development   | 37206 | R357-2      | EXT | 01/16/2013 | 2013-4/63   |  |
|  | 37204 | R357-2      | REP | 05/01/2013 | 2013-3/96   |  |
| <u>budgeting</u>   |       |             |     |            |             |  |
| Health, Health Care Financing, Coverage and Reimbursement Policy                       | 37217 | R414-304    | 5YR | 01/23/2013 | 2013-4/54   |  |
| <u>building inspections</u>  |       |             |     |            |             |  |
| Commerce, Occupational and Professional Licensing                                      | 37753 | R156-56-403 | AMD | 08/22/2013 | 2013-14/27  |  |
| <u>building inspectors</u>   |       |             |     |            |             |  |
| Commerce, Occupational and Professional Licensing                                      | 37753 | R156-56-403 | AMD | 08/22/2013 | 2013-14/27  |  |
| <u>bulls</u>   |       |             |     |            |             |  |
| Agriculture and Food, Animal Industry  | 36962 | R58-21      | AMD | 01/04/2013 | 2012-22/16  |  |
| <u>bullying</u>  |       |             |     |            |             |  |
| Education, Administration  | 37891 | R277-613    | 5YR | 08/02/2013 | 2013-17/49  |  |
|  | 37928 | R277-613    | AMD | 10/08/2013 | 2013-17/23  |  |
| <u>camp resort</u>   |       |             |     |            |             |  |
| Commerce, Real Estate  | 37076 | R162-57a    | AMD | 04/02/2013 | 2012-24/14  |  |
| <u>capacity development</u>  |       |             |     |            |             |  |
| Environmental Quality, Drinking Water  | 37747 | R309-800    | NSC | 07/09/2013 | Not Printed |  |
| <u>capital punishment</u>  |       |             |     |            |             |  |
| Pardons (Board Of), Administration   | 37341 | R671-312    | 5YR | 02/15/2013 | 2013-5/212  |  |
|  | 37438 | R671-312    | AMD | 05/22/2013 | 2013-8/15   |  |
|  | 37439 | R671-312A   | NEW | 05/22/2013 | 2013-8/18   |  |
|  | 37440 | R671-312B   | NEW | 05/22/2013 | 2013-8/20   |  |
| <u>career and technical education</u>  |       |             |     |            |             |  |
| Education, Administration  | 37399 | R277-518    | 5YR | 03/12/2013 | 2013-7/61   |  |
| <u>career development courses</u>  |       |             |     |            |             |  |
| Public Safety, Peace Officer Standards and Training                                    | 37805 | R728-501    | 5YR | 06/28/2013 | 2013-14/118 |  |
| <u>case management</u>   |       |             |     |            |             |  |
| Health, Health Care Financing, Coverage and Reimbursement Policy                       | 37391 | R414-6      | 5YR | 03/08/2013 | 2013-7/65   |  |
| <u>cattle</u>  |       |             |     |            |             |  |
| Agriculture and Food, Animal Industry  | 36962 | R58-21      | AMD | 01/04/2013 | 2012-22/16  |  |
| <u>certificate of registration</u>   |       |             |     |            |             |  |
| Natural Resources, Wildlife Resources  | 37595 | R657-45     | 5YR | 05/06/2013 | 2013-11/105 |  |
|  | 37716 | R657-65     | NEW | 08/08/2013 | 2013-13/195 |  |
| <u>certificate of removal</u>  |       |             |     |            |             |  |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37232 | R722-360    | NEW | 03/25/2013 | 2013-4/46   |  |
| <u>certification</u>   |       |             |     |            |             |  |
| Environmental Quality, Water Quality   | 37812 | R317-11     | AMD | 09/01/2013 | 2013-14/54  |  |
| Labor Commission, Boiler and Elevator Safety   | 37493 | R616-1      | 5YR | 04/05/2013 | 2013-9/38   |  |
|  | 37520 | R616-1      | NSC | 04/29/2013 | Not Printed |  |

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| Transportation, Motor Carrier | 37844 | R909-19   | AMD | 09/10/2013 | 2013-15/115 |
|                               | 37624 | R909-19-7 | EMR | 05/14/2013 | 2013-11/93  |

certified court reporter

|   |       |         |     |            |            |
|---|-------|---------|-----|------------|------------|
| Commerce, Occupational and Professional Licensing | 37958 | R156-74 | 5YR | 09/03/2013 | 2013-18/61 |
|---|-------|---------|-----|------------|------------|

certified nurse midwife

|   |       |          |     |            |            |
|---|-------|----------|-----|------------|------------|
| Commerce, Occupational and Professional Licensing | 37071 | R156-44a | AMD | 01/22/2013 | 2012-24/11 |
|---|-------|----------|-----|------------|------------|

charbroilers

|                                    |       |          |     |            |            |
|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 36480 | R307-303 | NEW | 04/10/2013 | 2012-15/13 |
|                                    | 36480 | R307-303 | CPR | 04/10/2013 | 2012-23/60 |
|                                    | 36480 | R307-303 | CPR | 04/10/2013 | 2013-5/186 |

charter schools

|                           |       |          |     |            |            |
|---------------------------|-------|----------|-----|------------|------------|
| Education, Administration | 37885 | R277-470 | 5YR | 08/02/2013 | 2013-17/46 |
|                           | 37923 | R277-470 | AMD | 10/08/2013 | 2013-17/7  |
|                           | 37886 | R277-481 | 5YR | 08/02/2013 | 2013-17/46 |
|                           | 37924 | R277-481 | AMD | 10/08/2013 | 2013-17/10 |

child abuse

|   |       |          |     |            |            |
|---|-------|----------|-----|------------|------------|
| Human Services, Child and Family Services | 37502 | R512-200 | 5YR | 04/08/2013 | 2013-9/35  |
|   | 37503 | R512-201 | 5YR | 04/08/2013 | 2013-9/36  |
|   | 37504 | R512-202 | 5YR | 04/08/2013 | 2013-9/36  |
|   | 37639 | R512-300 | 5YR | 05/16/2013 | 2013-12/55 |
|   | 37640 | R512-301 | 5YR | 05/16/2013 | 2013-12/55 |

child care

|  |       |              |     |            |             |
|--|-------|--------------|-----|------------|-------------|
| Health, Family Health and Preparedness, Child Care Licensing | 37778 | R430-70-7    | AMD | 09/01/2013 | 2013-14/76  |
| Workforce Services, Employment Development                   | 37780 | R430-100-7   | AMD | 09/01/2013 | 2013-14/79  |
|  | 37025 | R986-700-710 | AMD | 01/02/2013 | 2012-22/146 |

child care centers

|  |       |            |     |            |            |
|--|-------|------------|-----|------------|------------|
| Health, Family Health and Preparedness, Child Care Licensing | 37778 | R430-70-7  | AMD | 09/01/2013 | 2013-14/76 |
|  | 37780 | R430-100-7 | AMD | 09/01/2013 | 2013-14/79 |

child care facilities

|  |       |            |     |            |            |
|--|-------|------------|-----|------------|------------|
| Health, Family Health and Preparedness, Child Care Licensing | 37774 | R430-6-3   | AMD | 09/01/2013 | 2013-14/71 |
|  | 37661 | R430-50    | 5YR | 05/29/2013 | 2013-12/53 |
|  | 37775 | R430-50-7  | AMD | 09/01/2013 | 2013-14/73 |
|  | 37662 | R430-60    | 5YR | 05/29/2013 | 2013-12/54 |
|  | 37777 | R430-60-7  | AMD | 09/01/2013 | 2013-14/74 |
|  | 37778 | R430-70-7  | AMD | 09/01/2013 | 2013-14/76 |
|  | 37663 | R430-90    | 5YR | 05/29/2013 | 2013-12/54 |
|  | 37779 | R430-90-7  | AMD | 09/01/2013 | 2013-14/77 |
|  | 37780 | R430-100-7 | AMD | 09/01/2013 | 2013-14/79 |

child support

|                                   |       |          |     |            |             |
|-----------------------------------|-------|----------|-----|------------|-------------|
| Human Services, Administration    | 37983 | R495-879 | 5YR | 09/10/2013 | 2013-19/150 |
| Human Services, Recovery Services | 37229 | R527-38  | AMD | 03/25/2013 | 2013-4/20   |
|                                   | 37164 | R527-39  | 5YR | 01/02/2013 | 2013-3/110  |
|                                   | 37165 | R527-56  | 5YR | 01/02/2013 | 2013-3/110  |
|                                   | 37113 | R527-258 | AMD | 02/22/2013 | 2013-2/20   |
|                                   | 37303 | R527-260 | 5YR | 02/14/2013 | 2013-5/210  |
|                                   | 37304 | R527-301 | 5YR | 02/14/2013 | 2013-5/211  |
|                                   | 37231 | R527-302 | 5YR | 01/28/2013 | 2013-4/59   |
|                                   | 37168 | R527-305 | 5YR | 01/03/2013 | 2013-3/111  |
|                                   | 37169 | R527-430 | 5YR | 01/03/2013 | 2013-3/111  |
|                                   | 37506 | R527-475 | 5YR | 04/08/2013 | 2013-9/37   |
|                                   | 37550 | R527-920 | 5YR | 04/29/2013 | 2013-10/214 |

child welfare

|   |       |         |     |            |            |
|---|-------|---------|-----|------------|------------|
| Human Services, Child and Family Services | 37645 | R512-41 | AMD | 07/22/2013 | 2013-12/24 |
|---|-------|---------|-----|------------|------------|

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|--|-------|------------|-----|------------|-------------|
|  | 37527 | R512-52    | REP | 06/21/2013 | 2013-10/182 |
|  | 37501 | R512-100   | 5YR | 04/08/2013 | 2013-9/35   |
|  | 37502 | R512-200   | 5YR | 04/08/2013 | 2013-9/35   |
|  | 37503 | R512-201   | 5YR | 04/08/2013 | 2013-9/36   |
|  | 37504 | R512-202   | 5YR | 04/08/2013 | 2013-9/36   |
|  | 37639 | R512-300   | 5YR | 05/16/2013 | 2013-12/55  |
|  | 37640 | R512-301   | 5YR | 05/16/2013 | 2013-12/55  |
|  | 37641 | R512-302   | 5YR | 05/16/2013 | 2013-12/56  |
|  | 37646 | R512-302   | AMD | 07/22/2013 | 2013-12/27  |
|  | 37642 | R512-305   | 5YR | 05/16/2013 | 2013-12/56  |
|  | 37931 | R512-309   | 5YR | 08/15/2013 | 2013-17/54  |
|  | 37505 | R512-500   | 5YR | 04/08/2013 | 2013-9/37   |
| <u>children's health benefits</u>                                |       |            |     |            |             |
| Health, Children's Health Insurance Program                      | 37608 | R382-1     | 5YR | 05/08/2013 | 2013-11/100 |
|  | 37610 | R382-10    | 5YR | 05/09/2013 | 2013-11/100 |
|  | 37879 | R382-10    | AMD | 10/01/2013 | 2013-16/10  |
| <u>chronically ill</u>   |       |            |     |            |             |
| Corrections, Administration                                      | 37389 | R251-114   | 5YR | 03/07/2013 | 2013-7/61   |
| <u>civil rights</u>  |       |            |     |            |             |
| Natural Resources, Administration                                | 37219 | R634-1     | 5YR | 01/23/2013 | 2013-4/59   |
| <u>Clean Water Act</u>   |       |            |     |            |             |
| Environmental Quality, Water Quality                             | 37362 | R317-15    | NEW | 08/19/2013 | 2013-6/44   |
|  | 37362 | R317-15    | CPR | 08/19/2013 | 2013-14/101 |
| <u>cleanup standards</u>   |       |            |     |            |             |
| Environmental Quality, Water Quality                             | 37854 | R317-6     | AMD | 09/24/2013 | 2013-15/85  |
| <u>client rights</u>   |       |            |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37221 | R414-301   | 5YR | 01/23/2013 | 2013-4/52   |
|  | 37880 | R414-301   | AMD | 10/01/2013 | 2013-16/11  |
| <u>co-curricular</u>   |       |            |     |            |             |
| Education, Administration  | 38041 | R277-494   | 5YR | 10/04/2013 | Not Printed |
| <u>coal mines</u>  |       |            |     |            |             |
| Natural Resources, Oil, Gas and Mining; Coal                     | 37473 | R645-101   | 5YR | 04/02/2013 | 2013-9/39   |
|  | 37466 | R645-102   | 5YR | 04/01/2013 | 2013-8/64   |
|  | 37474 | R645-104   | 5YR | 04/02/2013 | 2013-9/40   |
|  | 37475 | R645-401   | 5YR | 04/02/2013 | 2013-9/40   |
| <u>coatings</u>  |       |            |     |            |             |
| Environmental Quality, Air Quality                               | 36738 | R307-343   | AMD | 05/01/2013 | 2012-19/56  |
|  | 36738 | R307-343   | CPR | 05/01/2013 | 2013-1/49   |
|  | 36738 | R307-343   | CPR | 05/01/2013 | 2013-7/44   |
|  | 36731 | R307-349   | NEW | 02/01/2013 | 2012-19/74  |
|  | 36731 | R307-349   | CPR | 02/01/2013 | 2013-1/63   |
|  | 36732 | R307-350   | NEW | 02/01/2013 | 2012-19/76  |
|  | 36732 | R307-350   | CPR | 02/01/2013 | 2013-1/65   |
|  | 36735 | R307-353   | NEW | 05/01/2013 | 2012-19/86  |
|  | 36735 | R307-353   | CPR | 05/01/2013 | 2013-1/75   |
|  | 36735 | R307-353   | CPR | 05/01/2013 | 2013-7/46   |
|  | 36736 | R307-354   | NEW | 02/01/2013 | 2012-19/88  |
|  | 36736 | R307-354   | CPR | 02/01/2013 | 2013-1/79   |
|  | 36737 | R307-355   | CPR | 02/01/2013 | 2013-1/82   |
|  | 37237 | R307-355-5 | NSC | 02/15/2013 | Not Printed |
| <u>coil coatings</u>   |       |            |     |            |             |
| Environmental Quality, Air Quality                               | 36734 | R307-352   | NEW | 02/01/2013 | 2012-19/84  |
|  | 36734 | R307-352   | CPR | 02/01/2013 | 2013-1/73   |
| <u>colleges</u>  |       |            |     |            |             |
| Regents (Board Of), Administration                               | 37553 | R765-555   | 5YR | 04/29/2013 | 2013-10/217 |

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| <u>comment</u>   |       |           |     |            |             |
| Environmental Quality, Radiation Control   | 37192 | R313-17   | AMD | 03/19/2013 | 2013-3/40   |
| <u>commercial cooking</u>  |       |           |     |            |             |
| Environmental Quality, Air Quality   | 36480 | R307-303  | NEW | 04/10/2013 | 2012-15/13  |
|  | 36480 | R307-303  | CPR | 04/10/2013 | 2012-23/60  |
|  | 36480 | R307-303  | CPR | 04/10/2013 | 2013-5/186  |
| <u>commercial motor vehicle insurance</u>  |       |           |     |            |             |
| Insurance, Administration  | 37172 | R590-243  | 5YR | 01/07/2013 | 2013-3/113  |
| <u>commercialization revenues</u>  |       |           |     |            |             |
| Science Technology and Research Governing Auth., Administration                        | 37964 | R856-2    | NSC | 09/30/2013 | Not Printed |
| <u>communicable diseases</u>   |       |           |     |            |             |
| Health, Disease Control and Prevention, Epidemiology                                   | 37345 | R386-702  | AMD | 05/15/2013 | 2013-5/173  |
| <u>community action programs</u>   |       |           |     |            |             |
| Workforce Services, Housing and Community Development                                  | 37542 | R990-101  | AMD | 07/01/2013 | 2013-10/201 |
| <u>commutation</u>   |       |           |     |            |             |
| Pardons (Board Of), Administration   | 37439 | R671-312A | NEW | 05/22/2013 | 2013-8/18   |
|  | 37440 | R671-312B | NEW | 05/22/2013 | 2013-8/20   |
| <u>complaints</u>  |       |           |     |            |             |
| Education, Administration  | 37626 | R277-104  | 5YR | 05/15/2013 | 2013-11/97  |
| Human Services, Substance Abuse and Mental Health, State Hospital                      | 37213 | R525-7    | 5YR | 01/23/2013 | 2013-4/58   |
|  | 37972 | R525-7    | NSC | 09/30/2013 | Not Printed |
| Public Service Commission, Administration  | 37868 | R746-500  | 5YR | 07/31/2013 | 2013-16/69  |
| <u>compliance determinations</u>   |       |           |     |            |             |
| Environmental Quality, Drinking Water  | 37786 | R309-205  | NSC | 07/19/2013 | Not Printed |
|  | 37784 | R309-210  | NSC | 07/19/2013 | Not Printed |
|  | 37788 | R309-215  | NSC | 07/19/2013 | Not Printed |
| <u>concealed firearm permit instructors</u>  |       |           |     |            |             |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37606 | R722-300  | AMD | 07/08/2013 | 2013-11/50  |
| <u>concealed firearm permits</u>   |       |           |     |            |             |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37606 | R722-300  | AMD | 07/08/2013 | 2013-11/50  |
| <u>concerns</u>  |       |           |     |            |             |
| Human Services, Substance Abuse and Mental Health, State Hospital                      | 37213 | R525-7    | 5YR | 01/23/2013 | 2013-4/58   |
|  | 37972 | R525-7    | NSC | 09/30/2013 | Not Printed |
| <u>concrete</u>  |       |           |     |            |             |
| Environmental Quality, Air Quality   | 36740 | R307-312  | NEW | 02/01/2013 | 2012-19/45  |
|  | 36740 | R307-312  | CPR | 02/01/2013 | 2013-1/47   |
| <u>conduct</u>   |       |           |     |            |             |
| Commerce, Real Estate  | 37677 | R162-2e   | AMD | 08/28/2013 | 2013-12/19  |
| Professional Practices Advisory Commission, Administration                             | 37243 | R686-100  | 5YR | 02/01/2013 | 2013-4/60   |
| <u>confidential testimony</u>  |       |           |     |            |             |
| Pardons (Board Of), Administration   | 37353 | R671-520  | 5YR | 02/15/2013 | 2013-5/217  |
|  | 37465 | R671-520  | AMD | 05/22/2013 | 2013-8/36   |

