

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT

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June 15, 1998

Kenneth A. Hansen, Director

Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the 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 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of these publications, visit the division's web site at: <http://www.rules.state.ut.us/>

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EDITOR'S NOTE

NOTICE OF CORRECTION ON THE CODIFICATION ERROR ON *Utah Administrative Code* SUBSECTIONS R850-80-700(4)(d) AND (e)

The Division of Administrative Rules (Division) has discovered an error in the codification of Subsections R850-80-700(4)(d) and (e). An expedited rule change (DAR No. 18943) was filed by the School and Institutional Trust Lands Administration and recorded by the Division as effective on April 10, 1997, affecting what at the time were Subsections R850-80-700(4)(d) and (e). The Division recorded the change as codified, and inserted the change into the *Utah Administrative Code*. A nonsubstantive change to the rule was made effective after the expedited rule change (June 2, 1997). During the codification of the nonsubstantive change, the correct text of Section R850-80-700 was replaced by an earlier version; thus, the expedited rule changes were lost. The error was corrected when the most recent amendment to date (DAR No. 20395; effective February 3, 1998) was codified (this change moved the affective text from R850-80-700(4)(d) and (e) to R850-80-700(7)(d) and (e)). The correct text, which has been in effect since April 10, 1997, is printed below.

R850-80-700. Certificates of Sale.

•••••

7. Partial releases of property sold under certificates may be allowed at the discretion of the agency. The following conditions must be met:

•••••

(d) Unless the director makes a written finding that waiver of this condition would be in the best interests of the trust beneficiaries, payment shall be made to the agency in an amount equal to 125% of the price per acre paid by the purchaser under the certificate of sale, multiplied by the number of acres to be released, plus interest on that amount to the date payment is received. The payment shall be in the form of guaranteed funds, and shall be applied to principal. This payment shall not affect the amount or due dates of annual payments;

(e) Unless the director makes a written finding that waiver of this condition would be in the best interests of the beneficiaries, the 125% payment required by paragraph (d) above shall not include the 10% down payment required by statute or any other payment not designated by the payor, and accepted by the agency for that purpose;

If you have any questions regarding this correction, please contact: Michael G. Broschinsky, Administrative Code Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City UT 84114-1007; Phone: (801) 538-3003; FAX: (801) 538-1773; or E-mail: asitmain.mbroschi@email.state.ut.us.

End of the Editor's Notes Section

SPECIAL NOTICES

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

PUBLIC HEARING ON PROPOSED RULE CHANGES

The Department of Human Resource Management (DHRM) has received a request from the Utah Public Employees Association (UPEA) for a hearing concerning DHRM's proposed rule changes that were published in the May 15, 1998, *Utah State Bulletin*. UPEA is specifically concerned with the changes to: R477-1 (DAR No. 21062), R477-2 (DAR No. 21063), R477-5 (DAR No. 21066), R477-6 (DAR No. 21067), R477-7 (DAR No. 21068), R477-8 (DAR No. 21069), R477-10 (DAR No. 21070), R477-11 (DAR No. 21071), and R477-12 (DAR No. 21072).

The hearing will be June 22, 1998, at 1:30 p.m. in Room 2112 of the State Office Building.

Questions concerning this hearing should be directed to: Con Whipple, 2120 State Office Building, Salt Lake City, UT, 84114-1531, or phone: (801) 538-3067, or FAX: (801) 538-3081.

DEPARTMENT OF ADMINISTRATIVE SERVICES ADMINISTRATIVE RULES

UTAH ADMINISTRATIVE RULEMAKING START TO FINISH SEMINAR

The seminar will be on Tuesday, July 14, 1998 - 1:30 p.m. to 3:00 p.m., at the Little America Hotel, Ballroom C, 500 S Main St, Salt Lake City, Utah.

Administrative rules are generating more attention now than at any time in recent memory. Ten years ago the news media would have covered a story about drying paint before doing a story on rulemaking. Now, rules are front page news. Reporters and others are asking important questions. What is the agency's authority to write rules? Does the rule conform to statute and the constitution? How much will the rule cost? What will the fiscal effect on businesses be? Are rules legally binding? Whether you write rules, review rules, or approve rules, knowing and understanding the rulemaking process and the political environment in which agencies regulate is vital to successful public service.

The Division of Administrative Rules invites you to attend a panel discussion about administrative rulemaking in Utah. Presented in conjunction with the Administrative Codes and Registers Section of the National Association of Secretaries of State, this discussion will provide an overview of the rulemaking process. Just as important, it will offer a rare opportunity to hear and appreciate differing perspectives about rulemaking from key players.

MODERATOR

Gary Doxey, General Counsel, Governor's Office

PANELISTS

THE RULEMAKING TRIGGER: LEGISLATIVE AUTHORIZATION TO MAKE RULES

Esther Chelsea-McCarty, Associate General Counsel, Legislative Research and General Counsel

RULEMAKING AT WORK: FINANCIAL INSTITUTIONS' EXPERIENCE

Steven J. Nielsen, Legal Counsel, Department of Financial Institutions

RULEMAKING AT WORK: HUMAN SERVICES' EXPERIENCE

Robin Arnold-Williams, Executive Director, Department of Human Services

ACCESS TO ADMINISTRATIVE RULES: RULES PUBLICATIONS

Kenneth A. Hansen, Director, Division of Administrative Rules

GUBERNATORIAL REVIEW OF ADMINISTRATIVE RULES

Kent W. Bishop, Rules Analyst/Research Consultant, Governor's Office of Planning and Budget

PUBLIC PARTICIPATION IN THE RULEMAKING PROCESS

Shirley Weathers, Private Consultant, Walsh & Weathers Research and Policy Studies

LEGISLATIVE REVIEW OF ADMINISTRATIVE RULES

David Ure, Representative and Administrative Rules Review Committee Member, Utah House of Representatives

JUDICIAL REVIEW OF ADMINISTRATIVE RULES

Richard C. Howe, Chief Justice, Utah Supreme Court

Additional information about the National Association of Secretaries of State conference is available on the Internet at <http://www.nass.org/nass98/>.

Seating is limited. Please R.S.V.P. by Friday, June 26 by calling Nancy Lancaster at (801) 538-3218 or by sending an E-mail message to asitmain.nlancast@email.state.ut.us. In compliance with the Americans with Disabilities Act, persons needing special accommodations (including auxiliary communicative aids and services) for this seminar should contact Nancy Lancaster at (801) 538-3218 no later than June 26.

EXECUTIVE ORDER

I, Micheal O. Leavitt, Governor of the State of Utah, do hereby delegate my authority as a member of the State Bonding Commission to Olene S. Walker, Lieutenant Governor, for the period beginning the date hereof and ending January 1, 2001, in any case in which I am not present and acting at any meeting of the State Bonding Commission held during said period. The State Bonding Commission was created by Section 63-56a-1 and Chapter 1 of Title 63B, Utah Code Annotated, 1953, as amended.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 11th day of May 1998.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

Attest:

OLENE WALKER
Lieutenant Governor

EXECUTIVE ORDER

Whereas, Section 63A-6-106 of the Utah Code was amended by H.B. 37, 1998 General Session;

Whereas, the amendment allows, under certain conditions, that a state agency may contract for telecommunications services with an alternate private provider rather than purchasing those services through the Division of Information Technology Services (ITS);

Whereas, before making the decision to contract for telecommunications services with an alternate private provider, a state agency is required to consult with the state's chief information officer (CIO); and

Whereas, thorough prior analysis and review of the proposed contract not only improves the quality of the decision made by the state agency, but is essential to ensuring compliance with the law;

Now, Therefore, I, Michael O. Leavitt, Governor of the State of Utah, order that a consultation with the CIO in this regard shall include the following:

(1) The agency shall deliver to the CIO a written proposal regarding the nature, extent, and scope of telecommunications services to be contracted separately by the agency.

(2) The proposal shall contain all of the following:

(a) a copy of the proposed contract;

(b) a list of current services provided by ITS that are now proposed to be contracted for directly by the agency;

(c) an analysis of the current cost of those services to the agency compared with a detailed estimate of all costs for those services as provided under the proposed contract;

(d) an analysis of whether, to what degree, and in what respect the proposed purchase and implementation of services from the alternate provider will result in increased efficiency;

(e) an analysis of whether, to what degree, and in what respect the proposed purchase and implementation of services from the alternate provider will result in improved quality of services;

(f) a statement identifying any deviation under the proposal from current state networking or telecommunications architecture or standards;

(g) an analysis of whether, to what degree, and in what respect the deviation could impair the interoperability of the state's telecommunication services;

(h) a statement from the agency head affirming that the agency has complied with all relevant procurement requirements in negotiating the proposal;

(i) evidence that the proposed contract shall be void if the contracted services or associated costs are not in compliance with the standards of Section 63A-6-106, as amended; and

(j) the written recommendation of the department's senior executive.

(3) The consultation is complete when the CIO delivers back to the agency a written recommendation regarding the proposal.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 27th day of May 1998.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

Attest:
OLENE WALKER
Lieutenant Governor

EXECUTIVE ORDER

I, Michael O. Leavitt, Governor of the State of Utah, do hereby order the formation of a Council of Economic Advisors.

I. This Council or its subcommittees shall:

A. Monitor Utah's economic performance, conduct analyses, prepare economic forecasts, and coordinate economic data dissemination as it impacts the state budget and formation of public policy decisions;

B. Advise the Governor on economic issues that impact state government;

C. Coordinate state agency development, analysis and dissemination of economic data;

D. Provide peer review to participating entities to improve the quality of information prepared;

E. Contribute to an annual Economic Report to the Governor to summarize the performance of the state's economy and forecast economic trends;

F. Assist with the preparation of economic assumptions to use in state revenue forecasts; and

G. Report to the Governor, legislature and public as needed.

II. Membership and Meetings

A. The Council membership to be appointed by the Governor shall include economists having expertise in Utah's economic activity. In addition to their own work, the Council shall involve and seek input from knowledgeable federal, state, local and private sector representatives

B. The Council shall be staffed by the Demographic and Economic Analysis Section of the Governor's Office of Planning and Budget, designate its own chair, set participation guidelines and poll based on a simple majority.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 27th day of May 1998.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

Attest:
OLENE WALKER
Lieutenant Governor

EXECUTIVE ORDER

Whereas, the middle school years are crucial transitional years during which a child undergoes rapid physical, emotional, social, and intellectual development;

Whereas, the state's middle schools have the difficult mission of providing to children in this age group not only excellence in academic instruction, but also a positive school climate, safety, counseling, parental involvement, and other elements conducive to a positive learning experience; and

Whereas, the state's efforts in supporting and improving our state's middle schools can benefit substantially from further study of middle school issues;

Now, Therefore, I, Michael O. Leavitt, Governor of the State of Utah, do hereby order the following:

- (1) There is created the Governor's Task Force on Middle Level Education.
- (2) The task force shall study and make recommendations concerning issues relating to middle schools and the educational environment of children of middle school age. The issues to study shall include:
 - (a) school safety;
 - (b) developmentally appropriate instruction and environment;
 - (c) curriculum;
 - (d) parental involvement;
 - (e) class size;
 - (f) transition from elementary school to middle school and from middle school to high school;
 - (g) technology for instruction and home/school communication;
 - (h) teacher preparation and ongoing professional development;
 - (i) a review of the conceptual elements of effective middle school according to the literature; and

(j) other issues relating to middle school improvement, as identified by the task force.

(3) The task force shall consist of 15 members, appointed by the governor, including:

(a) a representative of the governor's office, who shall serve as chair;

(b) two middle school teachers;

(c) an elementary school teacher;

(d) a middle school principal;

(e) two parents of middle school students;

(f) a representative of the State Office of Education;

(g) a local school board member representing the Utah School Boards Association;

(h) a member of the House of Representatives recommended by the Speaker of the House;

(i) a member of the Senate recommended by the President of the Senate;

(j) a representative of the Utah Middle Level Education Association;

(k) a representative of a state institution of higher education that is engaged in preparing teachers for middle level education;

(l) a representative of the juvenile court system; and

(m) a superintendent from a local school district.

(4) The task force shall meet as often as necessary to complete its study. A majority of attendees constitutes a quorum for voting purposes, and all action shall be by majority vote.

(5) The task force shall make preliminary recommendations regarding suggested legislation by November 15, 1998, and shall make its final recommendations by December 31, 1998.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 27th day of May 1998.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

Attest:
OLENE WALKER
Lieutenant Governor

EXECUTIVE ORDER

Whereas, beginning on or about June 3, 1998, San Juan County, Utah has suffered severe damage brought on by the search for fugitives associated with the homicide of a Cortez, Colorado law enforcement officer and other attempted homicides on law enforcement officers and civilians in the states of Colorado and Utah; and

Whereas, San Juan County is a public entity in the State of Utah; and

Whereas, we are in the sixth day of this manhunt, immediate attention is necessary to assure life, safety, and welfare of the citizens of San Juan County, Utah; and

Whereas, these conditions do create a State of Emergency in San Juan County;

Now, Therefore, I, Michael O. Leavitt, 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 as follows:

It is found, determined, and declared, that a State of Emergency does exist, due to the existence of a threat to life, safety, and welfare of the citizens of San Juan County, requiring aid, assistance, and relief pertinent to the provisions of state statutes and portions of 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 4th day of June 1998.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between May 15, 1998, 5:01 p.m., and June 1, 1998, 5:00 p.m., are included in this, the June 15, 1998, 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 (•••••) indicates that unaffected text was removed to conserve space. If a 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 filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least July 15, 1998. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through October 13, 1998, 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 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

The public, interest groups, and governmental agencies are invited to review and comment on PROPOSED RULES. *Comment may be directed to the contact person identified on the RULE ANALYSIS for each rule.*

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Agriculture and Food, Animal Industry
R58-18-9
Identification

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 21182
FILED: 05/29/1998, 09:59
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Establish the requirements for the identification of elk for the purpose of elk farming.

SUMMARY OF THE RULE OR CHANGE: This amendment changes the requirement for the alphanumeric character to 3/8 inch.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-39-106

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
- ❖LOCAL GOVERNMENTS: None.
- ❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Agriculture and Food
Animal Industry
350 North Redwood Road
PO Box 146500
Salt Lake City, UT 84114-6500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Terry Menlove at the above address, by phone at (801) 538-7166, by FAX at (801) 538-7126, or by Internet E-mail at agmain.tmenlove@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1998

AUTHORIZED BY: Van Burgess, Deputy Commissioner

R58. Agriculture and Food, Animal Industry.

R58-18. Elk Farming.

R58-18-9. Identification.

(1) All elk shall be permanently identified with either a tattoo or micro chip.

(2) If the identification method chosen to use is the micro chip, a reader must be made available, by the owner, to the inspector at the time of any inspection to verify chip number. The chip shall be placed in the right ear.

(3) If tattooing is the chosen method of identification, each elk shall bear a tattoo number consisting of the following:

(a) UT (indicating Utah) followed by a number assigned by the department (indicating the facility number of the elk farm) and

(b) Any alphanumeric combination of letters or numbers consisting of not less than 3 digits, indicating the individual animal number herein referred to as the "ID number".

Example:

UTxxx

ID number (001)

(c) Each elk shall be tattooed on either the right peri-anal hairless area beside the tail or in the right ear.

(d) Each alphanumeric character must be at least ~~7/8~~3/8 inch high.

(e) Each newly purchased elk will not need to be retattooed or chipped if they already have this type of identification.

(f) Any purchased elk not already identified shall be tattooed or chipped within 30 days after arriving on the farm.

(g) All calves must be tattooed within 15 days after weaning or in no case later than September 15th.

(4) In addition to one of the two above mentioned identification methods, each elk shall be identified by the official USDA ear tag or other ear tag approved by the director.

KEY: inspections

[September 3, 1997]1998

4-39-106



**Community and Economic
Development, Community
Development, Fine Arts**

R207-2

**Policy for Donations and Loans to the
State Fine Art Collection**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21175

FILED: 05/27/1998, 15:00

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the rule is to establish policy for commissions, purchases and donations to and loans from the Utah State Fine Art Collections. The rule has been changed to more carefully reflect what the Utah Arts Council is doing in this area.

SUMMARY OF THE RULE OR CHANGE: This amendment to Rule R207-2 is to accommodate changes as the Utah Arts Council's "State Fine Art Collection" has now grown to include the original collection started in 1899, and now includes the Folk Arts Collection and Public Art commissions as well. This rule outlines policies regarding commissions, purchases and donations to and loans from the Utah State Art Collections.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 64-2-1

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No costs or savings result from this amendment to the rule.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No impact.

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

Community and Economic Development
Community Development, Fine Arts
Glendinning Mansion, Union Pacific Depot, and Chase Home in Liberty Park
617 East South Temple
Salt Lake City, UT 84102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Terrie Buhler at the above address, by phone at (801) 236-7552, by FAX at (801) 236-7556, or by Internet E-mail at tbuhler@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1998

AUTHORIZED BY: Terrie Buhler, Assistant Director

R207. Community and Economic Development, Community Development, Fine Arts.

R207-2. Policy for Commissions, Purchases, and Donations to, and Loans from, ~~[to]~~ the Utah State ~~[Fine]~~ Art Collections.

R207-2-1.

In order to maintain the quality and integrity of the Utah State ~~[Fine]~~ Art Collections, the following policies have been adopted:

a. All works of art accepted into the Utah State ~~[Fine]~~ Art Collections must be approved through the appropriate channels (Visual Arts Committee, Public Art Selection Committees, Folk Arts Selection Committee). ~~[by the Utah Arts Council Visual Arts Committee.]~~ This policy applies to [both] commissions, purchases and donations of artwork. When art is added to any of the Utah State Art Collections, ~~[the Visual Arts Committee accepts a work of art into the Collection],~~ the [UAC] Utah Arts Council will assume responsibility for cataloging, conserving, insuring, storing, and displaying that work. The criteria for selecting works for the Utah State ~~[Fine]~~ Art Collections will be based on the quality of the work, appropriateness to the site for Public Art pieces, and its role in filling historical media and stylistic gaps. ~~[In addition, works accepted into the Collection should strive to represent works from all media and styles.]~~

b. If other ~~[a]~~ state agenc[y] ies ~~[is]~~ are approached by an individual or organization wishing to donate a work of art, that agency should contact the Utah Arts Council to receive approval ~~[by the Visual Arts Committee]~~ through the appropriate channels (see "a" above). If the agency does not contact the Utah Arts Council, or if the ~~[Visual Arts Committee]~~ donation is not accepted by the Utah Arts Council ~~[does not accept the donation into the Collection],~~ ~~[the]~~ that agency ~~[will]~~ becomes responsible for insuring and conserving the donated work of art which is not then part of the Utah State Art Collections.

c. Loans of artwork to state agencies must also be approved ~~[by the Visual Arts Committee]~~ through appropriate channels at the Utah Arts Council in order for them to be insured by the state through the Utah Arts Council. Otherwise, insurance will be the responsibility of the state agency which accepts the loan. ~~[Exceptions to this policy are]~~ W ~~[w]~~orks of art loaned directly to the ~~[Visual Arts Program]~~ Utah Arts Council for Traveling Exhibitions are fully insured by the Utah Arts Council. Public Art Program artwork is insured by the state through the site where the art is located ~~[for use in curating exhibitions].~~

KEY: art loans, art donations, art in public places, ~~[art preservation], art work[s]~~
[1987]1998 **64-2-2**
Notice of Continuation February 25, 1998



Health, Children's Health Insurance Program

R382-10-10

Creditable Health Coverage

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21187

FILED: 06/01/1998, 16:49

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This filing makes changes in Section R382-10-10.

SUMMARY OF THE RULE OR CHANGE: This change better defines a child's eligibility for the Children's Health Insurance Program (CHIP), and also a child's ineligibility because of having coverage under a parent's or guardian's health insurance plan.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5; and Title 26, Chapter 40
FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 105-33, Sections 2103(e) and 2110

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: Costs associated with this rule are accounted for in companion rule filings for R382-1 and R382-20.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs associated with this rule are accounted for in companion rule filings for R382-1 and R382-20.

(DAR Note: R382-1 (DAR No. 21153) and R382-20 (DAR No.21155) were published in the June 1, 1998, issue of the *Utah State Bulletin*.)

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed amendment to the CHIP eligibility rule previously filed clarifies whether employer provided insurance will be considered as available to the child applying for eligibility in the CHIP program. Administrative costs evaluating a less well defined rule should be reduced. I believe that all other costs on business are necessary and justifiable.

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

Health
Children's Health Insurance Program
Cannon Health Building
288 North 1460 West
Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gayle Six at the above address, by phone at (801) 538-6895, by FAX at (801) 538-6952, or by Internet E-mail at gsix@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1998

AUTHORIZED BY: Rod L. Betit, Executive Director

R382. Health, Children's Health Insurance Program.**R382-10. Eligibility.****R382-10-10. Creditable Health Coverage.**

(1) To be eligible for enrollment in the program, a child must meet the requirements of Sections 2110(b)(1)(C) and (2)(B) of the Social Security Act as enacted by Pub. L. No. 105-33.

(2) A child who is covered under a group health plan or other health insurance coverage including coverage under a parent's or legal guardian's employer, as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), is not eligible for CHIP assistance. If the applicant ~~[a custodial parent, or an absent parent with a legal obligation to provide health insurance coverage has access to health insurance coverage for the child, at a premium rate equal to or less than the premium the department would pay for CHIP coverage for a child under a managed care plan.]~~ has access to coverage under a parent's or legal guardian's employer-sponsored plan, the child is not eligible for CHIP assistance. An employer-sponsored plan is a health benefit plan where the employer pays at least 50% of what it would cost to enroll the child. If the child has access to coverage, except that the child must wait for an open enrollment period, the child may enroll in CHIP until the next open enrollment period begins. If the child is not enrolled during the next available open enrollment period, the child will be ineligible for CHIP enrollment for three months after the end of the open enrollment period.