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| <u>confidentiality</u>                                       |       |             |     |            |             |
| Education, Administration                                    | 37144 | R277-487    | AMD | 02/21/2013 | 2013-2/7    |
|  | 37740 | R277-487    | AMD | 08/07/2013 | 2013-13/43  |
| <u>confidentiality of information</u>                        |       |             |     |            |             |
| Environmental Quality, Air Quality                           | 37261 | R307-102    | 5YR | 02/06/2013 | 2013-5/191  |
| Human Resource Management, Administration                    | 37562 | R477-2      | AMD | 07/01/2013 | 2013-10/155 |
| <u>conflict of interest</u>                                  |       |             |     |            |             |
| Environmental Quality, Administration                        | 36776 | R305-9      | NEW | 02/22/2013 | 2012-19/28  |
|  | 36776 | R305-9      | CPR | 02/22/2013 | 2013-2/94   |
| Human Resource Management, Administration                    | 37568 | R477-9      | AMD | 07/01/2013 | 2013-10/170 |
| <u>congregate meals</u>                                      |       |             |     |            |             |
| Human Services, Aging and Adult Services                     | 37228 | R510-104-11 | AMD | 04/15/2013 | 2013-4/18   |
| <u>connections</u>   |       |             |     |            |             |
| Environmental Quality, Drinking Water                        | 37733 | R309-550    | NSC | 07/09/2013 | Not Printed |
| <u>consumer confidence report</u>                            |       |             |     |            |             |
| Environmental Quality, Drinking Water                        | 37787 | R309-225    | NSC | 07/19/2013 | Not Printed |
| <u>consumer products</u>                                     |       |             |     |            |             |
| Environmental Quality, Air Quality                           | 37276 | R307-357    | NEW | 08/01/2013 | 2013-5/22   |
|  | 37276 | R307-357    | CPR | 08/01/2013 | 2013-13/213 |
| <u>consumer protection</u>                                   |       |             |     |            |             |
| Commerce, Consumer Protection                                | 37897 | R152-32a    | 5YR | 08/05/2013 | 2013-17/45  |
| <u>contamination</u>   |       |             |     |            |             |
| Environmental Quality, Radiation Control                     | 37191 | R313-15     | AMD | 03/19/2013 | 2013-3/18   |
| <u>continuing</u>  |       |             |     |            |             |
| Pardons (Board Of), Administration                           | 37354 | R671-522    | 5YR | 02/15/2013 | 2013-5/218  |
| <u>continuous monitoring</u>                                 |       |             |     |            |             |
| Environmental Quality, Air Quality                           | 37259 | R307-170    | 5YR | 02/06/2013 | 2013-5/192  |
| <u>contractors</u>   |       |             |     |            |             |
| Commerce, Occupational and Professional Licensing            | 37364 | R156-55a    | AMD | 04/22/2013 | 2013-6/17   |
| Transportation, Administration                               | 37953 | R907-67     | 5YR | 09/03/2013 | 2013-18/65  |
| <u>contracts</u>   |       |             |     |            |             |
| Transportation, Administration                               | 38035 | R907-66-5   | NSC | 10/07/2013 | Not Printed |
| <u>controlled substance database</u>                         |       |             |     |            |             |
| Commerce, Occupational and Professional Licensing            | 37039 | R156-37f    | NEW | 01/08/2013 | 2012-23/21  |
| <u>controlled substances</u>                                 |       |             |     |            |             |
| Commerce, Occupational and Professional Licensing            | 37040 | R156-37     | AMD | 01/08/2013 | 2012-23/18  |
|  | 37175 | R156-37-502 | NSC | 01/30/2013 | Not Printed |
|  | 37959 | R156-37c    | 5YR | 09/03/2013 | 2013-18/61  |
| <u>conviction</u>  |       |             |     |            |             |
| Pardons (Board Of), Administration                           | 37351 | R671-518    | 5YR | 02/15/2013 | 2013-5/216  |
| <u>cooperative wildlife management unit</u>                  |       |             |     |            |             |
| Natural Resources, Wildlife Resources                        | 37097 | R657-37     | AMD | 02/07/2013 | 2013-1/11   |
|  | 37593 | R657-37     | 5YR | 05/06/2013 | 2013-11/104 |
| <u>copying processes</u>                                     |       |             |     |            |             |
| Health, Center for Health Data, Vital Records and Statistics | 37431 | R436-13     | 5YR | 03/21/2013 | 2013-8/61   |
|  | 37432 | R436-14     | 5YR | 03/21/2013 | 2013-8/61   |
| <u>corrections</u>   |       |             |     |            |             |
| Corrections, Administration                                  | 38032 | R251-103    | 5YR | 09/30/2013 | 2013-20/49  |

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|  | 37828 | R251-111   | EXD | 07/09/2013 | 2013-15/137 |
| <u>cosmetologists/barbers</u>  |       |            |     |            |             |
| Commerce, Occupational and Professional Licensing                                      | 37697 | R156-11a   | AMD | 08/08/2013 | 2013-13/3   |
| <u>costs</u>   |       |            |     |            |             |
| Administrative Services, Finance   | 37522 | R25-6      | 5YR | 04/15/2013 | 2013-9/29   |
| <u>court reporting</u>   |       |            |     |            |             |
| Commerce, Occupational and Professional Licensing                                      | 37958 | R156-74    | 5YR | 09/03/2013 | 2013-18/61  |
| <u>coverage groups</u>   |       |            |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy                       | 37173 | R414-303   | EMR | 01/07/2013 | 2013-3/103  |
|  | 37216 | R414-303   | 5YR | 01/23/2013 | 2013-4/53   |
|  | 37301 | R414-303   | AMD | 04/17/2013 | 2013-5/179  |
| <u>credit enhancement</u>  |       |            |     |            |             |
| Environmental Quality, Drinking Water  | 37748 | R309-700   | NSC | 07/09/2013 | Not Printed |
| <u>credit scoring</u>  |       |            |     |            |             |
| Insurance, Administration  | 37600 | R590-219   | 5YR | 05/07/2013 | 2013-11/101 |
| <u>criminal charges</u>  |       |            |     |            |             |
| Pardons (Board Of), Administration   | 37351 | R671-518   | 5YR | 02/15/2013 | 2013-5/216  |
| <u>criminal history records information</u>  |       |            |     |            |             |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37514 | R722-900   | 5YR | 04/10/2013 | 2013-9/44   |
| <u>criminal investigation</u>  |       |            |     |            |             |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37226 | R722-320   | 5YR | 01/24/2013 | 2013-4/61   |
|  | 37227 | R722-320   | NSC | 02/15/2013 | Not Printed |
| <u>criminal justice agencies</u>   |       |            |     |            |             |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37769 | R722-900   | R&R | 08/21/2013 | 2013-14/81  |
| <u>criminal records</u>  |       |            |     |            |             |
| Corrections, Administration  | 37828 | R251-111   | EXD | 07/09/2013 | 2013-15/137 |
| <u>curricula</u>   |       |            |     |            |             |
| Education, Administration  | 37403 | R277-700   | 5YR | 03/12/2013 | 2013-7/63   |
|  | 37994 | R277-705   | 5YR | 09/13/2013 | 2013-19/150 |
|  | 37808 | R277-713   | AMD | 08/26/2013 | 2013-14/34  |
| <u>custody of children</u>   |       |            |     |            |             |
| Health, Center for Health Data, Vital Records and Statistics                           | 37418 | R436-1     | 5YR | 03/19/2013 | 2013-8/55   |
|  | 37423 | R436-2     | 5YR | 03/21/2013 | 2013-8/56   |
| Human Services, Administration   | 37983 | R495-879   | 5YR | 09/10/2013 | 2013-19/150 |
| <u>cyber-bullying</u>  |       |            |     |            |             |
| Education, Administration  | 37928 | R277-613   | AMD | 10/08/2013 | 2013-17/23  |
| <u>dairy inspections</u>   |       |            |     |            |             |
| Agriculture and Food, Regulatory Services  | 37027 | R70-310    | AMD | 01/29/2013 | 2012-23/6   |
|  | 36915 | R70-320-18 | AMD | 01/29/2013 | 2012-21/8   |
|  | 36914 | R70-330    | AMD | 01/29/2013 | 2012-21/9   |
|  | 37620 | R70-330    | EMR | 05/14/2013 | 2013-11/84  |
| <u>data standards</u>  |       |            |     |            |             |
| Education, Administration  | 37145 | R277-484   | AMD | 02/21/2013 | 2013-2/4    |
|  | 37739 | R277-484   | AMD | 08/07/2013 | 2013-13/39  |

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| Education, Administration  | 37145 | R277-484     | AMD | 02/21/2013 | 2013-2/4    |
|  | 37739 | R277-484     | AMD | 08/07/2013 | 2013-13/39  |
| <u>death</u>   |       |              |     |            |             |
| Health, Center for Health Data, Vital Records and Statistics     | 37426 | R436-7       | 5YR | 03/21/2013 | 2013-8/58   |
| <u>debt cancellation</u>   |       |              |     |            |             |
| Financial Institutions, Administration                           | 38060 | R331-25      | 5YR | 10/11/2013 | Not Printed |
| <u>debt suspension</u>   |       |              |     |            |             |
| Financial Institutions, Administration                           | 38060 | R331-25      | 5YR | 10/11/2013 | Not Printed |
| <u>declaratory orders</u>  |       |              |     |            |             |
| Labor Commission, Administration                                 | 37492 | R600-1       | 5YR | 04/05/2013 | 2013-9/38   |
| <u>decommissioning</u>   |       |              |     |            |             |
| Environmental Quality, Radiation Control                         | 37195 | R313-22      | AMD | 03/19/2013 | 2013-3/56   |
| <u>deferred deposit lenders</u>                                  |       |              |     |            |             |
| Financial Institutions, Nondepository Lenders                    | 37864 | R343-9       | NEW | 09/23/2013 | 2013-16/8   |
| <u>definitions</u>   |       |              |     |            |             |
| Environmental Quality, Air Quality                               | 36723 | R307-101-2   | AMD | 02/01/2013 | 2012-19/29  |
|  | 36723 | R307-101-2   | CPR | 02/01/2013 | 2013-1/38   |
|  | 37702 | R307-101-2   | NSC | 07/09/2013 | Not Printed |
|  | 37582 | R307-101-3   | AMD | 08/08/2013 | 2013-11/24  |
| Environmental Quality, Drinking Water                            | 37782 | R309-110     | NSC | 07/19/2013 | Not Printed |
| Environmental Quality, Radiation Control                         | 37189 | R313-12      | AMD | 03/19/2013 | 2013-3/6    |
|  | 37597 | R313-12-3    | NSC | 06/07/2013 | Not Printed |
| Human Resource Management, Administration                        | 37561 | R477-1-1     | AMD | 07/01/2013 | 2013-10/150 |
| Workforce Services, Unemployment Insurance                       | 37518 | R994-201     | 5YR | 04/11/2013 | 2013-9/44   |
| <u>degreasing</u>  |       |              |     |            |             |
| Environmental Quality, Air Quality                               | 36737 | R307-355     | NEW | 02/01/2013 | 2012-19/91  |
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| Environmental Quality, Radiation Control                         | 37183 | R313-28      | NSC | 01/31/2013 | Not Printed |
|  | 37867 | R313-28-80   | AMD | 10/15/2013 | 2013-16/6   |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37559 | R414-51      | 5YR | 04/30/2013 | 2013-10/213 |
|  | 37696 | R414-51      | AMD | 08/14/2013 | 2013-13/128 |
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| Commerce, Occupational and Professional Licensing                | 37706 | R156-69-302b | AMD | 08/08/2013 | 2013-13/24  |
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| Commerce, Occupational and Professional Licensing                | 37706 | R156-69-302b | AMD | 08/08/2013 | 2013-13/24  |
| <u>depleted uranium</u>  |       |              |     |            |             |
| Environmental Quality, Radiation Control                         | 37180 | R313-25      | NSC | 01/31/2013 | Not Printed |
| <u>depredation</u>   |       |              |     |            |             |
| Natural Resources, Wildlife Resources                            | 37643 | R657-44      | AMD | 07/22/2013 | 2013-12/31  |
| <u>developmental disabilities</u>                                |       |              |     |            |             |
| Tax Commission, Administration                                   | 38016 | R861-1A-9    | NSC | 10/08/2013 | Not Printed |
|  | 36991 | R861-1A-12   | AMD | 01/10/2013 | 2012-22/144 |
|  | 37104 | R861-1A-26   | AMD | 02/21/2013 | 2013-1/15   |
|  | 37106 | R861-1A-37   | AMD | 02/21/2013 | 2013-1/17   |
|  | 37107 | R861-1A-46   | AMD | 02/21/2013 | 2013-1/18   |
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| Commerce, Occupational and Professional Licensing                | 37273 | R156-49      | 5YR | 02/07/2013 | 2013-5/189  |

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| <u>disabilities</u>   |       |            |     |            |             |  |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 37827 | R398-20    | EXT | 07/09/2013 | 2013-15/135 |  |
| Human Services, Services for People with Disabilities                           | 37892 | R398-20    | 5YR | 08/02/2013 | 2013-17/50  |  |
|   | 37110 | R539-1     | AMD | 02/13/2013 | 2013-1/2    |  |
|   | 37245 | R539-1-3   | AMD | 04/18/2013 | 2013-4/21   |  |
|   | 37918 | R539-15    | 5YR | 08/13/2013 | 2013-17/55  |  |
|   | 37919 | R539-15    | REP | 10/10/2013 | 2013-17/36  |  |
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| Human Services, Aging and Adult Services  | 37277 | R510-105   | 5YR | 02/08/2013 | 2013-5/210  |  |
| <u>disabled persons</u>   |       |            |     |            |             |  |
| Education, Administration   | 37626 | R277-104   | 5YR | 05/15/2013 | 2013-11/97  |  |
| Natural Resources, Wildlife Resources   | 37225 | R657-12    | AMD | 04/23/2013 | 2013-4/24   |  |
| Public Service Commission, Administration                                       | 37868 | R746-500   | 5YR | 07/31/2013 | 2013-16/69  |  |
| <u>discharge</u>  |       |            |     |            |             |  |
| Environmental Quality, Water Quality  | 37241 | R317-14    | 5YR | 01/31/2013 | 2013-4/52   |  |
| <u>discharge permits</u>  |       |            |     |            |             |  |
| Environmental Quality, Water Quality  | 37581 | R317-8     | AMD | 07/01/2013 | 2013-10/59  |  |
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| Education, Administration   | 37890 | R277-609   | 5YR | 08/02/2013 | 2013-17/48  |  |
|   | 37927 | R277-609   | AMD | 10/08/2013 | 2013-17/20  |  |
| Professional Practices Advisory Commission, Administration                      | 37637 | R686-101   | 5YR | 05/16/2013 | 2013-12/57  |  |
|   | 37674 | R686-101   | AMD | 09/10/2013 | 2013-12/33  |  |
|   | 37638 | R686-102   | 5YR | 05/16/2013 | 2013-12/58  |  |
|   | 37675 | R686-102   | AMD | 09/10/2013 | 2013-12/34  |  |
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|   | 37573 | R477-14    | AMD | 07/01/2013 | 2013-10/178 |  |
| <u>disclosure requirements</u>  |       |            |     |            |             |  |
| Tax Commission, Administration  | 38016 | R861-1A-9  | NSC | 10/08/2013 | Not Printed |  |
|   | 36991 | R861-1A-12 | AMD | 01/10/2013 | 2012-22/144 |  |
|   | 37104 | R861-1A-26 | AMD | 02/21/2013 | 2013-1/15   |  |
|   | 37106 | R861-1A-37 | AMD | 02/21/2013 | 2013-1/17   |  |
|   | 37107 | R861-1A-46 | AMD | 02/21/2013 | 2013-1/18   |  |
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|   | 37248 | R58-6      | R&R | 03/25/2013 | 2013-4/6    |  |
|   | 36962 | R58-21     | AMD | 01/04/2013 | 2012-22/16  |  |
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| Environmental Quality, Drinking Water   | 37788 | R309-215   | NSC | 07/19/2013 | Not Printed |  |
| <u>dismissal of employees</u>   |       |            |     |            |             |  |
| Human Resource Management, Administration                                       | 37570 | R477-11    | AMD | 07/01/2013 | 2013-10/173 |  |
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| Education, Administration   | 37890 | R277-609   | 5YR | 08/02/2013 | 2013-17/48  |  |
|   | 37927 | R277-609   | AMD | 10/08/2013 | 2013-17/20  |  |



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| <u>distribution system monitoring</u>                           |       |            |     |            |             |
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| Commerce, Occupational and Professional Licensing               | 37395 | R156-1     | NSC | 04/01/2013 | Not Printed |
|   | 37754 | R156-1     | AMD | 08/22/2013 | 2013-14/21  |
|   | 37199 | R156-1-102 | AMD | 03/11/2013 | 2013-3/2    |
| <u>do not resuscitate</u>                                       |       |            |     |            |             |
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| Human Services, Child and Family Services                       | 37502 | R512-200   | 5YR | 04/08/2013 | 2013-9/35   |
|   | 37503 | R512-201   | 5YR | 04/08/2013 | 2013-9/36   |
|   | 37504 | R512-202   | 5YR | 04/08/2013 | 2013-9/36   |
|   | 37639 | R512-300   | 5YR | 05/16/2013 | 2013-12/55  |
|   | 37640 | R512-301   | 5YR | 05/16/2013 | 2013-12/55  |
| <u>drinking water</u>   |       |            |     |            |             |
| Environmental Quality, Drinking Water                           | 37781 | R309-100   | NSC | 07/19/2013 | Not Printed |
|   | 37795 | R309-105   | AMD | 10/12/2013 | 2013-14/39  |
|   | 37782 | R309-110   | NSC | 07/19/2013 | Not Printed |
|   | 37783 | R309-115   | NSC | 07/19/2013 | Not Printed |
|   | 37789 | R309-200   | NSC | 07/19/2013 | Not Printed |
|   | 37786 | R309-205   | NSC | 07/19/2013 | Not Printed |
|   | 37784 | R309-210   | NSC | 07/19/2013 | Not Printed |
|   | 37788 | R309-215   | NSC | 07/19/2013 | Not Printed |
|   | 37785 | R309-220   | NSC | 07/19/2013 | Not Printed |
|   | 37787 | R309-225   | NSC | 07/19/2013 | Not Printed |
|   | 37796 | R309-400   | AMD | 10/12/2013 | 2013-14/45  |
|   | 37797 | R309-405   | AMD | 10/12/2013 | 2013-14/51  |
|   | 37722 | R309-500   | AMD | 08/28/2013 | 2013-13/73  |
|   | 37723 | R309-505   | NSC | 07/09/2013 | Not Printed |
|   | 37724 | R309-510   | AMD | 08/28/2013 | 2013-13/77  |
|   | 37725 | R309-511   | AMD | 08/28/2013 | 2013-13/81  |
|   | 37726 | R309-515   | AMD | 08/28/2013 | 2013-13/84  |
|   | 36562 | R309-515-6 | AMD | 01/16/2013 | 2012-16/66  |
|   | 36562 | R309-515-6 | CPR | 01/16/2013 | 2012-23/70  |
|   | 37727 | R309-520   | AMD | 08/28/2013 | 2013-13/93  |
|   | 37728 | R309-525   | AMD | 08/28/2013 | 2013-13/103 |
|   | 37729 | R309-530   | AMD | 08/28/2013 | 2013-13/114 |
|   | 37730 | R309-535   | AMD | 08/28/2013 | 2013-13/117 |
|   | 37731 | R309-540   | NSC | 07/09/2013 | Not Printed |
|   | 37732 | R309-545   | NSC | 07/09/2013 | Not Printed |
|   | 37733 | R309-550   | NSC | 07/09/2013 | Not Printed |
|   | 37721 | R309-600   | NSC | 07/09/2013 | Not Printed |
|   | 37720 | R309-605   | NSC | 07/09/2013 | Not Printed |
|   | 37747 | R309-800   | NSC | 07/09/2013 | Not Printed |
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| Environmental Quality, Water Quality                            | 37857 | R317-401   | AMD | 09/24/2013 | 2013-15/108 |
| <u>driver education</u>   |       |            |     |            |             |
| Education, Administration                                       | 37498 | R277-746   | 5YR | 04/08/2013 | 2013-9/33   |
| <u>driver licenses</u>  |       |            |     |            |             |
| Human Services, Recovery Services                               | 37303 | R527-260   | 5YR | 02/14/2013 | 2013-5/210  |
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| Human Resource Management, Administration                       | 37573 | R477-14    | AMD | 07/01/2013 | 2013-10/178 |
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| Human Resource Management, Administration                       | 37573 | R477-14    | AMD | 07/01/2013 | 2013-10/178 |

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| Public Safety, Driver License   | 37657 | R708-45    | EMR | 05/23/2013 | 2013-12/45  |
|   | 37718 | R708-45    | R&R | 08/08/2013 | 2013-13/202 |
| <u>durable medical equipment</u>  |       |            |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy                | 37528 | R414-70    | AMD | 07/01/2013 | 2013-10/144 |
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| Education, Administration   | 37741 | R277-489   | AMD | 08/07/2013 | 2013-13/46  |
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|   | 37892 | R398-20    | 5YR | 08/02/2013 | 2013-17/50  |
| <u>economic development</u>   |       |            |     |            |             |
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|   | 37208 | R357-6     | AMD | 05/01/2013 | 2013-4/15   |
|   | 37207 | R357-9     | AMD | 05/01/2013 | 2013-4/16   |
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| Education, Administration   | 37755 | R277-407-2 | NSC | 07/19/2013 | Not Printed |
|   | 37735 | R277-407-3 | AMD | 08/07/2013 | 2013-13/28  |
|   | 37736 | R277-422-3 | AMD | 08/07/2013 | 2013-13/29  |
|   | 37885 | R277-470   | 5YR | 08/02/2013 | 2013-17/46  |
|   | 37923 | R277-470   | AMD | 10/08/2013 | 2013-17/7   |
|   | 37405 | R277-709   | 5YR | 03/12/2013 | 2013-7/64   |
|   | 37244 | R277-709-3 | NSC | 02/15/2013 | Not Printed |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 37827 | R398-20    | EXT | 07/09/2013 | 2013-15/135 |
|   | 37892 | R398-20    | 5YR | 08/02/2013 | 2013-17/50  |
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|   | 37922 | R277-425   | AMD | 10/08/2013 | 2013-17/6   |
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| Education, Administration   | 37756 | R277-445-2 | NSC | 07/19/2013 | Not Printed |
|   | 37278 | R277-445-3 | AMD | 04/08/2013 | 2013-5/13   |
|   | 37737 | R277-445-3 | AMD | 08/07/2013 | 2013-13/30  |
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|   | 37415 | R277-702   | AMD | 05/16/2013 | 2013-7/26   |
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| Human Resource Management, Administration                                       | 37569 | R477-10-3  | AMD | 07/01/2013 | 2013-10/172 |
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| Professional Practices Advisory Commission, Administration                      | 37863 | R686-104   | NSC | 09/10/2013 | Not Printed |
| <u>educator licensing</u>   |       |            |     |            |             |
| Education, Administration   | 37058 | R277-502   | AMD | 01/07/2013 | 2012-23/34  |
|   | 37146 | R277-502   | AMD | 02/21/2013 | 2013-2/10   |
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| Education, Administration   | 37279 | R277-498   | NEW | 04/08/2013 | 2013-5/14   |
|   | 37507 | R277-498-4 | NSC | 04/29/2013 | Not Printed |
|   | 37147 | R277-517   | NEW | 02/21/2013 | 2013-2/15   |
|   | 37359 | R277-517-5 | NSC | 03/15/2013 | Not Printed |

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|  | 37399 | R277-518    | 5YR | 03/12/2013 | 2013-7/61   |
|  | 37537 | R277-531-3  | AMD | 06/24/2013 | 2013-10/26  |
| <u>effective date</u>  |       |             |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy   | 37174 | R414-306    | EMR | 01/07/2013 | 2013-3/105  |
|  | 37218 | R414-306    | 5YR | 01/23/2013 | 2013-4/55   |
| <u>efficiency</u>  |       |             |     |            |             |
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|  | 37848 | R23-30      | AMD | 09/10/2013 | 2013-15/8   |
| <u>effluent standards</u>  |       |             |     |            |             |
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|  | 37366 | R317-1-1    | AMD | 08/19/2013 | 2013-6/32   |
|  | 37366 | R317-1-1    | CPR | 08/19/2013 | 2013-14/92  |
|  | 37240 | R317-13     | 5YR | 01/31/2013 | 2013-4/51   |
| <u>elderly</u>   |       |             |     |            |             |
| Human Services, Aging and Adult Services                           | 37228 | R510-104-11 | AMD | 04/15/2013 | 2013-4/18   |
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|  | 37254 | R307-224    | 5YR | 02/06/2013 | 2013-5/195  |
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| Public Service Commission, Administration                          | 37759 | R746-210    | 5YR | 06/24/2013 | 2013-14/119 |
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| Commerce, Occupational and Professional Licensing                  | 37697 | R156-11a    | AMD | 08/08/2013 | 2013-13/3   |
| <u>electronic funds transfer</u>                                   |       |             |     |            |             |
| Human Services, Recovery Services                                  | 37550 | R527-920    | 5YR | 04/29/2013 | 2013-10/214 |
| <u>electronic meetings</u>   |       |             |     |            |             |
| Agriculture and Food, Conservation and Resource Management         | 37698 | R64-2       | 5YR | 06/04/2013 | 2013-13/229 |
|  | 37680 | R64-2       | AMD | 08/21/2013 | 2013-13/2   |
| Environmental Quality, Administration                              | 37360 | R305-2      | 5YR | 02/25/2013 | 2013-6/50   |
| <u>electronic prescribing</u>                                      |       |             |     |            |             |
| Commerce, Occupational and Professional Licensing                  | 37202 | R156-82     | NEW | 03/11/2013 | 2013-3/5    |
|  | 37396 | R156-82     | NSC | 04/01/2013 | Not Printed |
| <u>electronic surveillance</u>                                     |       |             |     |            |             |
| Human Services, Services for People with Disabilities              | 37163 | R539-3      | AMD | 05/10/2013 | 2013-2/21   |
| <u>eligibility</u>   |       |             |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy   | 37215 | R414-302    | 5YR | 01/23/2013 | 2013-4/53   |
|  | 37223 | R414-308    | 5YR | 01/23/2013 | 2013-4/55   |
|  | 37881 | R414-308-4  | AMD | 10/01/2013 | 2013-16/15  |
| <u>emergency medical services</u>                                  |       |             |     |            |             |
| Health, Family Health and Preparedness, Emergency Medical Services | 37397 | R426-2      | EXD | 02/24/2013 | 2013-7/71   |
|  | 37409 | R426-2      | EMR | 03/14/2013 | 2013-7/55   |
|  | 37411 | R426-2      | NEW | 05/30/2013 | 2013-7/32   |
|  | 37398 | R426-6      | EXD | 03/01/2013 | 2013-7/71   |
|  | 37408 | R426-6      | EMR | 03/14/2013 | 2013-7/59   |
|  | 37410 | R426-6      | NEW | 05/30/2013 | 2013-7/36   |

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| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37532 | R722-340 | 5YR | 04/22/2013 | 2013-10/215 |
|  | 37590 | R722-340 | NSC | 05/31/2013 | Not Printed |

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| Environmental Quality, Air Quality | 36725 | R307-340 | REP | 02/01/2013 | 2012-19/49 |
|                                    | 36725 | R307-340 | CPR | 02/01/2013 | 2013-1/48  |
|                                    | 36727 | R307-345 | NEW | 02/01/2013 | 2012-19/67 |
|                                    | 36727 | R307-345 | CPR | 02/01/2013 | 2013-1/54  |
|                                    | 36728 | R307-346 | NEW | 02/01/2013 | 2012-19/69 |
|                                    | 36728 | R307-346 | CPR | 02/01/2013 | 2013-1/57  |
|                                    | 36729 | R307-347 | NEW | 02/01/2013 | 2012-19/71 |
|                                    | 36729 | R307-347 | CPR | 02/01/2013 | 2013-1/59  |
|                                    | 36730 | R307-348 | NEW | 02/01/2013 | 2012-19/73 |
|                                    | 36730 | R307-348 | CPR | 02/01/2013 | 2013-1/61  |
|                                    | 36731 | R307-349 | NEW | 02/01/2013 | 2012-19/74 |
|                                    | 36731 | R307-349 | CPR | 02/01/2013 | 2013-1/63  |
|                                    | 36732 | R307-350 | NEW | 02/01/2013 | 2012-19/76 |
|                                    | 36732 | R307-350 | CPR | 02/01/2013 | 2013-1/65  |
|                                    | 36734 | R307-352 | NEW | 02/01/2013 | 2012-19/84 |
|                                    | 36734 | R307-352 | CPR | 02/01/2013 | 2013-1/73  |
|                                    | 36735 | R307-353 | NEW | 05/01/2013 | 2012-19/86 |
|                                    | 36735 | R307-353 | CPR | 05/01/2013 | 2013-1/75  |
|                                    | 36735 | R307-353 | CPR | 05/01/2013 | 2013-7/46  |

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| Human Resource Management, Administration | 37565 | R477-6 | AMD | 07/01/2013 | 2013-10/160 |
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| Human Resource Management, Administration | 37569 | R477-10-3 | AMD | 07/01/2013 | 2013-10/172 |
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| Human Resource Management, Administration | 37569 | R477-10-3 | AMD | 07/01/2013 | 2013-10/172 |
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employee termination

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| Workforce Services, Unemployment Insurance | 37648 | R994-405 | 5YR | 05/16/2013 | 2013-12/60 |
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| Workforce Services, Unemployment Insurance | 37648 | R994-405 | 5YR | 05/16/2013 | 2013-12/60 |
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employees' rights

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| Human Resource Management, Administration | 37571 | R477-12 | AMD | 07/01/2013 | 2013-10/175 |
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employment

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| Human Resource Management, Administration  | 37563 | R477-4   | AMD | 07/01/2013 | 2013-10/157 |
|  | 37564 | R477-5   | AMD | 07/01/2013 | 2013-10/159 |
| Workforce Services, Unemployment Insurance | 37543 | R994-202 | 5YR | 04/25/2013 | 2013-10/218 |
|  | 37648 | R994-405 | 5YR | 05/16/2013 | 2013-12/60  |

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| Workforce Services, Employment Development | 37644 | R986-100-117  | AMD | 09/10/2013 | 2013-12/36  |
|  | 37541 | R986-100-118a | AMD | 06/27/2013 | 2013-10/200 |

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| Health, Family Health and Preparedness, Emergency Medical Services | 37408 | R426-6 | EMR | 03/14/2013 | 2013-7/59 |
|  | 37410 | R426-6 | NEW | 05/30/2013 | 2013-7/36 |

energy

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| Administrative Services, Facilities Construction and Management | 37845 | R23-30 | 5YR | 07/15/2013 | 2013-15/123 |
|   | 37848 | R23-30 | AMD | 09/10/2013 | 2013-15/8   |

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| <u>enforcement</u>   |       |            |     |            |             |  |
| Commerce, Real Estate  | 37678 | R162-2c    | AMD | 08/07/2013 | 2013-12/9   |  |
| Environmental Quality, Radiation Control                     | 37190 | R313-14    | AMD | 03/19/2013 | 2013-3/14   |  |
| <u>enforcement (administrative)</u>                          |       |            |     |            |             |  |
| Lieutenant Governor, Administration                          | 37910 | R622-1     | 5YR | 08/09/2013 | 2013-17/57  |  |
| <u>English proficiency</u>                                   |       |            |     |            |             |  |
| Regents (Board Of), Administration                           | 37551 | R765-136   | 5YR | 04/29/2013 | 2013-10/216 |  |
| <u>enrollment</u>  |       |            |     |            |             |  |
| Education, Administration                                    | 37496 | R277-485   | 5YR | 04/08/2013 | 2013-9/32   |  |
| <u>enterprise zones</u>                                      |       |            |     |            |             |  |
| Tax Commission, Auditing                                     | 37108 | R865-9I-13 | AMD | 02/21/2013 | 2013-1/20   |  |
|  | 37178 | R865-9I-46 | NSC | 01/31/2013 | Not Printed |  |
| <u>environmental analysis</u>                                |       |            |     |            |             |  |
| Environmental Quality, Radiation Control                     | 37196 | R313-24    | AMD | 03/19/2013 | 2013-3/74   |  |
| <u>environmental health</u>                                  |       |            |     |            |             |  |
| Environmental Quality, Drinking Water                        | 37721 | R309-600   | NSC | 07/09/2013 | Not Printed |  |
|  | 37720 | R309-605   | NSC | 07/09/2013 | Not Printed |  |
| <u>environmental protection</u>                              |       |            |     |            |             |  |
| Environmental Quality, Air Quality                           | 37260 | R307-115   | 5YR | 02/06/2013 | 2013-5/192  |  |
| Environmental Quality, Drinking Water                        | 37781 | R309-100   | NSC | 07/19/2013 | Not Printed |  |
|  | 37796 | R309-400   | AMD | 10/12/2013 | 2013-14/45  |  |
|  | 37797 | R309-405   | AMD | 10/12/2013 | 2013-14/51  |  |
| <u>equipment</u>   |       |            |     |            |             |  |
| Environmental Quality, Water Quality                         | 37856 | R317-12    | AMD | 09/24/2013 | 2013-15/107 |  |
| <u>estheticians</u>  |       |            |     |            |             |  |
| Commerce, Occupational and Professional Licensing            | 37697 | R156-11a   | AMD | 08/08/2013 | 2013-13/3   |  |
| <u>evaluation cycles</u>                                     |       |            |     |            |             |  |
| Judicial Performance Evaluation Commission, Administration   | 37382 | R597-3     | AMD | 05/14/2013 | 2013-7/38   |  |
| <u>evaluations</u>   |       |            |     |            |             |  |
| Education, Administration                                    | 37537 | R277-531-3 | AMD | 06/24/2013 | 2013-10/26  |  |
|  | 37280 | R277-532   | NEW | 04/08/2013 | 2013-5/16   |  |
| <u>evidence</u>  |       |            |     |            |             |  |
| Health, Center for Health Data, Vital Records and Statistics | 37425 | R436-4     | 5YR | 03/21/2013 | 2013-8/57   |  |
| <u>evidentiary</u>   |       |            |     |            |             |  |
| Pardons (Board Of), Administration                           | 37350 | R671-517   | 5YR | 02/15/2013 | 2013-5/216  |  |
|  | 37463 | R671-517   | AMD | 05/22/2013 | 2013-8/33   |  |
| <u>evidentiary restrictions</u>                              |       |            |     |            |             |  |
| Commerce, Occupational and Professional Licensing            | 37395 | R156-1     | NSC | 04/01/2013 | Not Printed |  |
|  | 37754 | R156-1     | AMD | 08/22/2013 | 2013-14/21  |  |
|  | 37199 | R156-1-102 | AMD | 03/11/2013 | 2013-3/2    |  |
| <u>exceptional children</u>                                  |       |            |     |            |             |  |
| Education, Administration                                    | 37499 | R277-751   | 5YR | 04/08/2013 | 2013-9/33   |  |
|  | 37511 | R277-751   | AMD | 06/07/2013 | 2013-9/10   |  |
| <u>excess emissions</u>                                      |       |            |     |            |             |  |
| Environmental Quality, Air Quality                           | 37902 | R307-107   | 5YR | 08/08/2013 | 2013-17/49  |  |
| <u>exemptions</u>  |       |            |     |            |             |  |
| Environmental Quality, Radiation Control                     | 37189 | R313-12    | AMD | 03/19/2013 | 2013-3/6    |  |

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|   | 37194 | R313-19     | AMD | 03/19/2013 | 2013-3/45   |
| <u>expansion</u>  |       |             |     |            |             |
| Education, Administration   | 37887 | R277-482    | 5YR | 08/02/2013 | 2013-17/47  |
|   | 37925 | R277-482    | AMD | 10/08/2013 | 2013-17/13  |
| <u>expelled</u>   |       |             |     |            |             |
| Education, Administration   | 37495 | R277-483    | 5YR | 04/08/2013 | 2013-9/31   |
| <u>extended area service</u>                                      |       |             |     |            |             |
| Public Service Commission, Administration                         | 37386 | R746-347    | 5YR | 03/05/2013 | 2013-7/68   |
| <u>extracurricular</u>  |       |             |     |            |             |
| Education, Administration   | 38041 | R277-494    | 5YR | 10/04/2013 | Not Printed |
| <u>extracurricular activities</u>                                 |       |             |     |            |             |
| Education, Administration   | 37401 | R277-605    | 5YR | 03/12/2013 | 2013-7/62   |
| <u>eye exams</u>  |       |             |     |            |             |
| Health, Disease Control and Prevention, Health Promotion          | 37028 | R384-201    | NEW | 02/20/2013 | 2012-23/42  |
|   | 37453 | R384-201    | AMD | 07/01/2013 | 2013-8/6    |
| <u>eyeglasses</u>   |       |             |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy  | 37591 | R414-53     | 5YR | 05/03/2013 | 2013-11/101 |
| <u>fabric coating</u>   |       |             |     |            |             |
| Environmental Quality, Air Quality                                | 36727 | R307-345    | NEW | 02/01/2013 | 2012-19/67  |
|   | 36727 | R307-345    | CPR | 02/01/2013 | 2013-1/54   |
| <u>facilities</u>   |       |             |     |            |             |
| Human Services, Substance Abuse and Mental Health, State Hospital | 37973 | R525-8      | NSC | 09/30/2013 | Not Printed |
| <u>facilities use</u>   |       |             |     |            |             |
| Capitol Preservation Board (State), Administration                | 37064 | R131-2      | AMD | 01/07/2013 | 2012-23/9   |
|   | 37799 | R131-2-6    | AMD | 08/21/2013 | 2013-14/17  |
| <u>facility notice</u>  |       |             |     |            |             |
| Corrections, Administration                                       | 37389 | R251-114    | 5YR | 03/07/2013 | 2013-7/61   |
| <u>factory built housing</u>                                      |       |             |     |            |             |
| Commerce, Occupational and Professional Licensing                 | 37753 | R156-56-403 | AMD | 08/22/2013 | 2013-14/27  |
| <u>fair employment practices</u>                                  |       |             |     |            |             |
| Human Resource Management, Administration                         | 37562 | R477-2      | AMD | 07/01/2013 | 2013-10/155 |
|   | 37563 | R477-4      | AMD | 07/01/2013 | 2013-10/157 |
| <u>fair hearings</u>  |       |             |     |            |             |
| Health, Children's Health Insurance Program                       | 37608 | R382-1      | 5YR | 05/08/2013 | 2013-11/100 |
| <u>falconry</u>   |       |             |     |            |             |
| Natural Resources, Wildlife Resources                             | 37233 | R657-20     | AMD | 04/23/2013 | 2013-4/26   |
|   | 37534 | R657-20     | NSC | 05/17/2013 | Not Printed |
| <u>fathers</u>  |       |             |     |            |             |
| Health, Center for Health Data, Vital Records and Statistics      | 37424 | R436-3      | 5YR | 03/21/2013 | 2013-8/57   |
| <u>feed contamination</u>   |       |             |     |            |             |
| Agriculture and Food, Plant Industry                              | 37632 | R68-2       | NSC | 06/07/2013 | Not Printed |
| <u>fees</u>   |       |             |     |            |             |
| Environmental Quality, Environmental Response and Remediation     | 37483 | R311-203    | NSC | 04/29/2013 | Not Printed |