(3) The Department shall deny eligibility if the applicant, a custodial parent, or an absent parent with a legal obligation to provide health insurance coverage has voluntarily terminated ~~[either employer-sponsored or individual]~~ health insurance coverage in the three months prior to the application date for enrollment under CHIP. An applicant or applicant's parent(s) who is involuntarily terminated from an employer's plan ~~[sponsored coverage]~~ is eligible for CHIP without a three month waiting period. ~~[Employer-sponsored coverage is a health benefit plan where the employer contributes at least 50% of the premium.~~

~~—(4) The Department shall deny eligibility if the applicant or enrollee, a custodial parent, or an absent parent with a legal obligation to provide health insurance coverage has failed to enroll the applicant in an employer-sponsored health insurance plan at a premium rate equal to or less than the premium the department would pay for CHIP coverage for a child under a managed care plan, until three months have passed from the end of the open enrollment period. An otherwise eligible child may apply to enroll in the CHIP program after this three month period.]~~

(4) If an absent parent is court-ordered to provide health insurance for a child and could enroll the child in the parent's employer's health insurance plan, the child is not eligible for CHIP enrollment.

(5) A child with creditable health coverage operated or financed by the Indian Health Services is not excluded from enrolling in the program.

(6) An applicant must report at application and certification review whether any of the children in the household for whom enrollment is being requested has access to or is covered by a group health plan, other health insurance coverage, or a state employee's health benefits plan.

(7) An enrollee must report when any enrollee in the household begins to receive coverage under, or begins to have

access to, any type of group health plan, other health insurance coverage, or a state employee's health benefits plan.

(8) The Department shall deny an application or recertification if the enrollee fails to respond to questions about health insurance coverage for children the household seeks to enroll or recertify in the program.

KEY: children's health benefits*
1998

26-1-5
26-40



Health, Health Care Financing, Coverage and Reimbursement Policy

R414-51

Dental, Orthodontia

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 21189
FILED: 06/01/1998, 16:49
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule defines the management of adult orthodontic treatment. The intent is to establish the eligibility for and the limitations on providing this orthodontic treatment.

SUMMARY OF THE RULE OR CHANGE: This amendment establishes the scope of services, eligibility, and criteria for adults under the Medicaid Orthodontia Program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5 and 26-18-3

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** Some costs, on a case-by-case basis, will be incurred by providing additional orthodontic treatment, but savings should be realized by an improvement in overall health for those adults who can benefit from improved nutrition and diet. Best estimate of costs is between \$12,000 and \$15,000 annually.

❖**LOCAL GOVERNMENTS:** None.

❖**OTHER PERSONS:** None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed amendment to Medicaid eligibility rules provides for adult orthodontia coverage in limited circumstances. I do not anticipate any cost to business, but in the event that public comment provides additional information, this will be carefully evaluated before the rule becomes effective.

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

Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
Box 142906
Salt Lake City, UT 84114-2906, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Steven Bradford at the above address, by phone at (801) 538-6493, by FAX at (801) 538-6099, or by Internet E-mail at sbradfor@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1998

AUTHORIZED BY: Rod L. Betit, Executive Director

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

R414-51. Dental, Orthodontia.

R414-51-1. Introduction and Authority.

(1) The Medicaid Orthodontia Program provides orthodontia services for Medicaid eligible children who have a handicapping malocclusion as a result of [due to] birth defects, accident, or abnormal growth patterns, and for Medicaid eligible adults who have a handicapping malocclusion as a result of a recent accident or disease. of such severity that they are [it renders them] unable to masticate, digest, or benefit from their diet.

(2) Orthodontia services [for children] are authorized by 42 CFR [-440.40(b)(2);] 440.100(a), 440.225, 441.56(b)(2), 441.57, October, 199[2] ed, which are adopted and incorporated by reference.

R414-51-2. Definitions.

In addition to the definitions in R414-1, the following definitions also applies to this rule:

(1) "Adult" means an individual who is 21 years of age or older;

(2) "Child" means an individual who is under 21 years of age;

(3) "Salzmann's Index" means the "Handicapping Malocclusion Assessment Record" by J. A. Salzmann, used for [a formal index of] assessment of handicapping malocclusion, as adopted by the Board of Directors of the American Association of Orthodontists and the Council on Dental Health of the American Dental Association. This index provides a universal numerical measurement of the total malocclusion.

R414-51-3. Client Eligibility Requirements.

Orthodontia services are available for Medicaid eligible recipients [categorically and medically needy children under age 21].

R414-51-4. Program Access Requirements.

(1) Orthodontia services ~~[may be]~~are available to children who meet the requirements of having a handicapping malocclusion identified in an Early and Periodic Screening, Diagnosis and Treatment (EPSDT) exam.

(2) The Department shall determine the medical necessity for orthodontia services for each individual whether child or adult based upon:

(a) the evaluation of the malocclusion using the Salzmann's ~~[Numerical]~~Index from ~~[a]~~models of the teeth submitted by the dentist or orthodontist; and

(b) evidence of medical necessity provided by the primary dentist, the orthodontist, or the physician.

(3) The primary care physician, or the physician or dentist who completes the EPSDT screening examination, may contribute information pertaining to the medical necessity for services.

(4) Qualified Providers.

~~[(a)]~~Dentists, oral and maxillofacial surgeons, and orthodontists may provide any part of the orthodontic services for which they are qualified.

~~[(b)]~~The orthodontist who performs the orthodontic service of placing an appliance must have a graduate degree in Orthodontia or Orthodontics/Pedodontics.

R414-51-5. Service Coverage.

(1) Medicaid considers a~~[A]~~ Salzmann's Index score of 30 or more ~~[indicates]~~a level of handicapping malocclusion for which orthodontia ~~[may be]~~is a covered service.

(2) Service coverage includes:

(a) a wax bite and study models of the teeth;

(b) removal of teeth, or other surgical procedures, if necessary to prepare for an orthodontic appliance;

(c) attachment of an orthodontic appliance;

(d) adjustments of an appliance;

(e) removal of an appliance;

~~[(f)]~~any non-orthodontic dental service, which may be required before orthodontic procedures are initiated, may be provided within other Medicaid programs.]

(3) Dental surgical procedures which are cosmetic only are not covered services even when proposed in conjunction with orthodontia.

R414-51-6. Limitations.

Orthodontia is not a Medicaid benefit for:

(1) cosmetic or esthetic reasons;

(2) treatment of any temporo-mandibular joint condition or dysfunction;

(3) conditions in which radiographic evidence of bone loss has been documented;

(4) an adult whose handicapping malocclusion resulted from an accident or disease occurring more than one year from the date of request for services.

KEY: medicaid
199[3]8

26-1-5
26-18-3

Natural Resources, Wildlife Resources
R657-5
Taking Big Game

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21185

FILED: 06/01/1998, 14:22

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted annually for taking public input and reviewing permit numbers for antlerless big game species.

SUMMARY OF THE RULE OR CHANGE: This rule is being amended to: clarify that the group leader's application will determine whether the entire group remains in the drawing; clarify that a person may not hunt on any cooperative wildlife management unit unless that person obtains a cooperative wildlife management unit permit; amend the provision allowing two elk permits, by not allowing a person who obtains a spike bull elk permit to obtain an antlerless elk permit and vice versa; clarify when a person will receive a refund if they are unsuccessful in the drawing; provide provisions that allows a person to withdraw their application if they meet the criteria; and makes other changes for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: In 1997, the Division of Wildlife (DWR) sold 15, 950 spike elk permits, which is an increase of 2,500 permits over recent previous year's sales. The increase in permit sales was the result of persons being allowed to purchase an antlerless elk permit and spike bull elk permit. The DWR estimates that by not allowing a person to obtain both a spike bull elk permit and an antlerless elk permit, spike bull elk permit sales will decrease, resulting in potential loss of revenue to the DWR of approximately \$125,000.

❖LOCAL GOVERNMENTS: None. This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendments. Nor are local governments indirectly impacted because the amendments do not create a situation requiring additional services from local governments.

❖OTHER PERSONS: No impact. These amendments do not impose any requirements on persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact. However, the DWR anticipates that persons may purchase a spike elk permit and an antlerless elk permit based upon the ability to do so in 1997. Those persons would be required to surrender either the spike bull elk permit or the antlerless elk permit and would not receive a refund in accordance with Section 23-19-38, resulting in the cost of the permit fees to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change may reduce wildlife license agent fees, which are paid to the agents for selling permits, if spike bull elk permit sales decrease. Also, if fewer individuals purchase spike bull elk permits, this change may indirectly result in fewer customers that may purchase other items at the license agent's business.

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdrw.dsundell@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1998

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.

R657-5. Taking Big Game.

R657-5-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19, the Wildlife Board has established this rule for taking deer, elk, pronghorn, moose, bison, bighorn sheep, and Rocky Mountain goat.

(2) Specific dates, areas, methods of take, requirements, and other administrative details which may change annually are published in the bucks, bulls and once-in-a-lifetime proclamation and the antlerless addendum to the bucks, bulls and once-in-a-lifetime proclamation of the Wildlife Board for taking big game.

R657-5-29. Applying as a Group.

(1)(a) Two people may apply together for elk or pronghorn permits.

(b) Up to four people may apply together for deer permits.

(2) Applicants must indicate the number of hunters in the group by filling in the appropriate box on each application form.

(3) Group applicants must submit their applications together in the same envelope.

(4) Residents and nonresidents may apply together.

(5) When applying as a group:

(a) if one applicant is successful in drawing a permit, then all applicants with valid applications in that group are successful;

(b) if the group is rejected due to an error in fees and only one species is applied for, then the entire group is rejected;

(c) if the group is rejected due to an error in fees and more than one species is applied for, the group will be kept in the

drawing for any species with sufficient fees, using the draw order; or

(d) if one or more members of the group are rejected due to an error other than fees, the members with valid applications will be kept in the drawing, unless the group indicates on the application that all members are to be rejected.

(i) The applicant whose application is on the top of all the applications for that group, will be designated the group leader.

(ii) If any group member has an error on their application that is not corrected during the correction process, the reject box on the group leader's application will determine whether the entire group is rejected.

R657-5-36. Waiting Periods for Antlerless Moose.

(1) A person who obtained an antlerless moose permit or a cooperative wildlife management unit antlerless moose permit during the preceding four years, may not apply for an antlerless moose permit during the current year.

(2) A person who obtains an antlerless moose permit or a cooperative wildlife management unit antlerless moose permit in the ~~[big game drawing]~~current year, may not apply for an antlerless moose permit for a period of five years.

R657-5-38. Waiting Periods for Permits Obtained After the Drawing.

(1) Waiting periods provided in Sections R657-5-33 through R657-5-36 do not apply to the purchase of the permits sold over the counter.

(2) However, waiting periods are incurred as a result of purchasing remaining permits~~[after the drawing]~~. Therefore, if a remaining permit is purchased in the current year, waiting periods will be in effect when applying in the drawing in following years.

R657-5-45. Antlerless Deer Hunts.

(1) To hunt an antlerless deer, a hunter must obtain an antlerless deer permit.