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| Environmental Quality, Radiation Control                         | 37188 | R313-70       | NSC | 01/31/2013 | Not Printed |
| Financial Institutions, Nondepository Lenders                    | 37864 | R343-9        | NEW | 09/23/2013 | 2013-16/8   |
| Health, Center for Health Data, Vital Records and Statistics     | 37433 | R436-15       | 5YR | 03/21/2013 | 2013-8/62   |
| Labor Commission, Industrial Accidents                           | 37130 | R612-2        | REP | 02/25/2013 | 2013-2/35   |
|  | 37126 | R612-300      | NEW | 02/25/2013 | 2013-2/66   |
| Natural Resources, Parks and Recreation                          | 37791 | R651-610      | 5YR | 06/27/2013 | 2013-14/112 |
|  | 37625 | R651-611      | AMD | 07/08/2013 | 2013-11/40  |
| <u>filing deadlines</u>  |       |               |     |            |             |
| Labor Commission, Industrial Accidents                           | 37129 | R612-1        | REP | 02/25/2013 | 2013-2/28   |
|  | 37125 | R612-200      | NEW | 02/25/2013 | 2013-2/62   |
|  | 37622 | R612-200-1    | AMD | 07/08/2013 | 2013-11/34  |
| Workforce Services, Unemployment Insurance                       | 37647 | R994-403      | 5YR | 05/16/2013 | 2013-12/60  |
|  | 37517 | R994-403      | AMD | 06/12/2013 | 2013-9/23   |
|  | 37877 | R994-403-108b | AMD | 09/25/2013 | 2013-16/50  |
|  | 37671 | R994-403-115c | AMD | 08/01/2013 | 2013-12/38  |
| <u>film coating</u>  |       |               |     |            |             |
| Environmental Quality, Air Quality                               | 36726 | R307-344      | NEW | 02/01/2013 | 2012-19/65  |
|  | 36726 | R307-344      | CPR | 02/01/2013 | 2013-1/52   |
| <u>filtration</u>  |       |               |     |            |             |
| Environmental Quality, Drinking Water                            | 37728 | R309-525      | AMD | 08/28/2013 | 2013-13/103 |
| <u>finance</u>   |       |               |     |            |             |
| Administrative Services, Finance                                 | 37522 | R25-6         | 5YR | 04/15/2013 | 2013-9/29   |
|  | 37524 | R25-8         | 5YR | 04/15/2013 | 2013-9/30   |
|  | 37557 | R25-8         | AMD | 06/21/2013 | 2013-10/12  |
| Education, Administration  | 37736 | R277-422-3    | AMD | 08/07/2013 | 2013-13/29  |
| <u>financial aid</u>   |       |               |     |            |             |
| Regents (Board Of), Administration                               | 37539 | R765-605      | 5YR | 04/24/2013 | 2013-10/217 |
|  | 37547 | R765-605      | AMD | 06/24/2013 | 2013-10/195 |
| <u>financial assistance</u>                                      |       |               |     |            |             |
| Environmental Quality, Drinking Water                            | 37749 | R309-705      | NSC | 07/09/2013 | Not Printed |
| <u>financial disclosures</u>                                     |       |               |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37217 | R414-304      | 5YR | 01/23/2013 | 2013-4/54   |
| <u>financial institutions</u>                                    |       |               |     |            |             |
| Financial Institutions, Administration                           | 38023 | R331-14       | NSC | 10/08/2013 | Not Printed |
|  | 37939 | R331-20       | 5YR | 08/23/2013 | 2013-18/62  |
|  | 37940 | R331-21       | 5YR | 08/23/2013 | 2013-18/63  |
|  | 37941 | R331-24       | 5YR | 08/23/2013 | 2013-18/63  |
|  | 38060 | R331-25       | 5YR | 10/11/2013 | Not Printed |
| <u>financial responsibility</u>                                  |       |               |     |            |             |
| Environmental Quality, Environmental Response and Remediation    | 37579 | R311-207      | NSC | 05/17/2013 | Not Printed |
| <u>fiscal policies and procedures</u>                            |       |               |     |            |             |
| Education, Administration  | 37356 | R277-113      | NEW | 04/22/2013 | 2013-6/28   |
|  | 37538 | R277-113-5    | NSC | 05/17/2013 | Not Printed |
| <u>fish</u>  |       |               |     |            |             |
| Natural Resources, Wildlife Resources                            | 37069 | R657-13       | AMD | 01/22/2013 | 2012-24/29  |
|  | 37203 | R657-58       | 5YR | 01/15/2013 | 2013-3/114  |
|  | 37895 | R657-59       | 5YR | 08/05/2013 | 2013-17/59  |
|  | 37896 | R657-60       | 5YR | 08/05/2013 | 2013-17/59  |
| <u>fishing</u>   |       |               |     |            |             |
| Natural Resources, Wildlife Resources                            | 37069 | R657-13       | AMD | 01/22/2013 | 2012-24/29  |
|  | 37203 | R657-58       | 5YR | 01/15/2013 | 2013-3/114  |

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| <u>flat wood paneling</u>  |       |              |     |            |             |  |
| Environmental Quality, Air Quality                                   | 36731 | R307-349     | NEW | 02/01/2013 | 2012-19/74  |  |
|  | 36731 | R307-349     | CPR | 02/01/2013 | 2013-1/63   |  |
| <u>floculation</u>   |       |              |     |            |             |  |
| Environmental Quality, Drinking Water                                | 37728 | R309-525     | AMD | 08/28/2013 | 2013-13/103 |  |
| <u>foil coating</u>  |       |              |     |            |             |  |
| Environmental Quality, Air Quality                                   | 36726 | R307-344     | NEW | 02/01/2013 | 2012-19/65  |  |
|  | 36726 | R307-344     | CPR | 02/01/2013 | 2013-1/52   |  |
| <u>food handler certificates</u>                                     |       |              |     |            |             |  |
| Health, Disease Control and Prevention,<br>Environmental Services    | 37589 | R392-103     | NEW | 08/01/2013 | 2013-11/28  |  |
| <u>food handler permits</u>  |       |              |     |            |             |  |
| Health, Disease Control and Prevention,<br>Environmental Services    | 37589 | R392-103     | NEW | 08/01/2013 | 2013-11/28  |  |
| <u>food handler testing</u>  |       |              |     |            |             |  |
| Health, Disease Control and Prevention,<br>Environmental Services    | 37589 | R392-103     | NEW | 08/01/2013 | 2013-11/28  |  |
| <u>food handler training</u>   |       |              |     |            |             |  |
| Health, Disease Control and Prevention,<br>Environmental Services    | 37589 | R392-103     | NEW | 08/01/2013 | 2013-11/28  |  |
| <u>food stamps</u>   |       |              |     |            |             |  |
| Workforce Services, Employment Development                           | 37067 | R986-900-902 | AMD | 01/08/2013 | 2012-23/50  |  |
| <u>foods</u>   |       |              |     |            |             |  |
| Education, Administration  | 37406 | R277-719     | 5YR | 03/12/2013 | 2013-7/65   |  |
| <u>forensic</u>  |       |              |     |            |             |  |
| Human Services, Substance Abuse and Mental<br>Health, State Hospital | 37973 | R525-8       | NSC | 09/30/2013 | Not Printed |  |
| <u>foster care</u>   |       |              |     |            |             |  |
| Human Services, Child and Family Services                            | 37931 | R512-309     | 5YR | 08/15/2013 | 2013-17/54  |  |
| <u>free enterprise</u>   |       |              |     |            |             |  |
| Regents (Board Of), Administration                                   | 37553 | R765-555     | 5YR | 04/29/2013 | 2013-10/217 |  |
| <u>funding</u>   |       |              |     |            |             |  |
| Environmental Quality, Drinking Water                                | 37747 | R309-800     | NSC | 07/09/2013 | Not Printed |  |
| <u>funeral industries</u>  |       |              |     |            |             |  |
| Health, Center for Health Data, Vital Records and<br>Statistics      | 37426 | R436-7       | 5YR | 03/21/2013 | 2013-8/58   |  |
|  | 37427 | R436-8       | 5YR | 03/21/2013 | 2013-8/58   |  |
|  | 37428 | R436-9       | 5YR | 03/21/2013 | 2013-8/59   |  |
| <u>game laws</u>   |       |              |     |            |             |  |
| Natural Resources, Wildlife Resources                                | 37893 | R657-19      | 5YR | 08/05/2013 | 2013-17/58  |  |
|  | 37592 | R657-34      | 5YR | 05/06/2013 | 2013-11/103 |  |
|  | 37609 | R657-64      | AMD | 07/08/2013 | 2013-11/48  |  |
| <u>gangs</u>   |       |              |     |            |             |  |
| Education, Administration  | 37627 | R277-436     | 5YR | 05/15/2013 | 2013-11/97  |  |
| <u>general conformity</u>  |       |              |     |            |             |  |
| Environmental Quality, Air Quality                                   | 37260 | R307-115     | 5YR | 02/06/2013 | 2013-5/192  |  |
| <u>general licenses</u>  |       |              |     |            |             |  |
| Environmental Quality, Radiation Control                             | 37181 | R313-21      | NSC | 01/31/2013 | Not Printed |  |
|  | 38039 | R313-21      | 5YR | 10/04/2013 | Not Printed |  |



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| <u>genetic counselors</u>                                |       |             |     |            |             |
| Commerce, Occupational and Professional Licensing        | 37533 | R156-75     | AMD | 06/24/2013 | 2013-10/15  |
| <u>goals</u>   |       |             |     |            |             |
| Education, Administration                                | 37709 | R277-406    | 5YR | 06/10/2013 | 2013-13/230 |
|  | 37734 | R277-406    | AMD | 08/07/2013 | 2013-13/26  |
| <u>good cause</u>  |       |             |     |            |             |
| Pardons (Board Of), Administration                       | 37348 | R671-515    | 5YR | 02/15/2013 | 2013-5/215  |
|  | 37461 | R671-515    | AMD | 05/22/2013 | 2013-8/31   |
| <u>government documents</u>                              |       |             |     |            |             |
| Administrative Services, Records Committee               | 37773 | R35-1-3     | AMD | 08/30/2013 | 2013-14/8   |
| <u>government ethics</u>                                 |       |             |     |            |             |
| Human Resource Management, Administration                | 37568 | R477-9      | AMD | 07/01/2013 | 2013-10/170 |
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| Commerce, Corporations and Commercial Code               | 38024 | R154-100    | 5YR | 09/26/2013 | 2013-20/49  |
| Financial Institutions, Administration                   | 37939 | R331-20     | 5YR | 08/23/2013 | 2013-18/62  |
| Human Resource Management, Administration                | 37570 | R477-11     | AMD | 07/01/2013 | 2013-10/173 |
| <u>government purchasing</u>                             |       |             |     |            |             |
| Administrative Services, Purchasing and General Services | 37633 | R33-3-3     | EMR | 05/15/2013 | 2013-11/81  |
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| Corrections, Administration                              | 37828 | R251-111    | EXD | 07/09/2013 | 2013-15/137 |
| Regents (Board Of), University of Utah, Administration   | 37824 | R805-2      | 5YR | 07/08/2013 | 2013-15/134 |
| <u>GRAMA compliance</u>                                  |       |             |     |            |             |
| Human Services, Recovery Services                        | 37668 | R527-5-3    | AMD | 07/22/2013 | 2013-12/30  |
| <u>grants</u>  |       |             |     |            |             |
| Education, Administration                                | 37711 | R277-490    | 5YR | 06/10/2013 | 2013-13/231 |
|  | 37742 | R277-490    | AMD | 08/07/2013 | 2013-13/48  |
|  | 37279 | R277-498    | NEW | 04/08/2013 | 2013-5/14   |
|  | 37507 | R277-498-4  | NSC | 04/29/2013 | Not Printed |
|  | 37744 | R277-606    | REP | 08/07/2013 | 2013-13/55  |
| Heritage and Arts, Arts and Museums, Museum Services     | 37846 | R452-200    | EMR | 07/15/2013 | 2013-15/121 |
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| Environmental Quality, Administration                    | 37847 | R305-4      | 5YR | 07/15/2013 | 2013-15/126 |
| Environmental Quality, Air Quality                       | 37901 | R307-123    | 5YR | 08/08/2013 | 2013-17/50  |
| <u>graphic arts</u>                                      |       |             |     |            |             |
| Environmental Quality, Air Quality                       | 36733 | R307-351    | NEW | 02/01/2013 | 2012-19/80  |
|  | 36733 | R307-351    | CPR | 02/01/2013 | 2013-1/69   |
|  | 38015 | R307-351-2  | NSC | 10/08/2013 | Not Printed |
|  | 37235 | R307-351-4  | NSC | 02/15/2013 | Not Printed |
| <u>graywater</u>   |       |             |     |            |             |
| Environmental Quality, Water Quality                     | 37857 | R317-401    | AMD | 09/24/2013 | 2013-15/108 |
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| Environmental Quality, Air Quality                       | 37831 | R307-401-7  | AMD | 10/03/2013 | 2013-15/27  |
|  | 37037 | R307-401-15 | AMD | 02/07/2013 | 2012-23/40  |
|  | 37236 | R307-401-15 | NSC | 02/15/2013 | Not Printed |
|  | 37268 | R307-401-19 | AMD | 07/01/2013 | 2013-5/36   |
|  | 37268 | R307-401-19 | CPR | 07/01/2013 | 2013-11/72  |
|  | 37269 | R307-401-20 | AMD | 07/01/2013 | 2013-5/36   |
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| Tax Commission, Administration                                | 38016 | R861-1A-9  | NSC | 10/08/2013 | Not Printed |
|   | 36991 | R861-1A-12 | AMD | 01/10/2013 | 2012-22/144 |
|   | 37104 | R861-1A-26 | AMD | 02/21/2013 | 2013-1/15   |
|   | 37106 | R861-1A-37 | AMD | 02/21/2013 | 2013-1/17   |
|   | 37107 | R861-1A-46 | AMD | 02/21/2013 | 2013-1/18   |
| <u>grievances</u>   |       |            |     |            |             |
| Human Resource Management, Administration                     | 37570 | R477-11    | AMD | 07/01/2013 | 2013-10/173 |
|   | 37571 | R477-12    | AMD | 07/01/2013 | 2013-10/175 |
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| Environmental Quality, Water Quality                          | 37854 | R317-6     | AMD | 09/24/2013 | 2013-15/85  |
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| Education, Administration                                     | 37928 | R277-613   | AMD | 10/08/2013 | 2013-17/23  |
| <u>harassment prevention</u>                                  |       |            |     |            |             |
| Human Resource Management, Administration                     | 37574 | R477-15    | AMD | 07/01/2013 | 2013-10/180 |
| <u>hardship grants</u>  |       |            |     |            |             |
| Environmental Quality, Drinking Water                         | 37748 | R309-700   | NSC | 07/09/2013 | Not Printed |
| <u>Hatch Act</u>  |       |            |     |            |             |
| Human Resource Management, Administration                     | 37568 | R477-9     | AMD | 07/01/2013 | 2013-10/170 |
| <u>hatchery</u>   |       |            |     |            |             |
| Agriculture and Food, Animal Industry                         | 37248 | R58-6      | R&R | 03/25/2013 | 2013-4/6    |
| <u>hazardous air pollutant</u>                                |       |            |     |            |             |
| Environmental Quality, Air Quality                            | 37703 | R307-214   | AMD | 09/12/2013 | 2013-13/60  |
| <u>hazardous materials</u>                                    |       |            |     |            |             |
| Public Safety, Fire Marshal                                   | 37390 | R710-12    | 5YR | 03/08/2013 | 2013-7/67   |
| <u>hazardous materials transportation</u>                     |       |            |     |            |             |
| Transportation, Motor Carrier                                 | 37875 | R909-75    | AMD | 09/23/2013 | 2013-16/38  |
| <u>hazardous substances</u>                                   |       |            |     |            |             |
| Environmental Quality, Environmental Response and Remediation | 37482 | R311-201   | NSC | 04/29/2013 | Not Printed |
|   | 37483 | R311-203   | NSC | 04/29/2013 | Not Printed |
|   | 37484 | R311-204   | NSC | 04/29/2013 | Not Printed |
|   | 37486 | R311-206   | NSC | 04/29/2013 | Not Printed |
|   | 37491 | R311-212   | NSC | 04/29/2013 | Not Printed |
| Transportation, Motor Carrier                                 | 37875 | R909-75    | AMD | 09/23/2013 | 2013-16/38  |
| <u>hazardous waste</u>  |       |            |     |            |             |
| Environmental Quality, Solid and Hazardous Waste              | 37305 | R315-1     | AMD | 04/25/2013 | 2013-5/45   |
|   | 37306 | R315-2     | AMD | 04/25/2013 | 2013-5/48   |
|   | 37307 | R315-3     | AMD | 04/25/2013 | 2013-5/63   |
|   | 37308 | R315-4     | AMD | 04/25/2013 | 2013-5/64   |
|   | 37309 | R315-5     | AMD | 04/25/2013 | 2013-5/69   |
|   | 37310 | R315-6     | AMD | 04/25/2013 | 2013-5/73   |
|   | 37311 | R315-7     | AMD | 04/25/2013 | 2013-5/76   |
|   | 37312 | R315-8     | AMD | 04/25/2013 | 2013-5/99   |
|   | 37313 | R315-9     | AMD | 04/25/2013 | 2013-5/100  |
|   | 37314 | R315-12    | AMD | 04/25/2013 | 2013-5/101  |
|   | 37315 | R315-13    | AMD | 04/25/2013 | 2013-5/102  |
|   | 37317 | R315-16    | AMD | 04/25/2013 | 2013-5/103  |
|   | 37318 | R315-17    | AMD | 04/25/2013 | 2013-5/107  |
|   | 37319 | R315-50-6  | AMD | 04/25/2013 | 2013-5/109  |
|   | 37320 | R315-101   | AMD | 04/25/2013 | 2013-5/110  |
|   | 37321 | R315-102   | AMD | 04/25/2013 | 2013-5/113  |
| Transportation, Motor Carrier                                 | 37875 | R909-75    | AMD | 09/23/2013 | 2013-16/38  |

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| Education, Administration   | 37891 | R277-613 | 5YR | 08/02/2013 | 2013-17/49  |
|   | 37928 | R277-613 | AMD | 10/08/2013 | 2013-17/23  |
| <u>head injuries</u>  |       |          |     |            |             |
| Education, Administration   | 37630 | R277-614 | 5YR | 05/15/2013 | 2013-11/99  |
|   | 37635 | R277-614 | AMD | 07/08/2013 | 2013-11/23  |
| <u>health care</u>  |       |          |     |            |             |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 37381 | R398-1   | AMD | 07/01/2013 | 2013-7/28   |
| <u>health care facilities</u>   |       |          |     |            |             |
| Health, Family Health and Preparedness, Licensing                               | 37912 | R432-1   | 5YR | 08/12/2013 | 2013-17/51  |
|   | 37913 | R432-2   | 5YR | 08/12/2013 | 2013-17/52  |
|   | 37209 | R432-3   | AMD | 04/24/2013 | 2013-4/17   |
|   | 37914 | R432-3   | 5YR | 08/12/2013 | 2013-17/52  |
|   | 37915 | R432-4   | 5YR | 08/12/2013 | 2013-17/53  |
|   | 37916 | R432-5   | 5YR | 08/12/2013 | 2013-17/53  |
|   | 37917 | R432-6   | 5YR | 08/12/2013 | 2013-17/54  |
|   | 37281 | R432-16  | 5YR | 02/11/2013 | 2013-5/209  |
|   | 37441 | R432-35  | 5YR | 03/25/2013 | 2013-8/55   |
| <u>health effects</u>   |       |          |     |            |             |
| Environmental Quality, Drinking Water   | 37785 | R309-220 | NSC | 07/19/2013 | Not Printed |
| <u>health facilities</u>  |       |          |     |            |             |
| Health, Center for Health Data, Vital Records and Statistics                    | 37428 | R436-9   | 5YR | 03/21/2013 | 2013-8/59   |
| <u>hearing aids</u>   |       |          |     |            |             |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 37899 | R398-3   | NEW | 10/15/2013 | 2013-17/31  |
| <u>hearings</u>   |       |          |     |            |             |
| Environmental Quality, Administration   | 36554 | R305-6   | REP | 01/31/2013 | 2012-16/28  |
|   | 36554 | R305-6   | CPR | 01/31/2013 | 2013-1/32   |
|   | 36553 | R305-7   | NEW | 01/31/2013 | 2012-16/45  |
|   | 36553 | R305-7   | CPR | 01/31/2013 | 2013-1/32   |
| Environmental Quality, Drinking Water   | 37783 | R309-115 | NSC | 07/19/2013 | Not Printed |
| Environmental Quality, Radiation Control  | 37192 | R313-17  | AMD | 03/19/2013 | 2013-3/40   |
| Environmental Quality, Solid and Hazardous Waste                                | 37314 | R315-12  | AMD | 04/25/2013 | 2013-5/101  |
| Environmental Quality, Water Quality  | 37239 | R317-9   | 5YR | 01/31/2013 | 2013-4/51   |
| Health, Health Care Financing, Coverage and Reimbursement Policy                | 37221 | R414-301 | 5YR | 01/23/2013 | 2013-4/52   |
|   | 37880 | R414-301 | AMD | 10/01/2013 | 2013-16/11  |
| Pardons (Board Of), Administration  | 37346 | R671-513 | 5YR | 02/15/2013 | 2013-5/214  |
|   | 37459 | R671-513 | AMD | 05/22/2013 | 2013-8/28   |
|   | 37349 | R671-516 | 5YR | 02/15/2013 | 2013-5/215  |
|   | 37462 | R671-516 | AMD | 05/22/2013 | 2013-8/32   |
|   | 37350 | R671-517 | 5YR | 02/15/2013 | 2013-5/216  |
|   | 37463 | R671-517 | AMD | 05/22/2013 | 2013-8/33   |
|   | 37352 | R671-519 | 5YR | 02/15/2013 | 2013-5/217  |
|   | 37464 | R671-519 | AMD | 05/22/2013 | 2013-8/35   |
|   | 37353 | R671-520 | 5YR | 02/15/2013 | 2013-5/217  |
|   | 37465 | R671-520 | AMD | 05/22/2013 | 2013-8/36   |
|   | 37354 | R671-522 | 5YR | 02/15/2013 | 2013-5/218  |
| Professional Practices Advisory Commission, Administration                      | 37243 | R686-100 | 5YR | 02/01/2013 | 2013-4/60   |
| <u>high quality ground water</u>  |       |          |     |            |             |
| Environmental Quality, Drinking Water   | 37723 | R309-505 | NSC | 07/09/2013 | Not Printed |
| <u>higher education</u>   |       |          |     |            |             |
| Education, Administration   | 37808 | R277-713 | AMD | 08/26/2013 | 2013-14/34  |
| Regents (Board Of), Administration  | 37551 | R765-136 | 5YR | 04/29/2013 | 2013-10/216 |

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|   | 37586 | R765-604    | AMD | 07/08/2013 | 2013-11/61  |
|   | 37539 | R765-605    | 5YR | 04/24/2013 | 2013-10/217 |
|   | 37547 | R765-605    | AMD | 06/24/2013 | 2013-10/195 |
|   | 37587 | R765-609    | AMD | 07/08/2013 | 2013-11/65  |
| Regents (Board Of), University of Utah, Administration          | 37824 | R805-2      | 5YR | 07/08/2013 | 2013-15/134 |
| <u>higher education assistance</u>                              |       |             |     |            |             |
| Regents (Board Of), Administration                              | 37540 | R765-606    | 5YR | 04/24/2013 | 2013-10/218 |
| <u>highways</u>   |       |             |     |            |             |
| Transportation, Administration                                  | 37953 | R907-67     | 5YR | 09/03/2013 | 2013-18/65  |
| Transportation, Program Development                             | 37954 | R926-10     | 5YR | 09/03/2013 | 2013-18/65  |
| <u>HIPAA</u>  |       |             |     |            |             |
| Health, Administration  | 37596 | R380-250    | 5YR | 05/06/2013 | 2013-11/99  |
|   | 37679 | R380-250    | AMD | 08/07/2013 | 2013-13/122 |
| Human Services, Administration                                  | 37525 | R495-881    | 5YR | 04/15/2013 | 2013-9/34   |
| <u>hiring practices</u>   |       |             |     |            |             |
| Human Resource Management, Administration                       | 37563 | R477-4      | AMD | 07/01/2013 | 2013-10/157 |
| <u>historic preservation</u>                                    |       |             |     |            |             |
| Tax Commission, Auditing  | 37108 | R865-9I-13  | AMD | 02/21/2013 | 2013-1/20   |
|   | 37178 | R865-9I-46  | NSC | 01/31/2013 | Not Printed |
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| Administrative Services, Facilities Construction and Management | 37358 | R23-22      | 5YR | 02/20/2013 | 2013-6/49   |
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| Human Resource Management, Administration                       | 37566 | R477-7      | AMD | 07/01/2013 | 2013-10/163 |
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| Human Services, Aging and Adult Services                        | 37228 | R510-104-11 | AMD | 04/15/2013 | 2013-4/18   |
| <u>horses</u>   |       |             |     |            |             |
| Agriculture and Food, Horse Racing Commission (Utah)            | 37420 | R52-7       | EMR | 03/20/2013 | 2013-8/47   |
|   | 37860 | R52-7       | EMR | 07/18/2013 | 2013-16/61  |
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| Environmental Quality, Air Quality                              | 37256 | R307-222    | 5YR | 02/06/2013 | 2013-5/194  |
| <u>hostile work environment</u>                                 |       |             |     |            |             |
| Human Resource Management, Administration                       | 37574 | R477-15     | AMD | 07/01/2013 | 2013-10/180 |
| <u>hourly child care centers</u>                                |       |             |     |            |             |
| Health, Family Health and Preparedness, Child Care Licensing    | 37662 | R430-60     | 5YR | 05/29/2013 | 2013-12/54  |
|   | 37777 | R430-60-7   | AMD | 09/01/2013 | 2013-14/74  |
| <u>hours of business</u>  |       |             |     |            |             |
| Labor Commission, Administration                                | 37621 | R600-2      | AMD | 07/08/2013 | 2013-11/33  |
|   | 37866 | R600-2      | AMD | 09/23/2013 | 2013-16/36  |
| <u>human services</u>   |       |             |     |            |             |
| Human Services, Services for People with Disabilities           | 37110 | R539-1      | AMD | 02/13/2013 | 2013-1/2    |
|   | 37245 | R539-1-3    | AMD | 04/18/2013 | 2013-4/21   |
| <u>hunting closures</u>   |       |             |     |            |             |
| Natural Resources, Wildlife Resources                           | 37592 | R657-34     | 5YR | 05/06/2013 | 2013-11/103 |
| <u>hydraulic modeling</u>                                       |       |             |     |            |             |
| Environmental Quality, Drinking Water                           | 37725 | R309-511    | AMD | 08/28/2013 | 2013-13/81  |

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| <u>hydropneumatic systems</u>                                    |       |            |     |            |             |  |
| Environmental Quality, Drinking Water                            | 37731 | R309-540   | NSC | 07/09/2013 | Not Printed |  |
| <u>IEEE 1366</u>   |       |            |     |            |             |  |
| Public Service Commission, Administration                        | 37116 | R746-313   | AMD | 02/21/2013 | 2013-2/87   |  |
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| Health, Disease Control and Prevention, Immunization             | 37806 | R396-100   | 5YR | 06/28/2013 | 2013-14/105 |  |
| <u>impairment ratings</u>  |       |            |     |            |             |  |
| Labor Commission, Industrial Accidents                           | 37135 | R612-7     | REP | 02/25/2013 | 2013-2/49   |  |
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| Natural Resources, Wildlife Resources                            | 37384 | R657-3     | 5YR | 03/05/2013 | 2013-7/67   |  |
|  | 37667 | R657-53    | 5YR | 05/30/2013 | 2013-12/57  |  |
| <u>importation requirements</u>                                  |       |            |     |            |             |  |
| Agriculture and Food, Animal Industry                            | 37811 | R58-1      | AMD | 08/21/2013 | 2013-14/9   |  |
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| Education, Administration  | 37709 | R277-406   | 5YR | 06/10/2013 | 2013-13/230 |  |
|  | 37734 | R277-406   | AMD | 08/07/2013 | 2013-13/26  |  |
| <u>in-service training</u>                                       |       |            |     |            |             |  |
| Public Safety, Peace Officer Standards and Training              | 37805 | R728-501   | 5YR | 06/28/2013 | 2013-14/118 |  |
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| Pardons (Board Of), Administration                               | 37342 | R671-509   | 5YR | 02/15/2013 | 2013-5/212  |  |
|  | 37456 | R671-509   | AMD | 05/22/2013 | 2013-8/25   |  |
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| Environmental Quality, Air Quality                               | 37258 | R307-220   | 5YR | 02/06/2013 | 2013-5/193  |  |
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| Health, Health Care Financing, Coverage and Reimbursement Policy | 37173 | R414-303   | EMR | 01/07/2013 | 2013-3/103  |  |
|  | 37216 | R414-303   | 5YR | 01/23/2013 | 2013-4/53   |  |
|  | 37301 | R414-303   | AMD | 04/17/2013 | 2013-5/179  |  |
|  | 37217 | R414-304   | 5YR | 01/23/2013 | 2013-4/54   |  |
| <u>income tax</u>  |       |            |     |            |             |  |
| Tax Commission, Auditing   | 37108 | R865-9I-13 | AMD | 02/21/2013 | 2013-1/20   |  |
|  | 37178 | R865-9I-46 | NSC | 01/31/2013 | Not Printed |  |
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| Human Services, Recovery Services                                | 37231 | R527-302   | 5YR | 01/28/2013 | 2013-4/59   |  |
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| Health, Health Care Financing, Coverage and Reimbursement Policy | 37173 | R414-303   | EMR | 01/07/2013 | 2013-3/103  |  |
|  | 37216 | R414-303   | 5YR | 01/23/2013 | 2013-4/53   |  |
|  | 37301 | R414-303   | AMD | 04/17/2013 | 2013-5/179  |  |
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| Environmental Quality, Drinking Water                            | 37731 | R309-540   | NSC | 07/09/2013 | Not Printed |  |
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| Health, Disease Control and Prevention, Environmental Services   | 37454 | R392-510-6 | AMD | 07/01/2013 | 2013-8/8    |  |
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| Environmental Quality, Water Quality                             | 37851 | R317-1     | AMD | 09/24/2013 | 2013-15/41  |  |
|  | 37366 | R317-1-1   | AMD | 08/19/2013 | 2013-6/32   |  |
|  | 37366 | R317-1-1   | CPR | 08/19/2013 | 2013-14/92  |  |
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|   | 37186 | R313-36     | NSC | 01/31/2013 | Not Printed |
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|   | 37850 | R58-18      | AMD | 09/10/2013 | 2013-15/15  |
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|   | 37179 | R313-16     | NSC | 01/31/2013 | Not Printed |
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|   | 37509 | R277-469    | AMD | 06/07/2013 | 2013-9/3    |
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|   | 37719 | R590-160-5  | AMD | 08/28/2013 | 2013-13/193 |
|   | 38025 | R590-161    | 5YR | 09/27/2013 | 2013-20/51  |
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|   | 36846 | R590-171    | AMD | 01/22/2013 | 2012-20/74  |
|   | 36846 | R590-171    | CPR | 01/22/2013 | 2012-24/32  |
|   | 37230 | R590-171-3  | NSC | 02/15/2013 | Not Printed |
|   | 37840 | R590-186    | 5YR | 07/12/2013 | 2013-15/127 |
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|   | 38038 | R590-245    | 5YR | 10/01/2013 | 2013-20/52  |
|   | 37907 | R590-250    | 5YR | 08/09/2013 | 2013-17/56  |
| Labor Commission, Industrial Accidents  | 37133 | R612-5      | REP | 02/25/2013 | 2013-2/46   |
|   | 37127 | R612-400    | NEW | 02/25/2013 | 2013-2/76   |
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| Insurance, Administration   | 37018 | R590-102    | AMD | 01/18/2013 | 2012-22/131 |
|   | 37220 | R590-102-4  | NSC | 02/15/2013 | Not Printed |
|   | 37379 | R590-102-17 | AMD | 05/14/2013 | 2013-6/47   |
|   | 37171 | R590-157    | 5YR | 01/07/2013 | 2013-3/112  |
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| Insurance, Administration   | 37412 | R590-94     | 5YR | 03/15/2013 | 2013-7/66   |
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|  | 37227 | R722-320  | NSC | 02/15/2013 | Not Printed |
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licensing

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|   | 37707 | R156-17b     | AMD | 08/08/2013 | 2013-13/7   |
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|   | 37040 | R156-37      | AMD | 01/08/2013 | 2012-23/18  |
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|   | 37959 | R156-37c     | 5YR | 09/03/2013 | 2013-18/61  |
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|   | 37974 | R156-63a     | 5YR | 09/09/2013 | 2013-19/147 |
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|   | 37533 | R156-75      | AMD | 06/24/2013 | 2013-10/15  |
|   | 37202 | R156-82      | NEW | 03/11/2013 | 2013-3/5    |
|   | 37396 | R156-82      | NSC | 04/01/2013 | Not Printed |
| Commerce, Real Estate   | 37678 | R162-2c      | AMD | 08/07/2013 | 2013-12/9   |
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| Environmental Quality, Radiation Control                            | 37193 | R313-18      | AMD | 03/19/2013 | 2013-3/42   |
|   | 37186 | R313-36      | NSC | 01/31/2013 | Not Printed |
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licensing and certification

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life insurance

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| Insurance, Administration | 37515 | R590-93 | AMD | 06/11/2013 | 2013-9/12 |
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life sciences

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litter

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loan origination

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| Commerce, Real Estate | 37678 | R162-2c | AMD | 08/07/2013 | 2013-12/9 |
|-----------------------|-------|---------|-----|------------|-----------|

loans

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|   | 37848 | R23-30   | AMD | 09/10/2013 | 2013-15/8   |
| Agriculture and Food, Conservation and Resource Management      | 37701 | R64-1    | NSC | 09/30/2013 | Not Printed |
| Environmental Quality, Drinking Water                           | 37748 | R309-700 | NSC | 07/09/2013 | Not Printed |
|   | 37749 | R309-705 | NSC | 07/09/2013 | Not Printed |

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|  | 37951 | R907-64     | 5YR | 09/03/2013 | 2013-18/64  |
| <u>low quality ground water</u>                                  |       |             |     |            |             |
| Environmental Quality, Drinking Water                            | 37723 | R309-505    | NSC | 07/09/2013 | Not Printed |
| <u>MACT</u>  |       |             |     |            |             |
| Environmental Quality, Air Quality                               | 37703 | R307-214    | AMD | 09/12/2013 | 2013-13/60  |
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| Environmental Quality, Air Quality                               | 36730 | R307-348    | NEW | 02/01/2013 | 2012-19/73  |
|  | 36730 | R307-348    | CPR | 02/01/2013 | 2013-1/61   |
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|  | 37867 | R313-28-80  | AMD | 10/15/2013 | 2013-16/6   |
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|  | 37507 | R277-498-4  | NSC | 04/29/2013 | Not Printed |
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|  | 37906 | R410-14     | AMD | 10/08/2013 | 2013-17/32  |
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|  | 37422 | R414-1-5    | AMD | 05/29/2013 | 2013-8/10   |
|  | 37715 | R414-1-5    | AMD | 08/07/2013 | 2013-13/123 |
|  | 37905 | R414-1-5    | EMR | 08/08/2013 | 2013-17/41  |
|  | 37546 | R414-1-30   | AMD | 07/01/2013 | 2013-10/142 |
|  | 37898 | R414-2A-6   | AMD | 10/11/2013 | 2013-17/34  |
|  | 37391 | R414-6      | 5YR | 03/08/2013 | 2013-7/65   |
|  | 37578 | R414-11     | AMD | 07/01/2013 | 2013-10/143 |
|  | 37656 | R414-14A-26 | AMD | 07/22/2013 | 2013-12/23  |
|  | 37177 | R414-27     | 5YR | 01/09/2013 | 2013-3/109  |
|  | 37085 | R414-29     | AMD | 05/16/2013 | 2012-24/28  |
|  | 37085 | R414-29     | CPR | 05/16/2013 | 2013-7/49   |
|  | 38014 | R414-42     | 5YR | 09/17/2013 | 2013-20/50  |
|  | 37559 | R414-51     | 5YR | 04/30/2013 | 2013-10/213 |
|  | 37696 | R414-51     | AMD | 08/14/2013 | 2013-13/128 |
|  | 37580 | R414-52     | 5YR | 05/01/2013 | 2013-10/214 |
|  | 37591 | R414-53     | 5YR | 05/03/2013 | 2013-11/101 |
|  | 37807 | R414-55     | 5YR | 06/28/2013 | 2013-14/106 |
|  | 37528 | R414-70     | AMD | 07/01/2013 | 2013-10/144 |
|  | 37221 | R414-301    | 5YR | 01/23/2013 | 2013-4/52   |
|  | 37880 | R414-301    | AMD | 10/01/2013 | 2013-16/11  |
|  | 37215 | R414-302    | 5YR | 01/23/2013 | 2013-4/53   |

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|   | 37576 | R414-401-3 | AMD | 07/01/2013 | 2013-10/146 |
|   | 37577 | R414-506   | AMD | 07/01/2013 | 2013-10/147 |
|   | 37665 | R414-508   | 5YR | 05/30/2013 | 2013-12/53  |
|   | 37548 | R414-509   | EMR | 05/01/2013 | 2013-10/209 |
|   | 37549 | R414-509   | AMD | 06/28/2013 | 2013-10/148 |
| <u>Medicaid abuse</u>   |       |            |     |            |             |
| Governor, Planning and Budget, Inspector General of Medicaid Services (Office of) | 37536 | R367-1     | R&R | 06/21/2013 | 2013-10/135 |
| <u>Medicaid fraud</u>   |       |            |     |            |             |
| Governor, Planning and Budget, Inspector General of Medicaid Services (Office of) | 37536 | R367-1     | R&R | 06/21/2013 | 2013-10/135 |
| <u>Medicaid waste</u>   |       |            |     |            |             |
| Governor, Planning and Budget, Inspector General of Medicaid Services (Office of) | 37536 | R367-1     | R&R | 06/21/2013 | 2013-10/135 |
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| Environmental Quality, Air Quality  | 37256 | R307-222   | 5YR | 02/06/2013 | 2013-5/194  |
| <u>medical practitioners</u>  |       |            |     |            |             |
| Labor Commission, Industrial Accidents  | 37130 | R612-2     | REP | 02/25/2013 | 2013-2/35   |
|   | 37126 | R612-300   | NEW | 02/25/2013 | 2013-2/66   |
| <u>medical supplies</u>   |       |            |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy                  | 37528 | R414-70    | AMD | 07/01/2013 | 2013-10/144 |
| <u>medical transportation</u>   |       |            |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy                  | 37174 | R414-306   | EMR | 01/07/2013 | 2013-3/105  |
|   | 37218 | R414-306   | 5YR | 01/23/2013 | 2013-4/55   |
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| Human Services, Substance Abuse and Mental Health, State Hospital                 | 37224 | R525-3     | 5YR | 01/24/2013 | 2013-4/56   |
|   | 37968 | R525-3     | NSC | 09/30/2013 | Not Printed |
| <u>membrane filtration</u>  |       |            |     |            |             |
| Environmental Quality, Drinking Water   | 37729 | R309-530   | AMD | 08/28/2013 | 2013-13/114 |
| <u>mental health</u>  |       |            |     |            |             |
| Human Services, Substance Abuse and Mental Health, State Hospital                 | 37973 | R525-8     | NSC | 09/30/2013 | Not Printed |
| <u>mercury</u>  |       |            |     |            |             |
| Environmental Quality, Air Quality  | 37254 | R307-224   | 5YR | 02/06/2013 | 2013-5/195  |
| <u>metal containers</u>   |       |            |     |            |             |
| Environmental Quality, Air Quality  | 36734 | R307-352   | NEW | 02/01/2013 | 2012-19/84  |
|   | 36734 | R307-352   | CPR | 02/01/2013 | 2013-1/73   |
| <u>metal furniture</u>  |       |            |     |            |             |
| Environmental Quality, Air Quality  | 36728 | R307-346   | NEW | 02/01/2013 | 2012-19/69  |
|   | 36728 | R307-346   | CPR | 02/01/2013 | 2013-1/57   |
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| Environmental Quality, Environmental Response and Remediation                     | 37513 | R311-500   | NSC | 04/29/2013 | Not Printed |
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minerals reclamation