(2)(a) An antlerless deer permit allows a person to take one antlerless deer, per antlerless deer tag, using ~~[a]~~any legal weapon within the area and season as specified on the permit and in the antlerless addendum~~[, except cooperative wildlife management units].~~

(b) A person may not hunt on any cooperative wildlife management units unless that person obtains an antlerless deer permit for a cooperative wildlife management unit as specified on the permit.

(3) A person who has obtained an antlerless deer permit may not hunt during any other antlerless deer hunt or obtain any other antlerless deer permit.

(4)(a) A person who has obtained a general archery deer permit and an antlerless deer permit may use the antlerless deer permit during the general archery deer season provided:

(i) the appropriate archery equipment is used;

(ii) the antlerless deer is taken in the area specified on the antlerless deer permit; and

(iii) if the antlerless hunt occurs within a limited entry hunting unit, only a hunter possessing a limited entry archery buck permit for the specific unit may exercise this option.

(b) A person who obtains a muzzleloader deer permit and an antlerless deer permit may use the antlerless deer permit during the muzzleloader deer season provided:

- (i) the appropriate muzzleloader equipment is used;
- (ii) the antlerless deer is taken in the area specified on the antlerless permit; and
- (iii) if the antlerless hunt area occurs within a limited entry hunting unit, only a hunter possessing a limited entry muzzleloader buck permit for the specific unit may exercise this option.

R657-5-50. Antlerless Elk Hunts.

(1) To hunt an antlerless elk, a hunter must obtain an antlerless elk permit.

(2)(a) An antlerless elk permit allows a person to take one antlerless elk using ~~[a]any~~ legal weapon within the area and season as specified on the permit and in the antlerless addendum to the proclamation of the Wildlife Board for taking big game~~[-except elk cooperative wildlife management units.].~~

(b) A person may not hunt on any cooperative wildlife management units unless that person obtains an antlerless elk permit for a cooperative wildlife management unit as specified on the permit.

(3) A person who has obtained an antlerless elk permit may not hunt during any other antlerless elk hunt or obtain any other antlerless elk permit, except as provided in Subsection (4).

(4)(a) A person who has obtained an antlerless elk permit may purchase an additional antlerless elk permit beginning on the date published in the antlerless addendum to the proclamation of the Wildlife Board for taking big game, if any of these permits are available.

(b) A person who has obtained an antlerless elk permit may purchase an any bull~~[-spike bull]~~ or hunter's choice elk permit beginning on the date published in the antlerless addendum to the proclamation of the Wildlife Board for taking big game, if any of these permits are available.

(c) A person who has obtained ~~[a]an any~~ bull ~~[elk]~~ or hunter's choice elk permit may purchase an antlerless elk permit beginning on the date published in the antlerless addendum to the proclamation of the Wildlife Board for taking big game, if any of these permits are available.

~~[(5)](d) A person who [has obtained] obtains a spike bull elk permit may not obtain an antlerless elk permit [for a season that extends beyond December 31 of the current year, must obtain a wildlife habitat authorization to hunt after December 31.]. A person who obtains an antlerless elk permit may not obtain a spike bull elk permit.~~

R657-5-52. Doe Pronghorn Hunts.

(1) To hunt a doe pronghorn, a hunter must obtain a doe pronghorn permit.

(2)(a) A doe pronghorn permit allows a person to take one doe pronghorn using ~~[a]any~~ legal weapon within the area and season as specified on the permit and in the antlerless addendum to the proclamation of the Wildlife Board for taking big game~~[-except pronghorn cooperative wildlife management units.].~~

(b) A person may not hunt on any cooperative wildlife management units unless that person obtains an antlerless moose permit for a cooperative wildlife management unit as specified on the permit.

(3) A person who has obtained a doe pronghorn permit may not hunt during any other pronghorn hunt or obtain any other pronghorn permit.

R657-5-53. Antlerless Moose Hunts.

(1) To hunt an antlerless moose, a hunter must obtain an antlerless moose permit.

(2)(a) An antlerless moose permit allows a person to take one antlerless moose using ~~[a]any~~ legal weapon within the area and season as specified on the permit and in the antlerless addendum to the proclamation of the Wildlife Board for taking big game~~[-except in moose cooperative wildlife management units.].~~

(b) A person may not hunt on any cooperative wildlife management unit unless that person obtains an antlerless moose cooperative wildlife management unit as specified on the permit.

(3) A person who has obtained an antlerless moose permit may not hunt during any other moose hunt or obtain any other moose permit.

R657-5-59. Antlerless Application - Deadlines.

(1) Applications are available from license agents and division offices.

(2) Residents may apply in the drawing for the following permits:

- (a) antlerless deer;
- (b) antlerless elk;
- (c) doe pronghorn; and
- (d) antlerless moose.

(3) Nonresidents may apply in the drawing for the following permits:

- (a) antlerless deer;
- (b) antlerless elk;
- (c) doe pronghorn; and
- (d) antlerless moose, if permits are available during the current year.

(4) Residents and nonresidents may draw an antlerless permit for each species, except any person who obtained a bull elk, buck pronghorn, or bull moose permit may not apply for an antlerless elk, doe pronghorn, or antlerless moose permit, respectively.

(5) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Subsections R657-5-~~[63(3)]61(3)~~ and R657-5-~~[65(1)]63(1)~~.

(6) A Wildlife Habitat Authorization may be purchased before applying, or the Wildlife Habitat Authorization will be issued to the applicant upon successfully drawing a permit.

(7)(a) Applications must be mailed by the date prescribed in the antlerless addendum to the proclamation of the Wildlife Board for taking big game. Applications filled out incorrectly or received later than the date prescribed in the antlerless addendum to the proclamation of the Wildlife Board for taking big game may be rejected. Late applications may be returned unopened.

(b) If an error is found on an application, the applicant may be contacted for correction.

(8) Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get permission before applying. The division does not guarantee

access and does not have the names of landowners where hunts occur.

R657-5-60. Fees for Antlerless Applications.

- (1) Each application must include:
 - (a) the permit fee for each species applied for;
 - (b) a \$5 nonrefundable handling fee for each species applied for; and
 - (c) the Wildlife Habitat Authorization fee, if it has not yet been purchased.

(2)(a) Personal checks, money orders, cashier's checks and credit cards are accepted from residents.

(b) Money orders, cashier's checks and credit cards are accepted from nonresidents. Personal checks are not accepted from nonresidents.

~~(3)(a) [Credit cards will be accepted on the antlerless drawing.]~~
~~(b)~~ Credit cards must be valid at least 30 days after the drawing results are posted.

~~(c)~~(b) If applicants are applying as a group, all fees for all applicants in that group must be charged to one credit card.

~~(d)~~(c) Handling fees are charged to the credit card when the application is processed. Permit fees are charged after the drawing, if successful.

~~(e)~~(d) Payments to correct an invalid or refused credit card must be made with a cashier's check or money order for the full amount of the application fees plus any permits requested.

(4) An application is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused.

R657-5-62. Antlerless Application Refunds.

(1)(a) Unsuccessful applicants, who applied on the initial drawing and who applied with a check or money order will receive a refund in September.

(b) Unsuccessful applicants, who applied for remaining permits and who applied with a check or money order will receive a refund in October.

(2) Unsuccessful applicants, who applied with a credit card, will not be charged for a permit.

(3) The handling fees are nonrefundable.

R657-5-63. Permits Remaining After the Antlerless Drawing.

(1) Permits remaining after the antlerless drawing are sold only by mail or on a first-come, first-served basis as provided in the antlerless addendum, and beginning and ending on the dates provided in the antlerless addendum to the proclamation of the Wildlife Board for taking big game. These permits may be purchased by either residents or nonresidents.

(2) The same application form used for the antlerless drawing must be used when applying for remaining permits by mail. The handling fees are nonrefundable.

(3) Applications are available from division offices and license agents.

R657-5-64. Application Withdrawal.

(1) A person may withdraw their application for the antlerless drawing by requesting such in writing by the date published in the antlerless addendum to the proclamation of the Wildlife Board for taking big game.

(2) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the Salt Lake Division office.

(3) A person may not amend a withdrawn application, nor reapply after the application has been withdrawn.

(4) Handling fees will not be refunded.

KEY: wildlife, game laws, big game seasons*
[January 15,]1998

23-14-18
23-14-19
23-16-5
23-16-6



Public Safety, Highway Patrol
R714-158
Vehicle Safety Inspection Program
Requirements

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE No.: 21176
FILED: 05/28/1998, 10:28
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To delete the provision that allows the department not to consider applications during certain periods of time; and to correct a typographical error.

SUMMARY OF THE RULE OR CHANGE: This amendment deletes the provision that establishes the department's right to not consider applications during certain periods of time each year, and corrects a typographical error in the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-8-204(5)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None.
- ❖ LOCAL GOVERNMENTS: None.
- ❖ OTHER PERSONS: None.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule has no fiscal impact on businesses, and therefore, the department head has no comments thereon.

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

Public Safety
Highway Patrol
First Floor, Calvin L. Rampton Complex
4501 South 2700 West

Box 141100
Salt Lake City, UT 84107, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

J. Francis Valerga at the above address, by phone at (801) 965-4062, by FAX at (801) 965-4463, or by Internet E-mail at psdomain.psmain.jfvalerg@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1998

AUTHORIZED BY: Richard A. Greenwood, Superintendent

R714. Public Safety, Highway Patrol.

R714-158. Vehicle Safety Inspection Program Requirements.

R714-158-1. Authority.

This rule is authorized by Subsection 53-8-204(5).

R714-158-2. Purpose.

The purpose of this rule is to set standards governing the administration and enforcement of the safety inspection program in accordance with Title 53, Chapter 8, Part 2.

R714-158-3. Definitions.

As used in this rule:

- (1) "Action" means suspension or revocation of a certification or license.
- (2) "Certificate" means the certificate of inspection given when a vehicle meets the requirements of the inspection program.
- (3) "Certification" means the authority given to an inspector by the department to conduct safety inspections.
- (4) "Commercial motor vehicle" means any vehicle, machine, tractor, trailer or semi-trailer, propelled or drawn by mechanized power upon the highway in transportation of passengers or property, or any combination thereof. It does not include implements of husbandry.
- (5) "Department" means the Utah Department of Public Safety.
- (6) "Fleet station" means a station licensed by the department and capable of conducting safety inspections of commercial motor vehicles, provided the fleet owns a minimum of twenty-five vehicles.
- (7) "Inspector" means a person employed by a station licensed to conduct safety inspections.
- (8) "License" means the authority given to a station by the department to conduct safety inspections.
- (9) "Notice of agency action" means a written notice that the department intends to suspend or revoke a certification or license.
- (10) "Station" means a business, including public garages, service stations, and repair shops licensed by the department to conduct safety inspections.
- (11) "Sticker" means the sticker intended to be placed on the windshield of a vehicle which has met the requirements of the inspection program.

R714-158-4. Station License.

A. Application for a license as a station can be made on forms provided by the department's Safety Inspection Section, 4501 South 2700 West, Box 14100, West Valley City, Utah 84114-1100.

- (1) A \$1,000 surety bond is required for all stations except fleet stations and publicly owned stations.
- (2) A \$100 station application fee is required.
- (3) A \$25 annual license fee is required for all stations except publicly owned stations.
- (4) A \$25 fee is required to renew a license that has been revoked.

~~[B].~~ The department reserves the right each year to establish periods of time during which applications for a license may not be considered:

~~[E]B.~~ Upon receiving an application for a license, the department will assign an investigator to inspect the place of business to determine if the applicant meets the requirements of this rule.

~~[D]C.~~ An applicant for a license shall meet the building and equipment requirements set forth in the "Vehicle Inspection Manual" prior to approval.

~~[E]D.~~ Upon approval, the license will be issued to the applicant and shall be displayed in a prominent location at the address shown on the license.

~~[F]E.~~ Licenses are not transferable. A change in the ownership, name, or location of a station requires a new application, bond, and license.

~~[G]E.~~ The \$1,000 surety bond will be forfeited in the event a station fails to observe the provisions of Section R714-158-5 of this rule.

R714-158-5. Inspector Certification.

A. An applicant for certification as an inspector shall:

- (1) obtain training in accordance with the requirements of Section R714-158-6 of this rule;
- (2) pay a \$10 non-refundable processing fee;
- (3) be at least eighteen years of age; and
- (4) have a valid drivers license.

B. Certification is valid for five years and expires on the month, day, and year shown on the certificate.

C. Certification can be renewed up to six months before the expiration date.

- (1) A \$10 fee is required to process a return to the safety inspection program in the event of a suspension or revocation of certification.

R714-158-6. Inspector Training and Testing.

A. Inspector applicants shall obtain training, reference materials, and instructions from the department prior to certification.

B. The department may contract with educational institutions to provide training, re-training, or testing.

R714-158-7. General Safety Inspection Program Requirements.

A. Inspections shall be conducted honestly and thoroughly. Any attempt to coerce customers, or to sell unneeded parts or repairs is prohibited.

- (1) Repairs or adjustments may not be made to a vehicle without prior approval of the customer.

(a) Any part that is replaced as a result of an inspection must be returned to the customer.

(b) If a part cannot be returned, it must be shown to the customer.

(c) The customer is under no obligation to have a vehicle repaired at the station. Repairs may be made at any business selected by the customer.

(2) A current set of inspection records shall be retained at each station or record keeping office.

(a) The records shall be retained for a minimum of twelve months.

(b) When requested, records shall be made available for inspection by the department.

(3) Reports required by the department shall be submitted to the department prior to every third order of inspection supplies.

(a) Reports submitted to the department shall be legible and in sequence.

(b) Certificates and stickers shall be filled out on both sides.

(4) Each station in the safety inspection program shall maintain an adequate supply of certificates, stickers, and other inspection supplies.

(a) Certificates, stickers, and other inspection supplies shall be safeguarded against loss or theft.

(b) Missing or stolen certificates or stickers shall be immediately reported to the department.

(5) No certificate or sticker shall be issued without making a proper inspection, or issued to any vehicle that does not meet safety inspection requirements.

(6) An inspector may conduct inspections, issue certificates, and attach stickers to vehicles only at the location designated on the license.

(7) Certificates, stickers, or other inspection supplies, may not be sold or transferred from one station to another.

(8) Each station must be open for a least eight consecutive hours during the normal business day. Stations may close on holidays, Saturdays and Sundays.

(a) At least one inspector must be on duty at each station during business hours.

R714-158-8. Vehicle Safety Inspection Manual.

The department shall prepare the "Vehicle Inspection Manual" which shall be based on the "Utah Code," the "Federal Code of Regulations," the "Vehicle Inspection Handbook" of the American Association of Motor Vehicle Administrators, and on vehicle manufacturer specifications.

(1) The department shall seek the advice of the Safety Inspection Advisory Council prior to any substantive changes in the "Vehicle Inspection Manual."

(2) Inspectors shall conduct inspections in accordance with the "Vehicle Inspection Manual."

R714-158-9. Certificates, Stickers, and Inspection Reports.

A. Certificates (HP SI-29) will be issued in books of seventy-five.

(1) A maximum of seven books of certificates and twenty books of stickers may be purchased on one order.

(2) All orders shall be paid by check, except ~~as~~ authorized by the department.

(3) Unused certificates or stickers, if less than two years old and in quantities of ten or more, may be returned to the department for reimbursement or exchange.

(4) Returned certificates and stickers must be in the original book and sequence.

B. Certificates, stickers, and inspection reports, shall be completed and issued as set forth in the "Vehicle Inspection Manual."

R714-158-10. Incorporation of Federal Standards for Commercial Vehicles.

The department adopts federal regulation 49 CFR 393, 396, and 396 Appendix G (1997 edition), applicable to commercial motor vehicles and trailers operating in interstate commerce, and incorporates those regulations in this rule by reference.

R714-158-11. Grounds for Denial, Suspension, or Revocation of License or Certification.

A license or certification may be denied, suspended, or revoked for either of the following reasons:

(1) violation of state laws or rules applicable to vehicle inspections.

(2) conviction of any crime involving moral turpitude.

R714-158-12. Adjudicative Proceedings.

A. All adjudicative proceedings set forth in this section shall be conducted informally, and as authorized by Sections 53-8-204, 63-46b-4, and 63-46b-5.

B. Action to deny, suspend or revoke any license or certification or to appeal any denial, suspension, or revocation shall be made on forms provided by the department in accordance with Section 63-46b-3.

C. Appeal to department. A person who has been issued a notice of agency action to suspend or revoke a license or certification may request a hearing before the department by filing an appeal with the department within ten days of receipt of the notice of agency action. If a timely appeal is filed, the intended agency action shall automatically be stayed.

(1) The hearing before the department shall be informal and is intended to provide the person with an opportunity to show cause why the intended agency action should not be taken.

(2) The department will issue a signed order to the parties within five days of the hearing, ordering or denying the intended agency action.

D. Appeal to Advisory Council. A person who has been denied a license or certification, or a person whose license or certification has been suspended or revoked by the department, may request a hearing before the Advisory Council pursuant to Section 53-8-203, by filing an appeal with the department within ten days of receipt of the denial, suspension, or revocation.

(1) Except in the case of an emergency order, a timely appeal to the department requesting an Advisory Council hearing shall automatically stay a department order of suspension or revocation.

(2) The hearing before the Advisory Council shall be informal and shall be held within thirty days after the appeal is filed.

(3) The Advisory Council shall make written findings and conclusions and issue a signed order within ten days of the hearing; affirming, denying, or modifying the order of the department.

E. Reconsideration of the order of the Advisory Council may be requested in writing within twenty days of the date of the order in accordance with Section 63-46b-13.

F. The order of the Advisory Council shall be subject to judicial review in accordance with Section 63-46b-15.

G. A default order may be entered against a party who fails to participate in any of the hearings provided for in this section in accordance with Section 63-46b-11.

KEY: motor vehicle safety, inspection

~~May 5, 1998~~

Notice of Continuation December 22, 1997

53-8-201

53-8-203

63-46b



School and Institutional Trust Lands,
Administration

R850-80-600

Public Sale Procedures

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21184

FILED: 06/01/1998, 14:04

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to improve the process for the sale of trust lands.

SUMMARY OF THE RULE OR CHANGE: One of the amendments to this rule allows for participation in the oral bidding portion of the auction by any party submitting a bid that is within 20% of the lowest qualifying bid (or within 20% of the third highest bid), thus allowing for more participation in the oral auction. It also allows bidding permittees and lessees of record to participate in the oral bidding. The other amendment clarifies that an unsuccessful bidder at an auction for a parcel that does not sell, may request that the land be re-appraised, with the decision to proceed with the re-appraisal and any subsequent sale being at the discretion of the director.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53C-1-302(1)(a)(ii), 53C-2-201(1)(a), 53C-4-101(1), and 53C-4-202(6), and Section 53C-4-102

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: It is anticipated that due to the increased participation in the oral bidding, higher sale prices for trust parcels may be realized.

❖LOCAL GOVERNMENTS: The only situation where there would be any cost to local government is if they were the high bid for a parcel of trust land and if the final price for the parcel were to be pushed higher due to the additional competition.

❖OTHER PERSONS: Additional costs to the high bidder would only be as a direct result of a higher final price for a parcel due to the additional competition.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no additional costs to persons participating in the sealed and oral bidding. The potential exists that due to an increased number of participants in the oral bidding, the final price for purchasing the land parcel being auctioned could be pushed up because of the competition. Participants are allowed to withdraw from the bidding process at any time they choose.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will not increase the transaction costs of sale. This rule change is expected to open the bidding process to allow more bidders to participate in the oral auction, thus raising the final sales price and increasing revenues to the permanent school or institutional fund.

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

School and Institutional Trust Lands
Administration
Suite 500
675 East 500 South
Salt Lake City, UT 84102-2818, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kevin S. Carter at the above address, by phone at (801) 538-5100, by FAX at (801) 355-0922, or by Internet E-mail at tlmain.kcarter@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1998; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR , , .

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1998

AUTHORIZED BY: Kevin S. Carter, Assistant Director/ Surface

R850. School and Institutional Trust Lands, Administration.

R850-80. Sale of Trust Lands.

R850-80-600. Public Sale Procedures.

1. If a sale is authorized pursuant to R850-30-500(2)(h) or R850-80-400(4), the applicant shall be required to submit an amount equal to 10% of the offer to purchase. This amount shall constitute the applicant's bid for the purchase of the parcel and shall be provided protected records status pursuant to Section 63-2-304(1) or 63-2-304(7) until sealed bids are opened at a subsequent auction. The applicant will be allowed to enter into oral bidding subject to R850-80-600(5).

2. All sales shall be advertised through publication at least once each week for three consecutive weeks in one or more newspapers of general circulation in the county in which the land is located. Notices shall also be posted in the local governmental administrative building or courthouse and other appropriate locations. This advertisement shall indicate when and where the

sale will be held. It shall contain a general description of the parcel to be sold including township, range and section and a brief description of where the parcel is located. The advertisement shall also indicate the agency office where parties interested in purchasing the land can obtain more information.

3. At least 30 days prior to the sale, notice shall be sent by certified mail to each person who owns property adjoining the land proposed for sale.

4. In addition to the requirements of R850-80-600(2), the agency may advertise sales using commonly accepted methods to the extent which the director has determined may reasonably increase the potential for additional bidding at the sale. Applicant's deposit for advertising specified by R850-80-300(1) will not be used for additional advertising.

5. Public sales shall commence with:

(a) the submission of fixed price sealed bids. A sealed bid shall contain an amount equal to at least 10% of the total amount offered to purchase the property. The agency may require these funds to be in the form of a certified check. On cash sales the purchaser shall pay the purchase price in full with guaranteed funds. The agency reserves the right to reject any bid however submitted. No less than three of those submitting the highest bids shall be allowed to enter into oral bidding, beginning at the amount of the highest sealed bid. The number of additional parties allowed to participate in oral bidding shall be those parties who submit a sealed bid that is within 20% of the ~~high~~third highest sealed bid. In the event that a parcel is offered both as one piece, and broken into several sub-parcels, the prevailing bidders for each of the sub-parcels shall be allowed to participate in the oral bidding when the parcel is offered as one piece. Current Grazing Permittees, Material Permittees and Special Use Lessees who submit sealed bids shall automatically qualify to enter into oral bidding, even if their sealed bid does not otherwise meet the qualifications described above. A bidder shall be held to the value of the bidder's sealed bid; or

(b) the payment of an agency-established bidding deposit. When the sales method outlined in this subsection is used, the agency may waive the requirement to not disclose the minimum acceptable sales price imposed by R850-80-500(2)(a).