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|  | 37468 | R647-2 | 5YR | 04/01/2013 | 2013-8/65 |
|  | 37469 | R647-3 | 5YR | 04/01/2013 | 2013-8/66 |
|  | 37470 | R647-4 | 5YR | 04/01/2013 | 2013-8/66 |
|  | 37471 | R647-5 | 5YR | 04/01/2013 | 2013-8/67 |
|  | 37476 | R647-6 | 5YR | 04/02/2013 | 2013-9/41 |
|  | 37477 | R647-7 | 5YR | 04/02/2013 | 2013-9/42 |
|  | 37478 | R647-8 | 5YR | 04/02/2013 | 2013-9/42 |

minimum sizing

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| Environmental Quality, Drinking Water | 37724 | R309-510 | AMD | 08/28/2013 | 2013-13/77 |
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mining

|  |       |        |     |            |             |
|--|-------|--------|-----|------------|-------------|
| Labor Commission, Boiler and Elevator Safety | 37493 | R616-1 | 5YR | 04/05/2013 | 2013-9/38   |
|  | 37520 | R616-1 | NSC | 04/29/2013 | Not Printed |

miscellaneous metal parts

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| Environmental Quality, Air Quality | 36732 | R307-350 | NEW | 02/01/2013 | 2012-19/76 |
|                                    | 36732 | R307-350 | CPR | 02/01/2013 | 2013-1/65  |

miscellaneous treatment

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| Environmental Quality, Drinking Water | 37730 | R309-535 | AMD | 08/28/2013 | 2013-13/117 |
|---------------------------------------|-------|----------|-----|------------|-------------|

monitoring

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| Education, Administration                | 37886 | R277-481 | 5YR | 08/02/2013 | 2013-17/46 |
|  | 37924 | R277-481 | AMD | 10/08/2013 | 2013-17/10 |
| Environmental Quality, Air Quality       | 37259 | R307-170 | 5YR | 02/06/2013 | 2013-5/192 |
| Environmental Quality, Radiation Control | 37196 | R313-24  | AMD | 03/19/2013 | 2013-3/74  |

mothers

|  |       |        |     |            |           |
|--|-------|--------|-----|------------|-----------|
| Health, Center for Health Data, Vital Records and Statistics | 37424 | R436-3 | 5YR | 03/21/2013 | 2013-8/57 |
|--|-------|--------|-----|------------|-----------|

motor vehicle safety

|                               |       |         |     |            |             |
|-------------------------------|-------|---------|-----|------------|-------------|
| Public Safety, Driver License | 37614 | R708-21 | EMR | 05/14/2013 | 2013-11/89  |
|                               | 37717 | R708-21 | AMD | 08/08/2013 | 2013-13/198 |

motor vehicles

|   |       |             |     |            |             |
|---|-------|-------------|-----|------------|-------------|
| Environmental Quality, Administration     | 37847 | R305-4      | 5YR | 07/15/2013 | 2013-15/126 |
| Environmental Quality, Air Quality        | 37901 | R307-123    | 5YR | 08/08/2013 | 2013-17/50  |
| Tax Commission, Motor Vehicle Enforcement | 37699 | R877-23V-21 | AMD | 08/22/2013 | 2013-13/205 |

motorcycle rider training schools

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|-------------------------------|-------|---------|-----|------------|-------------|
| Public Safety, Driver License | 37613 | R708-30 | 5YR | 05/13/2013 | 2013-11/105 |
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municipal landfills

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|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 37257 | R307-221 | 5YR | 02/06/2013 | 2013-5/194 |
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municipal waste incinerator

|                                    |       |          |     |            |            |
|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 37255 | R307-223 | 5YR | 02/06/2013 | 2013-5/195 |
|------------------------------------|-------|----------|-----|------------|------------|

nail technicians

|   |       |          |     |            |           |
|---|-------|----------|-----|------------|-----------|
| Commerce, Occupational and Professional Licensing | 37697 | R156-11a | AMD | 08/08/2013 | 2013-13/3 |
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|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 37703 | R307-214 | AMD | 09/12/2013 | 2013-13/60 |
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new hire registry

|  |       |          |     |            |            |
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| Workforce Services, Unemployment Insurance | 37650 | R994-315 | 5YR | 05/16/2013 | 2013-12/59 |
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new state revenue

|                                |       |        |     |            |           |
|--------------------------------|-------|--------|-----|------------|-----------|
| Governor, Economic Development | 37208 | R357-6 | AMD | 05/01/2013 | 2013-4/15 |
|--------------------------------|-------|--------|-----|------------|-----------|

newborn hearing screening

|   |       |        |     |            |             |
|---|-------|--------|-----|------------|-------------|
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 37810 | R398-2 | 5YR | 07/01/2013 | 2013-14/105 |
|---|-------|--------|-----|------------|-------------|

|   |       |              |     |            |             |
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| <u>newborn screening</u>  |       |              |     |            |             |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 37381 | R398-1       | AMD | 07/01/2013 | 2013-7/28   |
| <u>non-licensed public education employee</u>                                   |       |              |     |            |             |
| Education, Administration   | 37280 | R277-532     | NEW | 04/08/2013 | 2013-5/16   |
| <u>nonattainment</u>  |       |              |     |            |             |
| Environmental Quality, Air Quality  | 37263 | R307-403-1   | AMD | 07/01/2013 | 2013-5/37   |
|   | 37263 | R307-403-1   | CPR | 07/01/2013 | 2013-11/73  |
|   | 37264 | R307-403-2   | AMD | 07/01/2013 | 2013-5/39   |
|   | 37264 | R307-403-2   | CPR | 07/01/2013 | 2013-11/74  |
|   | 37266 | R307-403-10  | AMD | 07/01/2013 | 2013-5/42   |
|   | 37266 | R307-403-10  | CPR | 07/01/2013 | 2013-11/77  |
|   | 37267 | R307-403-11  | AMD | 07/01/2013 | 2013-5/43   |
|   | 37267 | R307-403-11  | CPR | 07/01/2013 | 2013-11/77  |
| <u>nonprofit</u>  |       |              |     |            |             |
| Heritage and Arts, Arts and Museums, Museum Services                            | 37846 | R452-200     | EMR | 07/15/2013 | 2013-15/121 |
| <u>nonpublic schools</u>  |       |              |     |            |             |
| Education, Administration   | 37920 | R277-410-3   | AMD | 10/08/2013 | 2013-17/4   |
| <u>notification requirements</u>  |       |              |     |            |             |
| Commerce, Real Estate   | 37393 | R162-2f      | AMD | 05/08/2013 | 2013-7/8    |
|   | 37530 | R162-2f      | AMD | 06/21/2013 | 2013-10/17  |
|   | 37394 | R162-2f-403  | AMD | 05/08/2013 | 2013-7/16   |
|   | 37664 | R162-2f-403a | NSC | 06/24/2013 | Not Printed |
| <u>NPIP</u>   |       |              |     |            |             |
| Agriculture and Food, Animal Industry   | 37248 | R58-6        | R&R | 03/25/2013 | 2013-4/6    |
| <u>nuclear medicine</u>   |       |              |     |            |             |
| Environmental Quality, Radiation Control  | 37184 | R313-32      | NSC | 01/31/2013 | Not Printed |
| <u>nurses</u>   |       |              |     |            |             |
| Commerce, Occupational and Professional Licensing                               | 37417 | R156-31b     | 5YR | 03/18/2013 | 2013-8/53   |
| <u>nursing facility</u>   |       |              |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy                | 37576 | R414-401-3   | AMD | 07/01/2013 | 2013-10/146 |
| <u>nutrition</u>  |       |              |     |            |             |
| Education, Administration   | 37406 | R277-719     | 5YR | 03/12/2013 | 2013-7/65   |
| Human Services, Aging and Adult Services  | 37228 | R510-104-11  | AMD | 04/15/2013 | 2013-4/18   |
| <u>occupational licensing</u>   |       |              |     |            |             |
| Commerce, Occupational and Professional Licensing                               | 37364 | R156-55a     | AMD | 04/22/2013 | 2013-6/17   |
|   | 37533 | R156-75      | AMD | 06/24/2013 | 2013-10/15  |
| Environmental Quality, Water Quality  | 37812 | R317-11      | AMD | 09/01/2013 | 2013-14/54  |
| <u>off-highway vehicles</u>   |       |              |     |            |             |
| Natural Resources, Parks and Recreation   | 37519 | R651-407     | 5YR | 04/12/2013 | 2013-9/43   |
|   | 36856 | R651-408     | REP | 01/15/2013 | 2012-20/77  |
|   | 37762 | R651-601     | 5YR | 06/25/2013 | 2013-14/107 |
|   | 37794 | R651-615     | 5YR | 06/27/2013 | 2013-14/113 |
| <u>office grants</u>  |       |              |     |            |             |
| Heritage and Arts, Arts and Museums, Museum Services                            | 37846 | R452-200     | EMR | 07/15/2013 | 2013-15/121 |
| <u>offset</u>   |       |              |     |            |             |
| Environmental Quality, Air Quality  | 37263 | R307-403-1   | AMD | 07/01/2013 | 2013-5/37   |
|   | 37263 | R307-403-1   | CPR | 07/01/2013 | 2013-11/73  |
|   | 37264 | R307-403-2   | AMD | 07/01/2013 | 2013-5/39   |

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|  | 37264 | R307-403-2   | CPR | 07/01/2013 | 2013-11/74  |
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|  | 37266 | R307-403-10  | CPR | 07/01/2013 | 2013-11/77  |
|  | 37267 | R307-403-11  | AMD | 07/01/2013 | 2013-5/43   |
|  | 37267 | R307-403-11  | CPR | 07/01/2013 | 2013-11/77  |
|  | 37265 | R307-420     | AMD | 07/01/2013 | 2013-5/43   |
|  | 37265 | R307-420     | CPR | 07/01/2013 | 2013-11/78  |
| <u>oil and gas law</u>   |       |              |     |            |             |
| Natural Resources, Oil, Gas and Mining; Oil and Gas              | 37444 | R649-1-1     | NSC | 04/15/2013 | Not Printed |
|  | 36992 | R649-3-38    | AMD | 01/23/2013 | 2012-22/140 |
|  | 37479 | R649-6       | 5YR | 04/02/2013 | 2013-9/43   |
|  | 37545 | R649-9       | R&R | 07/01/2013 | 2013-10/183 |
|  | 37826 | R649-9-8     | NSC | 07/26/2013 | Not Printed |
|  | 37825 | R649-9-10    | NSC | 07/26/2013 | Not Printed |
| <u>OMS</u>   |       |              |     |            |             |
| Heritage and Arts, Arts and Museums, Museum Services             | 37846 | R452-200     | EMR | 07/15/2013 | 2013-15/121 |
| <u>onsite professional</u>                                       |       |              |     |            |             |
| Environmental Quality, Water Quality                             | 37812 | R317-11      | AMD | 09/01/2013 | 2013-14/54  |
| <u>onsite wastewater systems</u>                                 |       |              |     |            |             |
| Environmental Quality, Water Quality                             | 37575 | R317-4       | R&R | 09/01/2013 | 2013-10/27  |
| <u>open government</u>   |       |              |     |            |             |
| Education, Administration  | 37355 | R277-101     | AMD | 04/22/2013 | 2013-6/26   |
| <u>operation and maintenance</u>                                 |       |              |     |            |             |
| Environmental Quality, Drinking Water                            | 37727 | R309-520     | AMD | 08/28/2013 | 2013-13/93  |
| <u>operation and maintenance requirements</u>                    |       |              |     |            |             |
| Environmental Quality, Drinking Water                            | 37722 | R309-500     | AMD | 08/28/2013 | 2013-13/73  |
| <u>operational requirements</u>                                  |       |              |     |            |             |
| Commerce, Real Estate  | 37393 | R162-2f      | AMD | 05/08/2013 | 2013-7/8    |
|  | 37530 | R162-2f      | AMD | 06/21/2013 | 2013-10/17  |
|  | 37394 | R162-2f-403  | AMD | 05/08/2013 | 2013-7/16   |
|  | 37664 | R162-2f-403a | NSC | 06/24/2013 | Not Printed |
| <u>optometry</u>   |       |              |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37580 | R414-52      | 5YR | 05/01/2013 | 2013-10/214 |
| <u>orthodontia</u>   |       |              |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37559 | R414-51      | 5YR | 04/30/2013 | 2013-10/213 |
|  | 37696 | R414-51      | AMD | 08/14/2013 | 2013-13/128 |
| <u>osteopathic physician</u>                                     |       |              |     |            |             |
| Commerce, Occupational and Professional Licensing                | 37272 | R156-68      | 5YR | 02/07/2013 | 2013-5/191  |
|  | 37271 | R156-68-306  | AMD | 04/08/2013 | 2013-5/11   |
| <u>osteopaths</u>  |       |              |     |            |             |
| Commerce, Occupational and Professional Licensing                | 37272 | R156-68      | 5YR | 02/07/2013 | 2013-5/191  |
|  | 37271 | R156-68-306  | AMD | 04/08/2013 | 2013-5/11   |
| <u>out of school time child care programs</u>                    |       |              |     |            |             |
| Health, Family Health and Preparedness, Child Care Licensing     | 37778 | R430-70-7    | AMD | 09/01/2013 | 2013-14/76  |
| <u>out-of-home care</u>  |       |              |     |            |             |
| Human Services, Child and Family Services                        | 37642 | R512-305     | 5YR | 05/16/2013 | 2013-12/56  |
| <u>outdoor wood boilers</u>                                      |       |              |     |            |             |
| Environmental Quality, Air Quality                               | 36481 | R307-208     | NEW | 04/10/2013 | 2012-15/12  |

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|   | 36481 | R307-208      | CPR | 04/10/2013 | 2012-23/56  |
|   | 36481 | R307-208      | CPR | 04/10/2013 | 2013-5/184  |
| <u>overflow and drains</u>                                      |       |               |     |            |             |
| Environmental Quality, Drinking Water                           | 37732 | R309-545      | NSC | 07/09/2013 | Not Printed |
| <u>overpayments</u>   |       |               |     |            |             |
| Workforce Services, Unemployment Insurance                      | 37066 | R994-305      | AMD | 01/08/2013 | 2012-23/52  |
|   | 37023 | R994-305-1201 | AMD | 01/02/2013 | 2012-22/147 |
|   | 37024 | R994-406      | AMD | 01/02/2013 | 2012-22/148 |
|   | 37238 | R994-406-301  | AMD | 04/02/2013 | 2013-4/48   |
|   | 37516 | R994-406-403  | AMD | 06/12/2013 | 2013-9/26   |
| <u>oversight</u>  |       |               |     |            |             |
| Education, Administration                                       | 37886 | R277-481      | 5YR | 08/02/2013 | 2013-17/46  |
|   | 37924 | R277-481      | AMD | 10/08/2013 | 2013-17/10  |
| <u>overtime</u>   |       |               |     |            |             |
| Human Resource Management, Administration                       | 37567 | R477-8        | AMD | 07/01/2013 | 2013-10/167 |
| <u>ozone</u>  |       |               |     |            |             |
| Environmental Quality, Air Quality                              | 36725 | R307-340      | REP | 02/01/2013 | 2012-19/49  |
|   | 36725 | R307-340      | CPR | 02/01/2013 | 2013-1/48   |
|   | 37265 | R307-420      | AMD | 07/01/2013 | 2013-5/43   |
|   | 37265 | R307-420      | CPR | 07/01/2013 | 2013-11/78  |
| <u>paper coating</u>  |       |               |     |            |             |
| Environmental Quality, Air Quality                              | 36726 | R307-344      | NEW | 02/01/2013 | 2012-19/65  |
|   | 36726 | R307-344      | CPR | 02/01/2013 | 2013-1/52   |
| <u>paraeducators</u>  |       |               |     |            |             |
| Education, Administration                                       | 37889 | R277-526      | 5YR | 08/02/2013 | 2013-17/48  |
| <u>pardons</u>  |       |               |     |            |             |
| Pardons (Board Of), Administration                              | 37455 | R671-315      | AMD | 05/22/2013 | 2013-8/23   |
| <u>parent notification</u>                                      |       |               |     |            |             |
| Education, Administration                                       | 37929 | R277-620      | NEW | 10/08/2013 | 2013-17/26  |
| <u>parking facilities</u>                                       |       |               |     |            |             |
| Administrative Services, Facilities Construction and Management | 37357 | R23-13        | 5YR | 02/20/2013 | 2013-6/49   |
| Regents (Board Of), University of Utah, Commuter Services       | 37096 | R810-1-8      | AMD | 03/21/2013 | 2013-1/12   |
|   | 37098 | R810-1-14     | AMD | 03/21/2013 | 2013-1/13   |
|   | 37092 | R810-2-1      | AMD | 03/21/2013 | 2013-1/14   |
|   | 37387 | R810-12       | EXD | 03/07/2013 | 2013-7/71   |
| <u>parks</u>  |       |               |     |            |             |
| Natural Resources, Parks and Recreation                         | 37762 | R651-601      | 5YR | 06/25/2013 | 2013-14/107 |
|   | 37764 | R651-602      | 5YR | 06/25/2013 | 2013-14/108 |
|   | 37765 | R651-603      | 5YR | 06/25/2013 | 2013-14/108 |
|   | 37766 | R651-604      | 5YR | 06/25/2013 | 2013-14/109 |
|   | 37767 | R651-605      | 5YR | 06/25/2013 | 2013-14/109 |
|   | 37771 | R651-606      | 5YR | 06/27/2013 | 2013-14/110 |
|   | 37772 | R651-607      | 5YR | 06/27/2013 | 2013-14/110 |
|   | 37776 | R651-608      | 5YR | 06/27/2013 | 2013-14/111 |
|   | 37790 | R651-609      | 5YR | 06/27/2013 | 2013-14/111 |
|   | 37791 | R651-610      | 5YR | 06/27/2013 | 2013-14/112 |
|   | 37625 | R651-611      | AMD | 07/08/2013 | 2013-11/40  |
|   | 37792 | R651-613      | 5YR | 06/27/2013 | 2013-14/112 |
|   | 37793 | R651-614      | 5YR | 06/27/2013 | 2013-14/113 |
|   | 37585 | R651-614      | AMD | 07/08/2013 | 2013-11/45  |
|   | 37794 | R651-615      | 5YR | 06/27/2013 | 2013-14/113 |
|   | 37798 | R651-616      | 5YR | 06/27/2013 | 2013-14/114 |
|   | 37800 | R651-617      | 5YR | 06/27/2013 | 2013-14/114 |
|   | 37801 | R651-618      | 5YR | 06/27/2013 | 2013-14/115 |