6. If no bid submitted pursuant to R850-80-600(5)(a) equals or exceeds the minimum selling price, then the sale shall not be made except as provided below.

(a) The bidders who participated in the oral bidding may, at the discretion of the officer conducting the sale, be allowed to enter into additional oral bidding, with the starting amount being the previous high bid. In the event that more than one sealed bid was submitted, but there was no oral bidding, those persons having submitted a sealed bid who would have been allowed to enter into oral bidding pursuant to R850-80-600(5) shall be allowed to enter into oral bidding with the starting amount being the highest sealed bid. To facilitate the sale of the parcel, the officer conducting the sale may divulge the minimum acceptable selling price;

(b) if there is still not a successful bidder, the person submitting the highest bid, whether it be sealed or oral, may request the agency to reevaluate the minimum selling price. ~~The~~If the agency chooses to accept the request of the person submitting the highest bid, it shall contract for an independent appraisal, the cost for which shall be borne by the requesting party. If this appraisal indicates a value less than the highest bid, then the agency may elect to notify the highest bidder by certified mail and give him two

weeks from the date of notice in which to purchase the property pursuant to R850-80-600(7).

7. At the consummation of the sale, the agency shall collect at least 10% of the total sale price, interest on the unpaid balance from the date of sale to the first day of the following month, the advertising and appraisal costs, and a sales closing charge. The balance shall be payable in no more than 20 annual payments. The first payment shall be payable one year from the first day of the month following the sale; subsequent payments shall be payable on the first day of the same month each year thereafter until the balance is paid in full. Payments in excess of the current obligations shall be applied to principal. Any unpaid balance, plus interest to date, may be paid in full at any time without penalty.

8. The interest rate which shall be charged against any unpaid balance at the time of sale shall be the prime rate, as published by Zion's First National Bank, plus 2 1/2% (Prime Rate + 2 1/2%) as ascertained on the date that the sale is approved. Interest shall be calculated on a 365-day basis. Every year thereafter, the interest rate which shall be charged against the unpaid balance shall be the prime rate, as published by Zion's First National Bank, plus 2 1/2% (Prime Rate + 2 1/2%) as ascertained on the Monday prior to the first of the month previous to the due date of the annual installment.

9. Third parties owning authorized improvements on the parcel at the time of the sale shall be allowed 90 days to remove the improvements.

KEY: administrative procedure, sales*

~~February 3, 1998~~**July 16, 1998**

Notice of Continuation June 30, 1997

53C-1-302(1)(a)(ii)

53C-2-201(1)(a)

53C-4-101(1)

53C-4-102

53C-4-202(6)



Transportation, Preconstruction, Right-of-Way Acquisition

R933-4

Bus Shelters

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 21177

FILED: 05/28/1998, 15:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for this rule is to benefit the traveling public and promote use of public transportation in Utah.

SUMMARY OF THE RULE OR CHANGE: This rule authorizes bus shelters at officially recognized bus stops.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 27-12-133 through 27-12-135

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Minimal to no cost or savings to State Budget; the permit of \$100 for each initial shelter and \$25 annual renewal fee should offset record keeping.

❖LOCAL GOVERNMENTS: Minimal to no cost or savings to local governments, only the approval process on their part.

❖OTHER PERSONS: Cost to the Utah Transit Authority (UTA) or other public transportation agencies for the \$100 initial permit for each shelter and \$25 annual renewal fee, plus the cost to construct and maintain the shelter. There is no way to determine the actual cost of the design, construction and maintenance of the facility, but that cost will be borne by the permittee, and can be offset by the advertising which can be displayed on the structure.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Cost to UTA or other public transportation facilities for the \$100 initial permit for each shelter and \$25 annual renewal fee, plus the cost to construct and maintain the shelter. There is no way to determine the actual cost of the design, construction and maintenance of the facility, but that cost will be borne by the permittee, and can be offset by the advertising which can be displayed on the structure.

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

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

Transportation
Preconstruction, Right-of-Way Acquisition
Calvin Rampton Complex
4501 South 2700 West
Box 148420
Salt Lake City, UT 84114-8420, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Robert Fox at the above address, by phone at (801) 965-4248, by FAX at (801) 965-4796, or by Internet E-mail at src0fs02.rfox@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1998

AUTHORIZED BY: Thomas R. Warne, Executive Director

R933. Transportation, Preconstruction, Right-of-Way Acquisition.

R933-4. Bus Shelters.

R933-4-1. Authority.

The provisions of this rule are authorized under Sections 27-12-133 through 27-12-135.

R933-4-2. Definitions.

(1) "Advertisement or advertising" means a printed or painted sign encouraging or promoting the purchase or use of goods or

services, but does not include campaign posters or signs or other signs or advertisements prohibited by law, including these rules.

(2) "Bus shelter" means a shelter located at a designated bus stop accepted as such by the Utah Department of Transportation, used to aid in the loading and unloading of passengers for the convenience of passengers of public transportation systems.

(3) "UDOT" means Utah Department of Transportation.

R933-4-3. Purpose.

The purpose of this rule is to authorize bus shelters at officially recognized bus stops accepted as such by the Utah Department of Transportation and within the limits of these rules, on UDOT rights-of-way and for the benefit of the public, also allowing certain specified incidental advertising benefits to the provider of the bus shelter.

R933-4-4. Permitting and Conditions for Valid Permits.

Bus shelters, including those on which commercial advertisements are placed, may be erected and maintained on the state rights-of-way of public roads subject to the following conditions and requirements:

(1) Any person wishing to erect and maintain a bus shelter on the state right-of-way of a public road shall apply to the Utah Department of Transportation for a permit. As a condition of the issuance of the permit UDOT must approve the bus shelter building plans and the location of the bus shelter on the right-of-way, provided, however, that such approval is subject to any and all restrictions imposed by Title 23 United States Code and 23 CFR relating to the federal-aid system and the Utah Outdoor Advertising Act and Rules, except as specifically otherwise provided herein. The fee for each permit is \$100 for the initial permit, and \$25 for the annual renewal thereafter.

(2) If the bus shelter is to be located on a street, road, or right-of-way of a county or municipality, the respective county or municipality also must approve the erection and maintenance of the bus shelter, and for that purpose, a copy of the application to the respective county or municipality and permit shall be provided to UDOT.

(3) A copy of the application for a bus shelter permit shall be provided also to any public transit agency or authority providing the public transportation of persons to be served by the bus shelter, for all bus shelters on routes of that agency or authority for its approval or rejection of proposed locations. The sequence of applications shall be first, the transit agency or authority; second, the municipality; and third, the state.

(4) As a condition of issuing a permit for the erection of a bus shelter on the state right-of-way of a public road, UDOT shall require that the bus shelter will be properly maintained and that its location will meet minimum setback requirements as follows:

(a) Where a curb and gutter are present, there shall be a minimum of four feet clearance from the face of the curb to any portion of the bus shelter;

(b) Where no curb or gutter is present, the front of the bus shelter shall be at least ten feet from the edge of the main traveled roadway;

(c) UDOT may provide a schedule of other safety requirements consistent with law.

(5) A map of the municipality or county, or both, showing the proposed bus shelter locations shall accompany the application.

(6) A plan shall be prepared for each bus shelter location. The plan should be drawn to an approximate scale and the scale indicated on the sketch plan. The plan, as a minimum, shall include a written description of the location and the assigned shelter number. The shelter position shall be shown on the plan with dimensions shown from the closest edge of the shelter to roadway or curb, plus dimensions to the nearest intersecting street. The road characteristics shall be shown on the plan. Other pertinent existing features such as sidewalks, utility poles, large trees, and signs shall be shown as necessary. The existing right-of-way line shall be shown when available and if required.

(7) Each applicant must provide a performance bond, letter of escrow, or other satisfactory security to assure that the authorized work is accomplished in accordance with the approved permit. Any letter of escrow or other satisfactory security must be from a bank which is located in Utah. A bond may be underwritten by a surety company located outside Utah if it is countersigned by a Utah resident agent of that surety company. This security must be described on the appropriate UDOT form and the amount will be based on the number of shelters being permitted, the amount per shelter to be \$500.

The bond will be released only after all work has been satisfactorily completed for all bus shelter locations covered under the permit. The applicant shall notify the appropriate UDOT Region Permit Office when all work is completed for the shelter installations covered by the permit. If all work on the right-of-way has been completed as per permit requirements, the UDOT permit officer will perform a final inspection. Upon final inspection and approval, the bond for the permit will be authorized for release.

(8) Notwithstanding any other provision of law that may be less restrictive, no bus shelter may be erected and maintained less than 300 feet from another bus shelter or off-premise outdoor advertising sign.

(9) A bus shelter less than 20 feet long may have advertising only on one end of the shelter, on which end an advertising face may be placed on both sides. If a bus shelter of 20 feet or longer is approved by the department, which in the interest of the traveling public it may choose to approve, the shelter may have advertising on both ends, on each of which an advertising face may be placed on both sides. Each advertising face, regardless of the length of the shelter, is limited to no more than 72 inches by 60 inches, with no more than one advertisement per face. No bus shelter may exceed a height of ten feet.

(10) The permit applicant shall notify the abutting property owner by certified mail of the proposed shelter location and any proposed advertising, and provide an opportunity to comment.

(11) A transit bus shelter shall not infringe upon or obstruct any sidewalk, bike path, pedestrian path, driveway, drainage structure or ditch, etc. without adding or allowing adequate passage.

(12) Prior to permitting the installation of the shelter, any impacted utility companies and municipalities must be notified by the permit applicant to determine location of utilities and prevent conflicts.

(13) All shelter utility connections must be approved by the appropriate city or county agency.

(14) Flashing lights on a transit bus shelter are prohibited. All lights shall be placed or shielded so they do not interfere with motorists on the roadway.

(15) Sides and internal dividers in transit bus shelters shall be constructed of structurally sound materials and provide visibility of waiting passengers to passing traffic and pedestrians. All transparent materials shall be shatter proof. No shelter may be located in such a manner, or be constructed of such materials, as to adversely affect sight distance at any intersection or obstruct the view of traffic signs or other traffic control devices.

(16) Transit bus shelters must be securely attached to their foundations and must provide for a clear opening between the structure and foundation to facilitate cleaning and preclude the accumulation of debris.

(17) Transit bus shelters may not be located within five feet of any fire hydrant or handicapped parking space.

(18) Each bus shelter shall have placed on it a number unique to that location at least two inches by two inches in size, placed at a location on the shelter that renders the sign number visible from the street. The telephone number of the applicant or person to contact regarding the shelter and the area immediately around the shelter, or both, shall be appropriately displayed on the shelter.

(19) Permits are valid for a one-year period or part thereof, all permits to be renewed before July 1. Permits are to be issued by each UDOT Region Permit Office and may be grouped in numbers up to 25 bus shelter locations per group, with each bus shelter location identified by a unique number corresponding to the number placed on the shelter.

(20) Any bus shelter erected and maintained on the right-of-way of a public road in violation of this rule or in violation of the conditions of the permit issued by UDOT may be ordered removed by UDOT. If such a bus shelter is not removed by its owner within 30 days after its owner has been issued a written order of removal by UDOT, the department may cause the bus shelter to be removed and submit a statement of expenses incurred in the removal to the owner of the bus shelter. If payment or arrangement to make payment is not made within 60 days after the receipt of such statement, UDOT may institute legal proceedings for collection. When a bus shelter is located on a county or municipal street, road, or right-of-way, UDOT may delegate its powers under this rule to the respective county or municipality, and the respective county or municipality shall cooperate with and assist UDOT in enforcing the conditions of permits issued by the UDOT pursuant to the provisions of this section.

(21) The person to whom a permit has been issued for the erection and maintenance of a bus shelter on the right-of-way of a public road shall at all times assume all risks for the bus shelter and shall indemnify and hold harmless the State of Utah, the Utah Department of Transportation, and any county or municipality against all losses or damages resulting solely from the existence of the bus shelter.

(22) All future bus shelter additions must be permitted separately and a bond obtained for the number of bus shelters to be included in the succeeding permit. The same data and information will be required for each separate bus shelter permit application.

(23) Any existing bus shelter or bench located on UDOT rights-of-way in violation of law is declared to be a public nuisance, and its removal may be ordered by the department.

(24) All construction, maintenance and operational activities shall be the sole responsibility of the permittee.

R933-4-5. Alteration or Termination in Public Interest.

If UDOT determines that the bus shelters do not serve the public interest, the department may terminate the privilege of maintaining bus shelters, and the prior erection or maintenance of shelters pursuant to rule shall not require continued allowance of shelters or compensation to the provider of the shelters.

KEY: buses, buslines, bus shelters*, right-of-way
1998 27-12-133 through 27-12-135

◆ ————— ◆

**Workforce Services, Workforce
Information and Payment Services**
R994-600
Dislocated Workers

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21183

FILED: 05/29/1998, 16:21

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Agency identified these changes during the five-year review process.

SUMMARY OF THE RULE OR CHANGE: The changes include updated statutory citations, and changes to the definitions of "terminated," "eligible," "permanent closure," "long-term unemployed," and "involuntary separated." Also included are clarifying changes to the Certificate of Continuing Eligibility (CCE), changes regarding the use of the Economic Dislocation and Worker Adjustment Assistance Act's (EDWAA's) Governor's Reserve 40% Funds, and changes to the role of the state Direct Response Unit.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 5; and Subsection 35A-1-104(19)

FEDERAL REQUIREMENT FOR THIS RULE: 29 U.S.C. 1501 et seq., 29 U.S.C. 1621 et seq., and 29 U.S.C. 2101 et seq.

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 29 U.S.C. 1501 et seq., 29 U.S.C. 1621 et seq., and 29 U.S.C. 2101 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None.

❖ LOCAL GOVERNMENTS: These changes do not impact local government outside of their role as employers.

❖ OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule effectuates no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule primarily governs the relationship between the state Direct Response

Unit, and regional Workforce Services employees. The changes included in this revision serve to update and clarify programs. It has no fiscal impact on business.

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

Workforce Services
Workforce Information and Payment Services
Fifth Floor
140 East 300 South
Box 143001
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or by Internet E-mail at wsadmnpo.spotter@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1998

AUTHORIZED BY: Robert C. Gross, Executive Director

R994. Workforce Services, Workforce Information and Payment Services.**R994-600. Dislocated Workers.****R994-600-101. Authority.**

(1) This rule adopts and incorporates by reference:

~~[(a) Title 55, Chapter 17, "Job Training Coordination Act".]~~

~~[(b)a] "Job Training Partnership Act" (JTPA) 29 USC 1501 et seq.~~

~~[(e)b] "Economic Dislocation and Worker Adjustment Assistance Act" (EDWAA) 29 USC 1621 et seq.~~

~~[(d)c] [Public Law 100-379, August 4, 1988; -] "Worker Adjustment and Retraining Notification Act" (WARN) 29 USC 2101.~~

~~[(e)d] Federal regulations 20 CFR parts 626, 627, 628, 629, 630, and 631, 1990; which apply to programs under the Job Training Partnership Act and the Economic Dislocation and Worker Adjustment Assistance Act.~~

~~[(f)e] Federal regulation 20 CFR part 639, 1990; which applies to the Worker Adjustment and Retraining Notification Act.~~

R994-600-102. Definitions.

(1) Definitions that clarify the criteria used to verify dislocated worker status are:

(a) The term "terminated", ~~[is defined in WARN]~~ means an individual has experienced an employment loss sometime during the 104 weeks (2 yrs) prior to issuance of the Certificate of Continuing Eligibility, and has been involuntarily separated or has received individual notice of layoff.

(b) The term "eligible for or have exhausted their entitlement to unemployment compensation" means [includes any] the individual's [whose] wages would be considered in determining

eligibility for unemployment compensation under federal or state unemployment insurance laws.

(c) The term "unlikely to return to their previous industry or occupation" means that:

~~(i) The individual does not plan to return to his previous industry or occupation; and~~

~~(ii) Available labor market information shows limited opportunities for the individual to return to the affected industry or occupation earning at least 80% of his former average weekly wage.~~

(d) The term "~~permanent~~ plant closure" means a closure ~~[affecting 50 or more employees] of a plant, facility or enterprise, or an operating unit within a single site of employment, [who regularly work more than 20 hours per week.]~~

(e) The term "substantial layoff" ~~[is defined in WARN.] (for participant eligibility) means any reduction-in-force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30-day period, which includes only those employees working more than 20 hours a week for:~~

~~(i)(A) at least 33 percent of the employees, and~~

~~(B) at least 50 employees; or~~

~~(ii) at least 500 employees.~~

(f) The term "long-term unemployed" ~~[refers to an individual who has been available for and actively seeking work for at least 15 weeks.] means an individual who has been unemployed for 15 or more of the 26 weeks prior to the issuance of the CCE and was employed sometime during the 104 weeks prior to the issuance of the CCE.~~

~~(g) The term "limited opportunities for employment or reemployment" means that the individual has been unable to obtain employment in the same or similar occupation in the locale paying at least 80% of his former average weekly wage.~~

~~(h) "Exceptional circumstances" for purposes of rapid response may include the following: Economic/Community impact based on tax base, local business (trickle-down effect), required services: schools, hospitals, emergency medical services, fire protection, law enforcement, individual and family economy including alternate sources of income; local labor market; transferable skills of dislocated workers based on local job market or relocation; or combining several layoff or closures to provide rapid response service.~~

~~(i) "Public announcement" of plant closing, for the purposes of providing rapid response assistance and basic readjustment services to [eligible dislocated workers] individuals who have not received a specific notification, means any mass media notification of a planned closure made by the company that indicates a planned closure date for that company or facility.~~

~~(j) "DWS" means the Department of Workforce Services.~~

~~(i) The term "involuntarily separated" means the worker did not voluntarily leave his/her employment, involuntary also includes a person who has been fired.~~

R994-600-103. Certification Of Dislocated Workers.

(1) Eligibility criteria and certification requirements for dislocated workers are different from the criteria and requirements for JTPA Title II clients. The following is a list of documentation required:

(a) Proof of United States citizenship or authorization papers to work in the United States ~~[if the dislocated worker is an eligible noncitizen];~~

(b) Proof of registration with the Selective Service if applicable; and

(c) A Certificate of Continuing Eligibility.

(2) A ~~[substate grantee]~~ regional area may cross-certify individuals among titles. However, a dislocated worker who refuses to submit documentation that is not required for certification under EDWAA cannot be denied EDWAA certification.

R994-600-104. Dislocated Worker Criteria.

(1) DWS will verify dislocated worker status and issue the Certificate of Continuing Eligibility (CCE) on DWS ~~[letterhead]~~ form 865.

(2) DWS shall not mandate that individuals file for unemployment compensation. However, they may use the unemployment insurance process to verify dislocated worker status when questioning a discharge for cause, voluntary departure, or retirement. This process is used only to validate the employment termination, and does not require drawing unemployment insurance benefits. Use of the unemployment insurance process to determine an employment termination will be left to the professional judgment of the certifier.

(3) To document the test for unemployment insurance a copy of the UI record or monetary eligibility wage record showing the individual worked for a covered employer must be in the file.

(4) DWS may provide a displaced homemaker with a Certificate of Continuing Eligibility. Therefore, ~~[substate grantees]~~ regional areas must be aware of and verify the criteria ~~[DWS]~~ used to identify an individual as a dislocated worker. This will prevent inappropriately enrolling an individual in EDWAA before the ~~[substate]~~ regional area has received approval to enroll displaced homemakers.

(5) A ~~[substate]~~ regional area that is not expending its funds may get approval from DWS to serve displaced homemakers if they can demonstrate that such services would not adversely affect services to eligible dislocated workers. Approval must be granted before serving displaced homemakers. Serving displaced homemakers will jeopardize the state's opportunity to receive Department Of Labor National Reserve grants.

(6) If a ~~[substate]~~ regional area receives approval to serve displaced homemakers with EDWAA funds, the following will apply:

(a) The individual is a homemaker for a period of two or more years without significant gainful employment outside the home, and whose primary occupation during that period of time was the provision of unpaid household services for family members.

(b) The individual has found it necessary to enter the job market, but is not reasonably capable of obtaining employment sufficient to provide self-support or necessary support for dependents, due to lack of marketable job skills or other skills necessary for self-sufficiency.

R994-600-105. Certificate of Continuing Eligibility (CCE).

(1) A Certificate of Continuing Eligibility will be issued by DWS to those individuals who are ~~[verified]~~ identified as dislocated workers ~~[It shall be filled out completely and accurately. A sample~~

CCE is available at DWS and is incorporated here by reference.] using one of the terms below:

- (i) Unlikely to return to previous industry or occupation;
- (ii) Substantial layoff or plant closure;
- (iii) Long-term unemployed;
- (iv) Self-employed

(2) ~~[DWS must document and keep records of the criteria and rationale used to establish dislocated worker status. These records must be monitored to ensure CCEs are issued appropriately.]~~The CCE establishes the dislocation event. The regional area must determine program service eligibility separately. A CCE does not by itself indicate that services are necessary and reasonable.

(3) ~~[The CCE establishes program eligibility. The substate area must determine program service eligibility separately. A CCE does not by itself indicate that services are necessary and reasonable.]~~The Individual Readjustment Plan must reflect any facts relating to the dislocation event which occur after the CCE is issued. This includes validating grant specific eligibility for National Reserve Discretionary Grants.

(4) ~~[The Individual Readjustment Plan must reflect any facts relating to the dislocation event which occur after the CCE is issued. The CCE can be issued prior to a layoff. This includes validating grant specific eligibility for National Reserve Discretionary Grants.]~~Except for Discretionary Grant-specific requirements, attempts to verify required information may be documented, then a CCE may be issued based on self declaration.