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|   | 37804 | R651-621 | 5YR | 06/27/2013 | 2013-14/116 |
|   | 37813 | R651-622 | 5YR | 07/02/2013 | 2013-15/128 |
|   | 37814 | R651-623 | 5YR | 07/05/2013 | 2013-15/129 |
|   | 37815 | R651-624 | 5YR | 07/05/2013 | 2013-15/129 |
|   | 37816 | R651-625 | 5YR | 07/05/2013 | 2013-15/130 |
|   | 37817 | R651-626 | 5YR | 07/05/2013 | 2013-15/130 |
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|   | 37820 | R651-629 | 5YR | 07/05/2013 | 2013-15/132 |
|   | 37761 | R651-630 | 5YR | 06/25/2013 | 2013-14/117 |
|   | 37821 | R651-631 | 5YR | 07/05/2013 | 2013-15/132 |
|   | 37822 | R651-632 | 5YR | 07/05/2013 | 2013-15/133 |
|   | 37205 | R651-633 | AMD | 03/14/2013 | 2013-3/100  |
|   | 37823 | R651-633 | 5YR | 07/05/2013 | 2013-15/133 |
| <u>parole</u>   |       |          |     |            |             |
| Pardons (Board Of), Administration                                | 37342 | R671-509 | 5YR | 02/15/2013 | 2013-5/212  |
|   | 37456 | R671-509 | AMD | 05/22/2013 | 2013-8/25   |
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|   | 37457 | R671-510 | AMD | 05/22/2013 | 2013-8/26   |
|   | 37344 | R671-512 | 5YR | 02/15/2013 | 2013-5/213  |
|   | 37458 | R671-512 | AMD | 05/22/2013 | 2013-8/27   |
|   | 37346 | R671-513 | 5YR | 02/15/2013 | 2013-5/214  |
|   | 37459 | R671-513 | AMD | 05/22/2013 | 2013-8/28   |
|   | 37347 | R671-514 | 5YR | 02/15/2013 | 2013-5/214  |
|   | 37460 | R671-514 | AMD | 05/22/2013 | 2013-8/29   |
|   | 37348 | R671-515 | 5YR | 02/15/2013 | 2013-5/215  |
|   | 37461 | R671-515 | AMD | 05/22/2013 | 2013-8/31   |
|   | 37349 | R671-516 | 5YR | 02/15/2013 | 2013-5/215  |
|   | 37462 | R671-516 | AMD | 05/22/2013 | 2013-8/32   |
|   | 37350 | R671-517 | 5YR | 02/15/2013 | 2013-5/216  |
|   | 37463 | R671-517 | AMD | 05/22/2013 | 2013-8/33   |
|   | 37351 | R671-518 | 5YR | 02/15/2013 | 2013-5/216  |
|   | 37352 | R671-519 | 5YR | 02/15/2013 | 2013-5/217  |
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|   | 37353 | R671-520 | 5YR | 02/15/2013 | 2013-5/217  |
|   | 37465 | R671-520 | AMD | 05/22/2013 | 2013-8/36   |
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|   | 36741 | R307-307 | CPR | 02/01/2013 | 2013-1/45   |
|   | 37234 | R307-307 | NSC | 02/15/2013 | Not Printed |
| <u>patient rights</u>   |       |          |     |            |             |
| Human Services, Substance Abuse and Mental Health, State Hospital | 37211 | R525-2   | 5YR | 01/23/2013 | 2013-4/56   |
|   | 37967 | R525-2   | NSC | 09/30/2013 | Not Printed |
| <u>pawnshops</u>  |       |          |     |            |             |
| Commerce, Consumer Protection                                     | 37897 | R152-32a | 5YR | 08/05/2013 | 2013-17/45  |
| <u>pedestrians</u>  |       |          |     |            |             |
| Regents (Board Of), University of Utah, Administration            | 37770 | R805-1   | AMD | 08/21/2013 | 2013-14/85  |
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| Environmental Quality, Drinking Water                             | 37796 | R309-400 | AMD | 10/12/2013 | 2013-14/45  |
|   | 37797 | R309-405 | AMD | 10/12/2013 | 2013-14/51  |
| Environmental Quality, Environmental Response and Remediation     | 37488 | R311-208 | NSC | 04/29/2013 | Not Printed |
| Environmental Quality, Radiation Control                          | 37190 | R313-14  | AMD | 03/19/2013 | 2013-3/14   |



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| Labor Commission, Industrial Accidents                        | 37137 | R612-9       | REP | 02/25/2013 | 2013-2/52   |
|   | 37141 | R612-13      | REP | 02/25/2013 | 2013-2/57   |
| <u>people with disabilities</u>                               |       |              |     |            |             |
| Human Services, Services for People with Disabilities         | 37111 | R539-2       | AMD | 02/13/2013 | 2013-1/8    |
|   | 37163 | R539-3       | CPR | 05/10/2013 | 2013-7/51   |
| <u>per diem allowances</u>                                    |       |              |     |            |             |
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|   | 37236 | R307-401-15  | NSC | 02/15/2013 | Not Printed |
|   | 37268 | R307-401-19  | AMD | 07/01/2013 | 2013-5/36   |
|   | 37268 | R307-401-19  | CPR | 07/01/2013 | 2013-11/72  |
|   | 37269 | R307-401-20  | AMD | 07/01/2013 | 2013-5/36   |
|   | 37269 | R307-401-20  | CPR | 07/01/2013 | 2013-11/72  |
| Environmental Quality, Drinking Water                         | 37722 | R309-500     | AMD | 08/28/2013 | 2013-13/73  |
| Health, Center for Health Data, Vital Records and Statistics  | 37427 | R436-8       | 5YR | 03/21/2013 | 2013-8/58   |
| Natural Resources, Forestry, Fire and State Lands             | 37623 | R652-70-2300 | AMD | 07/08/2013 | 2013-11/46  |
|   | 37752 | R652-110     | 5YR | 06/19/2013 | 2013-14/118 |
| Natural Resources, Wildlife Resources                         | 37594 | R657-42      | 5YR | 05/06/2013 | 2013-11/104 |
|   | 37595 | R657-45      | 5YR | 05/06/2013 | 2013-11/105 |
|   | 37894 | R657-57      | 5YR | 08/05/2013 | 2013-17/58  |
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| Environmental Quality, Environmental Response and Remediation | 37481 | R311-200     | NSC | 04/29/2013 | Not Printed |
|   | 37483 | R311-203     | NSC | 04/29/2013 | Not Printed |
|   | 37484 | R311-204     | NSC | 04/29/2013 | Not Printed |
|   | 37485 | R311-205     | NSC | 04/29/2013 | Not Printed |
|   | 37486 | R311-206     | NSC | 04/29/2013 | Not Printed |
|   | 37579 | R311-207     | NSC | 05/17/2013 | Not Printed |
|   | 37488 | R311-208     | NSC | 04/29/2013 | Not Printed |
|   | 37489 | R311-209     | NSC | 04/29/2013 | Not Printed |
|   | 37490 | R311-211     | NSC | 04/29/2013 | Not Printed |
|   | 37491 | R311-212     | NSC | 04/29/2013 | Not Printed |
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| Commerce, Occupational and Professional Licensing              | 37707 | R156-17b     | AMD | 08/08/2013 | 2013-13/7   |
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|  | 36735 | R307-353     | CPR | 05/01/2013 | 2013-1/75   |
|  | 36735 | R307-353     | CPR | 05/01/2013 | 2013-7/46   |
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|  | 37460 | R671-514     | AMD | 05/22/2013 | 2013-8/29   |
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|  | 36480 | R307-303     | CPR | 04/10/2013 | 2012-23/60  |
|  | 36480 | R307-303     | CPR | 04/10/2013 | 2013-5/186  |
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|  | 37891 | R277-613     | 5YR | 08/02/2013 | 2013-17/49  |
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|  | 37275 | R307-342   | CPR | 08/01/2013 | 2013-13/208 |  |
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|  | 36733 | R307-351   | CPR | 02/01/2013 | 2013-1/69   |  |
|  | 38015 | R307-351-2 | NSC | 10/08/2013 | Not Printed |  |
|  | 37235 | R307-351-4 | NSC | 02/15/2013 | Not Printed |  |
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|  | 37457 | R671-510   | AMD | 05/22/2013 | 2013-8/26   |  |
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|  | 37760 | R746-240   | 5YR | 06/24/2013 | 2013-14/120 |  |
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|  | 37359 | R277-517-5 | NSC | 03/15/2013 | Not Printed |  |
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|  | 37058 | R277-502   | AMD | 01/07/2013 | 2012-23/34  |  |
|  | 37146 | R277-502   | AMD | 02/21/2013 | 2013-2/10   |  |
|  | 37497 | R277-508   | 5YR | 04/08/2013 | 2013-9/32   |  |
|  | 37510 | R277-508   | AMD | 06/07/2013 | 2013-9/8    |  |
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|   | 36481 | R307-208     | CPR | 04/10/2013 | 2012-23/56  |
|   | 36481 | R307-208     | CPR | 04/10/2013 | 2013-5/184  |
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| Public Service Commission, Administration                         | 37449 | R746-343-15  | AMD | 07/01/2013 | 2013-8/37   |
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|   | 37538 | R277-113-5   | NSC | 05/17/2013 | Not Printed |
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|   | 37454 | R392-510-6   | AMD | 07/01/2013 | 2013-8/8    |

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|  | 37658 | R17-7      | AMD | 08/15/2013 | 2013-12/8   |
|  | 37655 | R17-8      | 5YR | 05/17/2013 | 2013-12/50  |
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|  | 37627 | R277-436   | 5YR | 05/15/2013 | 2013-11/97  |
|  | 37628 | R277-460   | 5YR | 05/15/2013 | 2013-11/98  |
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|  | 37929 | R277-620   | NEW | 10/08/2013 | 2013-17/26  |
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|  | 37197 | R313-30     | AMD | 03/19/2013 | 2013-3/76   |
|  | 38040 | R313-30     | 5YR | 10/04/2013 | Not Printed |
|  | 37185 | R313-34     | NSC | 01/31/2013 | Not Printed |
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|  | 37197 | R313-30     | AMD | 03/19/2013 | 2013-3/76   |
|  | 38040 | R313-30     | 5YR | 10/04/2013 | Not Printed |
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|  | 38043 | R313-38     | 5YR | 10/07/2013 | Not Printed |
|  | 37188 | R313-70     | NSC | 01/31/2013 | Not Printed |
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|   | 37865 | R162-2g      | AMD | 10/09/2013 | 2013-16/4   |  |
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|   | 37530 | R162-2f      | AMD | 06/21/2013 | 2013-10/17  |  |
|   | 37394 | R162-2f-403  | AMD | 05/08/2013 | 2013-7/16   |  |
|   | 37664 | R162-2f-403a | NSC | 06/24/2013 | Not Printed |  |
| <u>reception center licenses</u>                                |       |              |     |            |             |  |
| Alcoholic Beverage Control, Administration                      | 37372 | R81-4F-2     | AMD | 04/30/2013 | 2013-6/10   |  |
| <u>reciprocity</u>  |       |              |     |            |             |  |
| Environmental Quality, Radiation Control                        | 37194 | R313-19      | AMD | 03/19/2013 | 2013-3/45   |  |
| <u>reclamation</u>  |       |              |     |            |             |  |
| Natural Resources, Oil, Gas and Mining; Coal                    | 37473 | R645-101     | 5YR | 04/02/2013 | 2013-9/39   |  |
|   | 37466 | R645-102     | 5YR | 04/01/2013 | 2013-8/64   |  |
|   | 37474 | R645-104     | 5YR | 04/02/2013 | 2013-9/40   |  |
|   | 37475 | R645-401     | 5YR | 04/02/2013 | 2013-9/40   |  |
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| Career Service Review Office, Administration                    | 37607 | R137-1       | AMD | 07/22/2013 | 2013-11/10  |  |
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| Human Services, Recovery Services                               | 37668 | R527-5-3     | AMD | 07/22/2013 | 2013-12/30  |  |
| <u>records</u>  |       |              |     |            |             |  |
| Education, Administration                                       | 37144 | R277-487     | AMD | 02/21/2013 | 2013-2/7    |  |
|   | 37740 | R277-487     | AMD | 08/07/2013 | 2013-13/43  |  |
| Regents (Board Of), University of Utah, Administration          | 37824 | R805-2       | 5YR | 07/08/2013 | 2013-15/134 |  |
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| Career Service Review Office, Administration                    | 37535 | R137-2       | 5YR | 04/23/2013 | 2013-10/213 |  |
| <u>records appeal hearings</u>                                  |       |              |     |            |             |  |
| Administrative Services, Records Committee                      | 37773 | R35-1-3      | AMD | 08/30/2013 | 2013-14/8   |  |
| <u>records fees</u>   |       |              |     |            |             |  |
| Human Services, Recovery Services                               | 37668 | R527-5-3     | AMD | 07/22/2013 | 2013-12/30  |  |
| <u>records retention</u>  |       |              |     |            |             |  |
| Administrative Services, Archives                               | 37653 | R17-5        | 5YR | 05/17/2013 | 2013-12/49  |  |
|   | 37654 | R17-6        | 5YR | 05/17/2013 | 2013-12/49  |  |
|   | 37659 | R17-7        | 5YR | 05/28/2013 | 2013-12/50  |  |
|   | 37658 | R17-7        | AMD | 08/15/2013 | 2013-12/8   |  |
|   | 37655 | R17-8        | 5YR | 05/17/2013 | 2013-12/50  |  |
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| Environmental Quality, Administration                           | 36776 | R305-9       | NEW | 02/22/2013 | 2012-19/28  |  |
|   | 36776 | R305-9       | CPR | 02/22/2013 | 2013-2/94   |  |
| <u>reemployment guidelines</u>                                  |       |              |     |            |             |  |
| Labor Commission, Industrial Accidents                          | 37128 | R612-500     | NEW | 02/25/2013 | 2013-2/79   |  |
| <u>reemployment workers' compensation guidelines</u>            |       |              |     |            |             |  |
| Labor Commission, Industrial Accidents                          | 37136 | R612-8       | REP | 02/25/2013 | 2013-2/50   |  |

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| <u>registration</u>   |       |               |     |            |             |  |
| Commerce, Real Estate   | 37677 | R162-2e       | AMD | 08/28/2013 | 2013-12/19  |  |
|   | 37076 | R162-57a      | AMD | 04/02/2013 | 2012-24/14  |  |
| Environmental Quality, Radiation Control                        | 37188 | R313-70       | NSC | 01/31/2013 | Not Printed |  |
| Workforce Services, Unemployment Insurance                      | 37647 | R994-403      | 5YR | 05/16/2013 | 2013-12/60  |  |
|   | 37517 | R994-403      | AMD | 06/12/2013 | 2013-9/23   |  |
|   | 37877 | R994-403-108b | AMD | 09/25/2013 | 2013-16/50  |  |
|   | 37671 | R994-403-115c | AMD | 08/01/2013 | 2013-12/38  |  |
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| Education, Rehabilitation                                       | 37500 | R280-200      | 5YR | 04/08/2013 | 2013-9/34   |  |
|   | 37512 | R280-200      | AMD | 06/07/2013 | 2013-9/12   |  |
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|   | 37414 | R277-610      | AMD | 05/16/2013 | 2013-7/24   |  |
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|   | 37718 | R708-45       | R&R | 08/08/2013 | 2013-13/202 |  |
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|   | 37139 | R612-11       | REP | 02/25/2013 | 2013-2/54   |  |
|   | 37140 | R612-12       | REP | 02/25/2013 | 2013-2/55   |  |
|   | 37141 | R612-13       | REP | 02/25/2013 | 2013-2/57   |  |
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|   | 37739 | R277-484      | AMD | 08/07/2013 | 2013-13/39  |  |
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| Natural Resources, Wildlife Resources                           | 37667 | R657-53       | 5YR | 05/30/2013 | 2013-12/57  |  |
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| Education, Administration                                       | 37537 | R277-531-3    | AMD | 06/24/2013 | 2013-10/26  |  |
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| Education, Administration                                       | 37888 | R277-492      | 5YR | 08/02/2013 | 2013-17/47  |  |
|   | 37926 | R277-492      | AMD | 10/08/2013 | 2013-17/17  |  |
| Health, Center for Health Data, Vital Records and Statistics    | 37435 | R436-17       | 5YR | 03/21/2013 | 2013-8/63   |  |
| <u>research funding</u>   |       |               |     |            |             |  |
| Science Technology and Research Governing Auth., Administration | 37963 | R856-1        | NSC | 09/30/2013 | Not Printed |  |
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| Health, Family Health and Preparedness, Child Care Licensing    | 37661 | R430-50       | 5YR | 05/29/2013 | 2013-12/53  |  |
|   | 37775 | R430-50-7     | AMD | 09/01/2013 | 2013-14/73  |  |



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| Public Service Commission, Administration                        | 37985 | R746-600 | 5YR | 09/11/2013 | 2013-19/151 |  |
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| <u>revocation</u>  |       |          |     |            |             |  |
| Pardons (Board Of), Administration                               | 37349 | R671-516 | 5YR | 02/15/2013 | 2013-5/215  |  |
|  | 37462 | R671-516 | AMD | 05/22/2013 | 2013-8/32   |  |
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|  | 37513 | R311-500 | NSC | 04/29/2013 | Not Printed |  |
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| Transportation, Administration                                   | 37094 | R907-64  | R&R | 02/07/2013 | 2013-1/23   |  |
|  | 37951 | R907-64  | 5YR | 09/03/2013 | 2013-18/64  |  |
|  | 37952 | R907-65  | 5YR | 09/03/2013 | 2013-18/64  |  |
| Transportation, Preconstruction                                  | 37957 | R930-7-5 | NSC | 09/13/2013 | Not Printed |  |
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| Environmental Quality, Air Quality                               | 36741 | R307-307 | AMD | 02/01/2013 | 2012-19/42  |  |
|  | 36741 | R307-307 | CPR | 02/01/2013 | 2013-1/45   |  |
|  | 37234 | R307-307 | NSC | 02/15/2013 | Not Printed |  |
| Natural Resources, Forestry, Fire and State Lands                | 37752 | R652-110 | 5YR | 06/19/2013 | 2013-14/118 |  |
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| Public Service Commission, Administration                        | 37759 | R746-210 | 5YR | 06/24/2013 | 2013-14/119 |  |
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| Health, Disease Control and Prevention, Immunization             | 37806 | R396-100 | 5YR | 06/28/2013 | 2013-14/105 |  |
| Human Resource Management, Administration                        | 37561 | R477-1-1 | AMD | 07/01/2013 | 2013-10/150 |  |
|  | 37572 | R477-13  | AMD | 07/01/2013 | 2013-10/177 |  |
| Public Service Commission, Administration                        | 37757 | R746-110 | 5YR | 06/24/2013 | 2013-14/119 |  |
|  | 37041 | R746-320 | AMD | 01/07/2013 | 2012-23/48  |  |
|  | 37451 | R746-332 | 5YR | 03/28/2013 | 2013-8/68   |  |
|  | 37869 | R746-344 | 5YR | 07/31/2013 | 2013-16/67  |  |
|  | 37870 | R746-345 | 5YR | 07/31/2013 | 2013-16/67  |  |
|  | 37452 | R746-402 | 5YR | 03/28/2013 | 2013-8/68   |  |
|  | 37872 | R746-404 | 5YR | 07/31/2013 | 2013-16/68  |  |
|  | 37450 | R746-405 | 5YR | 03/28/2013 | 2013-8/69   |  |
|  | 37447 | R746-405 | AMD | 06/20/2013 | 2013-8/38   |  |
| <u>Rural Broadband Service Fund</u>                              |       |          |     |            |             |  |
| Governor, Economic Development                                   | 37206 | R357-2   | EXT | 01/16/2013 | 2013-4/63   |  |
|  | 37204 | R357-2   | REP | 05/01/2013 | 2013-3/96   |  |
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| Governor, Economic Development                                   | 37206 | R357-2   | EXT | 01/16/2013 | 2013-4/63   |  |
|  | 37204 | R357-2   | REP | 05/01/2013 | 2013-3/96   |  |

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|   | 37770 | R805-1     | AMD | 08/21/2013 | 2013-14/85  |
| <u>safety regulations</u>   |       |            |     |            |             |
| Transportation, Motor Carrier                                     | 37844 | R909-19    | AMD | 09/10/2013 | 2013-15/115 |
|   | 37624 | R909-19-7  | EMR | 05/14/2013 | 2013-11/93  |
|   | 37875 | R909-75    | AMD | 09/23/2013 | 2013-16/38  |
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| Public Service Commission, Administration                         | 37116 | R746-313   | AMD | 02/21/2013 | 2013-2/87   |
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| Education, Administration   | 37887 | R277-482   | 5YR | 08/02/2013 | 2013-17/47  |
| <u>satellites</u>   |       |            |     |            |             |
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| Education, Administration   | 37889 | R277-526   | 5YR | 08/02/2013 | 2013-17/48  |
|   | 37713 | R277-602   | 5YR | 06/10/2013 | 2013-13/232 |
|   | 37743 | R277-602   | AMD | 08/07/2013 | 2013-13/51  |
| Regents (Board Of), Administration                                | 37586 | R765-604   | AMD | 07/08/2013 | 2013-11/61  |
|   | 37587 | R765-609   | AMD | 07/08/2013 | 2013-11/65  |
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| Education, Administration   | 37400 | R277-600   | 5YR | 03/12/2013 | 2013-7/62   |
|   | 37413 | R277-600   | AMD | 05/16/2013 | 2013-7/20   |
|   | 37744 | R277-606   | REP | 08/07/2013 | 2013-13/55  |
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| Commerce, Real Estate   | 37750 | R162-2g    | AMD | 08/21/2013 | 2013-14/28  |
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| Education, Administration   | 37495 | R277-483   | 5YR | 04/08/2013 | 2013-9/31   |
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| Education, Administration   | 37629 | R277-491   | 5YR | 05/15/2013 | 2013-11/98  |
|   | 37636 | R277-491   | R&R | 07/08/2013 | 2013-11/17  |
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| Education, Administration   | 37756 | R277-445-2 | NSC | 07/19/2013 | Not Printed |
|   | 37278 | R277-445-3 | AMD | 04/08/2013 | 2013-5/13   |
|   | 37737 | R277-445-3 | AMD | 08/07/2013 | 2013-13/30  |
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| Education, Administration   | 37755 | R277-407-2 | NSC | 07/19/2013 | Not Printed |
|   | 37735 | R277-407-3 | AMD | 08/07/2013 | 2013-13/28  |

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|   | 37510 | R277-508   | AMD | 06/07/2013 | 2013-9/8    |
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| Education, Administration   | 37356 | R277-113   | NEW | 04/22/2013 | 2013-6/28   |
|   | 37538 | R277-113-5 | NSC | 05/17/2013 | Not Printed |
| <u>school transportation</u>                                      |       |            |     |            |             |
| Education, Administration   | 37400 | R277-600   | 5YR | 03/12/2013 | 2013-7/62   |
|   | 37413 | R277-600   | AMD | 05/16/2013 | 2013-7/20   |
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| Health, Disease Control and Prevention, Health Promotion          | 37028 | R384-201   | NEW | 02/20/2013 | 2012-23/42  |
|   | 37453 | R384-201   | AMD | 07/01/2013 | 2013-8/6    |
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|   | 37511 | R277-751   | AMD | 06/07/2013 | 2013-9/10   |
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|   | 37745 | R277-617   | AMD | 08/07/2013 | 2013-13/56  |
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| Education, Administration   | 37888 | R277-492   | 5YR | 08/02/2013 | 2013-17/47  |
|   | 37926 | R277-492   | AMD | 10/08/2013 | 2013-17/17  |
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| Environmental Quality, Air Quality                                | 37275 | R307-342   | NEW | 08/01/2013 | 2013-5/17   |
|   | 37275 | R307-342   | CPR | 08/01/2013 | 2013-13/208 |
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|   | 37362 | R317-15    | CPR | 08/19/2013 | 2013-14/101 |
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|  | 37975 | R156-63b  | 5YR | 09/09/2013 | 2013-19/148 |
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|  | 37929 | R277-620  | NEW | 10/08/2013 | 2013-17/26  |
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| Labor Commission, Industrial Accidents   | 37138 | R612-10   | REP | 02/25/2013 | 2013-2/53   |
|  | 37139 | R612-11   | REP | 02/25/2013 | 2013-2/54   |
|  | 37140 | R612-12   | REP | 02/25/2013 | 2013-2/55   |
| <u>sewage effluent use</u>   |       |           |     |            |             |
| Natural Resources, Water Rights  | 37119 | R655-7    | REP | 03/07/2013 | 2013-2/81   |
| <u>sewage treatment</u>  |       |           |     |            |             |
| Environmental Quality, Water Quality   | 37448 | R317-101  | 5YR | 03/28/2013 | 2013-8/54   |
| <u>sewerage</u>  |       |           |     |            |             |
| Environmental Quality, Water Quality   | 37853 | R317-5    | AMD | 09/24/2013 | 2013-15/80  |
| Public Service Commission, Administration  | 37385 | R746-330  | 5YR | 03/05/2013 | 2013-7/68   |
| <u>sex offender registry</u>   |       |           |     |            |             |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37232 | R722-360  | NEW | 03/25/2013 | 2013-4/46   |
| <u>shorthand reporter</u>  |       |           |     |            |             |
| Commerce, Occupational and Professional Licensing                                      | 37958 | R156-74   | 5YR | 09/03/2013 | 2013-18/61  |
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| Regents (Board Of), University of Utah, Administration                                 | 37407 | R805-1    | 5YR | 03/12/2013 | 2013-7/69   |
| <u>SLEAP</u>   |       |           |     |            |             |
| Regents (Board Of), Administration   | 37540 | R765-606  | 5YR | 04/24/2013 | 2013-10/218 |
| <u>slow sand filtration</u>  |       |           |     |            |             |
| Environmental Quality, Drinking Water  | 37729 | R309-530  | AMD | 08/28/2013 | 2013-13/114 |

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| <u>smoking</u>  |       |            |     |            |             |
| Health, Disease Control and Prevention,<br>Environmental Services | 37454 | R392-510-6 | AMD | 07/01/2013 | 2013-8/8    |
| <u>social security numbers</u>                                    |       |            |     |            |             |
| Human Services, Services for People with Disabilities             | 37110 | R539-1     | AMD | 02/13/2013 | 2013-1/2    |
|   | 37245 | R539-1-3   | AMD | 04/18/2013 | 2013-4/21   |
| <u>social services</u>  |       |            |     |            |             |
| Human Services, Child and Family Services                         | 37502 | R512-200   | 5YR | 04/08/2013 | 2013-9/35   |
|   | 37503 | R512-201   | 5YR | 04/08/2013 | 2013-9/36   |
|   | 37504 | R512-202   | 5YR | 04/08/2013 | 2013-9/36   |
|   | 37639 | R512-300   | 5YR | 05/16/2013 | 2013-12/55  |
|   | 37640 | R512-301   | 5YR | 05/16/2013 | 2013-12/55  |
|   | 37642 | R512-305   | 5YR | 05/16/2013 | 2013-12/56  |
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| Environmental Quality, Solid and Hazardous Waste                  | 37282 | R315-301   | 5YR | 02/13/2013 | 2013-5/198  |
|   | 37322 | R315-301   | AMD | 04/25/2013 | 2013-5/116  |
|   | 37283 | R315-302   | 5YR | 02/13/2013 | 2013-5/198  |
|   | 37323 | R315-302   | AMD | 04/25/2013 | 2013-5/122  |
|   | 37284 | R315-303   | 5YR | 02/13/2013 | 2013-5/199  |
|   | 37324 | R315-303   | AMD | 04/25/2013 | 2013-5/127  |
|   | 37285 | R315-304   | 5YR | 02/13/2013 | 2013-5/200  |
|   | 37325 | R315-304   | AMD | 04/25/2013 | 2013-5/132  |
|   | 37286 | R315-305   | 5YR | 02/13/2013 | 2013-5/200  |
|   | 37326 | R315-305   | AMD | 04/25/2013 | 2013-5/134  |
|   | 37287 | R315-306   | 5YR | 02/13/2013 | 2013-5/201  |
|   | 37327 | R315-306   | AMD | 04/25/2013 | 2013-5/136  |
|   | 37288 | R315-307   | 5YR | 02/13/2013 | 2013-5/201  |
|   | 37328 | R315-307-3 | AMD | 04/25/2013 | 2013-5/138  |
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|   | 37329 | R315-308   | AMD | 04/25/2013 | 2013-5/139  |
|   | 37290 | R315-309   | 5YR | 02/13/2013 | 2013-5/202  |
|   | 37330 | R315-309   | AMD | 04/25/2013 | 2013-5/144  |
|   | 37291 | R315-310   | 5YR | 02/13/2013 | 2013-5/203  |
|   | 37331 | R315-310   | AMD | 04/25/2013 | 2013-5/151  |
|   | 37292 | R315-311   | 5YR | 02/13/2013 | 2013-5/204  |
|   | 37332 | R315-311   | AMD | 04/25/2013 | 2013-5/155  |
|   | 37293 | R315-312   | 5YR | 02/13/2013 | 2013-5/204  |
|   | 37333 | R315-312   | AMD | 04/25/2013 | 2013-5/157  |
|   | 37294 | R315-313   | 5YR | 02/13/2013 | 2013-5/205  |
|   | 37334 | R315-313-2 | AMD | 04/25/2013 | 2013-5/159  |
|   | 37295 | R315-314   | 5YR | 02/13/2013 | 2013-5/205  |
|   | 37335 | R315-314   | AMD | 04/25/2013 | 2013-5/160  |
|   | 37296 | R315-315   | 5YR | 02/13/2013 | 2013-5/206  |
|   | 37336 | R315-315   | AMD | 04/25/2013 | 2013-5/163  |
|   | 37297 | R315-316   | 5YR | 02/13/2013 | 2013-5/206  |
|   | 37337 | R315-316   | AMD | 04/25/2013 | 2013-5/165  |
|   | 37298 | R315-317   | 5YR | 02/13/2013 | 2013-5/207  |
|   | 37338 | R315-317   | AMD | 04/25/2013 | 2013-5/167  |
|   | 37480 | R315-317   | NSC | 04/29/2013 | Not Printed |
|   | 37299 | R315-318   | 5YR | 02/13/2013 | 2013-5/208  |
|   | 37339 | R315-318   | AMD | 04/25/2013 | 2013-5/168  |
|   | 37300 | R315-320   | 5YR | 02/13/2013 | 2013-5/208  |
|   | 37340 | R315-320   | AMD | 04/25/2013 | 2013-5/169  |
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| Environmental Quality, Air Quality                                | 36737 | R307-355   | NEW | 02/01/2013 | 2012-19/91  |
| <u>source development</u>   |       |            |     |            |             |
| Environmental Quality, Drinking Water                             | 37726 | R309-515   | AMD | 08/28/2013 | 2013-13/84  |
|   | 36562 | R309-515-6 | AMD | 01/16/2013 | 2012-16/66  |
|   | 36562 | R309-515-6 | CPR | 01/16/2013 | 2012-23/70  |
| <u>source maintenance</u>   |       |            |     |            |             |
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|   | 36562 | R309-515-6   | CPR | 01/16/2013 | 2012-23/70  |
| <u>source materials</u>   |       |              |     |            |             |
| Environmental Quality, Radiation Control                          | 37181 | R313-21      | NSC | 01/31/2013 | Not Printed |
|   | 38039 | R313-21      | 5YR | 10/04/2013 | Not Printed |
| <u>source monitoring</u>  |       |              |     |            |             |
| Environmental Quality, Drinking Water                             | 37786 | R309-205     | NSC | 07/19/2013 | Not Printed |
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| Natural Resources, Forestry, Fire and State Lands                 | 37623 | R652-70-2300 | AMD | 07/08/2013 | 2013-11/46  |
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| Health, Disease Control and Prevention, Environmental Services    | 37072 | R392-302-3   | AMD | 02/28/2013 | 2012-24/26  |
| <u>special education</u>  |       |              |     |            |             |
| Education, Administration   | 37930 | R277-750-3   | AMD | 10/08/2013 | 2013-17/28  |
| <u>special educators</u>  |       |              |     |            |             |
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|   | 37743 | R277-602     | AMD | 08/07/2013 | 2013-13/51  |
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| Environmental Quality, Radiation Control                          | 37195 | R313-22      | AMD | 03/19/2013 | 2013-3/56   |
| <u>speed limits</u>   |       |              |     |            |             |
| Regents (Board Of), University of Utah, Administration            | 37770 | R805-1       | AMD | 08/21/2013 | 2013-14/85  |
| <u>sponsor-a-highway</u>  |       |              |     |            |             |
| Transportation, Operations, Maintenance                           | 37874 | R918-4       | 5YR | 08/01/2013 | 2013-16/70  |
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| Environmental Quality, Drinking Water                             | 37730 | R309-535     | AMD | 08/28/2013 | 2013-13/117 |
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| Education, Administration   | 37147 | R277-517     | NEW | 02/21/2013 | 2013-2/15   |
|   | 37359 | R277-517-5   | NSC | 03/15/2013 | Not Printed |
| Health, Center for Health Data, Vital Records and Statistics      | 37418 | R436-1       | 5YR | 03/19/2013 | 2013-8/55   |
|   | 37429 | R436-10      | 5YR | 03/21/2013 | 2013-8/60   |
|   | 37430 | R436-12      | 5YR | 03/21/2013 | 2013-8/60   |
|   | 37431 | R436-13      | 5YR | 03/21/2013 | 2013-8/61   |
| <u>State Capitol visits</u>                                       |       |              |     |            |             |
| Education, Administration   | 37921 | R277-412     | NEW | 10/08/2013 | 2013-17/4   |
| <u>state employees</u>  |       |              |     |            |             |
| Administrative Services, Finance                                  | 37521 | R25-5        | 5YR | 04/15/2013 | 2013-9/29   |
|   | 37558 | R25-5        | AMD | 06/21/2013 | 2013-10/6   |
|   | 37523 | R25-7        | 5YR | 04/15/2013 | 2013-9/30   |
|   | 37556 | R25-7        | AMD | 06/21/2013 | 2013-10/7   |
|   | 37524 | R25-8        | 5YR | 04/15/2013 | 2013-9/30   |
|   | 37557 | R25-8        | AMD | 06/21/2013 | 2013-10/12  |
| Human Resource Management, Administration                         | 37564 | R477-5       | AMD | 07/01/2013 | 2013-10/159 |
| <u>state hospital</u>   |       |              |     |            |             |
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|   | 37971 | R525-6       | NSC | 09/30/2013 | Not Printed |

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| Administrative Services, Records Committee                        | 37773 | R35-1-3       | AMD | 08/30/2013 | 2013-14/8   |
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| Administrative Services, Purchasing and General Services          | 37937 | R33-11        | EMR | 08/23/2013 | 2013-18/53  |
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|   | 37392 | R27-3-5       | AMD | 06/07/2013 | 2013-7/4    |
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| Public Safety, Homeland Security                                  | 37117 | R704-2        | NEW | 02/25/2013 | 2013-2/83   |
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|   | 37671 | R994-403-115c | AMD | 08/01/2013 | 2013-12/38  |
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| Education, Administration   | 38041 | R277-494      | 5YR | 10/04/2013 | Not Printed |
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| Education, Administration   | 37059 | R277-509      | AMD | 01/07/2013 | 2012-23/39  |
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| Education, Administration   | 37708 | R277-403      | 5YR | 06/10/2013 | 2013-13/230 |
|   | 37634 | R277-411      | NEW | 07/08/2013 | 2013-11/16  |
|   | 37496 | R277-485      | 5YR | 04/08/2013 | 2013-9/32   |
|   | 37144 | R277-487      | AMD | 02/21/2013 | 2013-2/7    |
|   | 37740 | R277-487      | AMD | 08/07/2013 | 2013-13/43  |
|   | 37746 | R277-619      | NEW | 08/07/2013 | 2013-13/58  |
|   | 37405 | R277-709      | 5YR | 03/12/2013 | 2013-7/64   |
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|   | 38043 | R313-38       | 5YR | 10/07/2013 | Not Printed |
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| Environmental Quality, Air Quality                                | 37253 | R307-250   | 5YR | 02/06/2013 | 2013-5/196  |
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| Commerce, Occupational and Professional Licensing                 | 37395 | R156-1     | NSC | 04/01/2013 | Not Printed |
|   | 37754 | R156-1     | AMD | 08/22/2013 | 2013-14/21  |
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| Environmental Quality, Air Quality                                | 36725 | R307-340   | REP | 02/01/2013 | 2012-19/49  |
|   | 36725 | R307-340   | CPR | 02/01/2013 | 2013-1/48   |
|   | 36728 | R307-346   | NEW | 02/01/2013 | 2012-19/69  |
|   | 36728 | R307-346   | CPR | 02/01/2013 | 2013-1/57   |
|   | 36729 | R307-347   | NEW | 02/01/2013 | 2012-19/71  |
|   | 36729 | R307-347   | CPR | 02/01/2013 | 2013-1/59   |
|   | 36730 | R307-348   | NEW | 02/01/2013 | 2012-19/73  |
|   | 36730 | R307-348   | CPR | 02/01/2013 | 2013-1/61   |
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|   | 38040 | R313-30    | 5YR | 10/04/2013 | Not Printed |
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|   | 37186 | R313-36    | NSC | 01/31/2013 | Not Printed |
|   | 37187 | R313-38    | NSC | 01/31/2013 | Not Printed |
|   | 38043 | R313-38    | 5YR | 10/07/2013 | Not Printed |
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|   | 36991 | R861-1A-12 | AMD | 01/10/2013 | 2012-22/144 |
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| Professional Practices Advisory Commission, Administration          | 37243 | R686-100    | 5YR | 02/01/2013 | 2013-4/60   |
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|   | 37510 | R277-508    | AMD | 06/07/2013 | 2013-9/8    |
| Professional Practices Advisory Commission, Administration          | 37637 | R686-101    | 5YR | 05/16/2013 | 2013-12/57  |
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|   | 37714 | R277-617    | 5YR | 06/10/2013 | 2013-13/233 |
|   | 37745 | R277-617    | AMD | 08/07/2013 | 2013-13/56  |
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|   | 37869 | R746-344    | 5YR | 07/31/2013 | 2013-16/67  |
|   | 37870 | R746-345    | 5YR | 07/31/2013 | 2013-16/67  |
|   | 37386 | R746-347    | 5YR | 03/05/2013 | 2013-7/68   |
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|   | 38037 | R708-49     | NSC | 10/08/2013 | Not Printed |
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|   | 37925 | R277-482   | AMD | 10/08/2013 | 2013-17/13  |
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|   | 37624 | R909-19-7  | EMR | 05/14/2013 | 2013-11/93  |
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|   | 37925 | R277-482   | AMD | 10/08/2013 | 2013-17/13  |
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|  | 37624 | R909-19-7     | EMR | 05/14/2013 | 2013-11/93  |
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|  | 37488 | R311-208      | NSC | 04/29/2013 | Not Printed |
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|   | 36480 | R307-303   | CPR | 04/10/2013 | 2012-23/60  |
|   | 36480 | R307-303   | CPR | 04/10/2013 | 2013-5/186  |
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|   | 36736 | R307-354   | NEW | 02/01/2013 | 2012-19/88  |
|   | 36736 | R307-354   | CPR | 02/01/2013 | 2013-1/79   |
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|   | 36726 | R307-344   | CPR | 02/01/2013 | 2013-1/52   |
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|  | 37362 | R317-15    | CPR | 08/19/2013 | 2013-14/101 |
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|  | 37361 | R317-2     | CPR | 08/19/2013 | 2013-14/94  |
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