(5) ~~[- Except for Discretionary Grant-specific requirements, attempts to verify required information may be documented, then a CCE may be issued based on self declaration.]~~ CCE documents used to verify the dislocation event is listed in DRU-bulletin 904 which is available for review at DWS.

~~[-(6) Required CCE Documentation is listed in JPPA Administrative Directive #95-08 which is available for review at DWS.]~~

R994-600-106. Allotment of EDWAA Governor's Reserve 40% Funds.

(1) This section establishes the procedure used to award governor's reserve 40% funds under EDWAA ~~[- Sections 302 and 303].~~

(2) Those 40% funds not necessary for rapid response functions will be awarded to the ~~[substate grantees]~~regional areas submitting application under the following guidelines~~[-]~~:

(a) ~~[Substate grantees]~~a regional area may request 40% funds when:

(i) Workers are dislocated by a plant closing or lay off of substantial size;

(ii) All 60% EDWAA formula funds have been ~~[totally]~~jobligated;

(iii) An Application For 40% Funds has been completed~~[-and fully documented, including participant information on the Survey Form for the participants that may be served by these funds],~~ submitted and approved by the Direct Response Unit (DRU);

(iv) The ~~[substate grantee]~~regional area may be requested to provide any other information that might substantiate their need for these funds.

(b) The DRU will not act on requests submitted:

(i) Prior to the receipt and review of prior year close-out-packages and year end management information system information,

(ii) when a Department of Labor Secretary's National Reserve grant application is in process for those workers affected by the closing or lay off.

(c) The EDWAA Governor's 40% funds that are released to a ~~[Substate area must have participants enrolled and funds fully obligated, according to the approved grant application, 30 days from the date of approval. Funds not obligated will be recaptured at the state level. Copies of enrollment forms or an onsite visit may be required for verification of obligation.]~~regional area are subject to:

(i) the regional area must have participants enrolled and funds fully obligated, according to the approved grant application, 30 days from the date of approval;

(ii) Funds that are not obligated may be recaptured at the administrative level;

(iii) An intervention plan developed as to the role, services, and facilities to be used in addressing the dislocation event;

(iv) funding emphasis will be given to eligible dislocated workers involved in plant closures or substantial layoffs who received rapid response services.

(v) Projects serving workers affected by multi-state or industry-wide dislocations and to areas of special need in manner that efficiently targets resources to areas of most need, encourages a direct response to economic dislocations, and promotes the effective use of funds;

(vi) dislocations where the company in cooperation with the DRU has formulated a labor-management/workforce reduction committee to provide assistance to impacted workers;

(vii) where an initial assessment of worker needs has been conducted during rapid response activities.

During times that additional increases of dislocation does not occur, an allocation of funds may be necessary.

R994-600-107. Criteria For Waiver Of 50% Retraining Expenditures.

(1) This subsection prescribes those criteria for the waiver of the 50% retraining requirement. ~~[-be]~~

It must be demonstrated that dislocated workers will be prepared for employment in occupations or industries with long-term potential and one of the following criteria must be met:

(a) There is a need for additional basic readjustment or supportive services.

(b) There are insufficient training opportunities available within the ~~[substate]~~regional area (indicating a need for more relocation or out of area job search, etc.).

(c) Other significant justification.

R994-600-108. The State Dislocated Worker Unit.

(1) The unit shall coordinate rapid response activities conducted within the regional area to ensure the services initiated by the rapid response team will continue and expand as funding allows.

~~[(1) shall coordinate rapid response activities conducted in a substate area with the substate grantee to assure the services initiated by the rapid response team will continue and expand as funding allows.~~

—(2) The unit [S] shall [enter a joint agreement] develop an intervention plan with the [the substate grantee] assigned regional staff when there is a rapid response commitment for services not already included in the [SSA biannual plan] regional area's plan of service. This [agreement] intervention plan may also constitute a modification to the [biannual] regional area's plan.

(3) Shall be notified by the [substate grantee] regional area of any current or projected permanent closures or substantial layoffs.

KEY: training programs, employment, unemployed workers, unemployment

July 16, 199[7]8

[55-17]35A-5

35A-1-104(19)

29 U.S.C. 15501 et seq.

29 U.S.C. 1621 et seq.

29 U.S.C. 2101 et seq.



End of the Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends July 15, 1998. At its option, the agency may hold public hearings.

From the end of the waiting period through October 13, 1998, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Commerce, Occupational and
Professional Licensing
R156-22
Professional Engineers and
Professional Land Surveyors Licensing
Act Rules

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 20940
FILED: 05/28/1998, 12:42
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After a public hearing and further Division and Board review, several changes are being made to the proposed rules.

SUMMARY OF THE RULE OR CHANGE: Added that a verification of qualifying experience for licensure as a professional land surveyor must also include knowledge of the applicant's field experience. Made changes in Subsection R156-22-401(1)(b) to relax the requirement to waive the Principles and Practice of Engineering (PPE) examination by requiring a total of 20 years of licensure instead of 20 continuous years of licensure.

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the April 15, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-22-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division has determined that there are no additional costs or savings as a result of these changes.

❖LOCAL GOVERNMENTS: The Division has determined that there are no additional costs or savings as a result of these changes.

❖OTHER PERSONS: The Division has determined that there are no additional costs or savings as a result of these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division has determined that there are no additional costs or savings as a result of these changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Pursuant to the requirement of Section 63-46a-4, the executive director has considered the proposed amendments to the Professional Engineers and Professional Land Surveyors Licensing Act rules and agrees with the impact review and fiscal analysis of the division. The amendment primarily alters a long standing policy requirement of the division regarding examination waiver to the benefit of the applicant. Additionally, the changes provides for verifying experience to include field

experience. The implementation of the proposed changes will result in neither savings nor costs to the state budget, the public, or applicants for licensure.

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

David Fairhurst at the above address, by phone at (801) 530-6621, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dfairhur@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1998

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-22. Professional Engineers and Professional Land
Surveyors Licensing Act Rules.
R156-22-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 22, as used in Title 58, Chapters 1 and 22, or these rules:

(1) "Complete and final" as used in Section 58-22-603 means "complete construction plans" as defined in Subsection 58-22-102(3).

(2) "Direct supervision" as used in Subsection 58-22-102(10) means "supervision" as defined in Subsection 58-22-102(16).

(3) "Employee, subordinate, associate, or drafter of a licensee" as used in Subsections 58-22-102(16), 58-22-603(1)(b) and these rules means one or more individuals not licensed under this chapter, who are working for, with, or providing professional engineering, professional structural engineering, or professional land surveying services directly to and under the supervision of a person licensed under this chapter.

(4) "Engineering surveys" as used in Subsection 58-22-102(9) include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, alignment of streets, and the dependent or independent surveys or resurveys of the public land survey system.

(5) "Recognized jurisdiction" as used in Subsection 58-22-302(4)(d)(i), for licensure by endorsement, means any state, district or territory of the United States, or any foreign country who issues licenses for professional engineers, professional structural engineers, or professional land surveyors, and whose licensure requirements include:

(a) Professional Engineer.

(i) a bachelors or post graduate degree in engineering or equivalent education as determined by the NCEES Foreign Evaluations Department and four years of full time engineering experience under supervision of one or more licensed engineers; or eight years of full time engineering experience under supervision of one or more licensed professional engineers; and

(ii) passing the NCEES Principles and Practice of Engineering Examination or passing a professional engineering examination that is substantially equivalent to the NCEES Principles and Practice of Engineering Examination.

(b) Professional Structural Engineer.

(i) a bachelors or post graduate degree in engineering or equivalent education as determined by the NCEES Foreign Evaluations Department and four years of full time engineering experience under supervision of one or more licensed engineers; or eight years of full time engineering experience under supervision of one or more licensed professional engineers;

(ii) passing the NCEES Principles and Practice of Engineering Examination - Civil or passing a professional engineering examination that is substantially equivalent to the NCEES Principles and Practice of Engineering Examination - Civil;

(iii) passing the NCEES Structural I and II Examination or passing a professional engineering examination that is substantially equivalent to the NCEES Structural I and II Examination; and

(iv) three years of licensed experience in professional structural engineering.

(c) Professional Land Surveyor.

(i) a two or four year degree in land surveying or equivalent education as determined by the NCEES Foreign Evaluations Department and four years of full time land surveying experience under supervision of one or more licensed professional land surveyors; or eight years of full time land surveying experience under supervision of one or more licensed professional land surveyors; and

(ii) passing the NCEES Principles and Practice of Land Surveying Examination or passing a professional land surveying examination that is substantially equivalent to the NCEES Principles and Practice of Land Surveying Examination.

(6) "Responsible charge" by a principal as used in Subsections 58-22-102(7) and 58-22-305(7)(a) means that the licensee is assigned to and is personally accountable for the production of specified professional engineering, professional structural engineering or professional land surveying projects within an organization.

(7) "TAC/ABET" means Technology Accreditation Commission/Accreditation Board for Engineering and Technology.

(8) "Under the direction of the licensee" as used in Subsection 58-22-102(16), as part of the definition of "supervision of an employee, subordinate, associate, or drafter of a licensee", means that the unlicensed employee, subordinate, associate, or drafter of a person licensed under this chapter engages in the practice of professional engineering, professional structural engineering, or professional land surveying only on work initiated by a person licensed under this chapter, and only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, and authorization of a person licensed under this chapter.

(9) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 22, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-22-601.

R156-22-201. Engineering Program Criteria.

In accordance with Subsections 58-22-302(1)(d) and 58-22-302(2)(d), the engineering program criteria is established as one of the following:

(1) The bachelors or post graduate engineering program shall be accredited by EAC/ABET or the Canadian Engineering Accrediting Board (CEAB).

(2) The post graduate engineering degree, when not accredited by EAC/ABET or CEAB, ~~is~~ shall be earned from an institution which offers a bachelors or masters degree in an engineering program accredited by EAC/ABET or CEAB in the same specific engineering discipline as the earned post graduate degree.

(3) If the degree was earned in a foreign country, the engineering curriculum shall be determined to be equivalent to a EAC/ABET accredited program by the NCEES Foreign Evaluations Department. Any deficiencies in course work noted by the NCEES Foreign Evaluations Department may be satisfied by successfully completing the deficiencies in course work at a recognized college or university approved by the division in collaboration with the board.

R156-22-204. Examination Requirements for Licensure as a Professional Engineer.

In accordance with Subsection 58-22-302(1)(f), the examination requirements for licensure as a professional engineer are defined, clarified or established as the following:

(1) the NCEES Fundamentals of Engineering ("FE") Examination with a passing score as established by the NCEES;

(2) the NCEES Principles and Practice of Engineering ("PPE") Examination with a passing score as established by the NCEES in one of the following disciplines: agriculture, chemical, civil, control systems, electrical, environmental, fire protection, industrial, manufacturing, mechanical, metallurgical, mining/mineral, nuclear, and petroleum; and

(3) as part of the application for license, pass all questions on the open book, take home Utah Law and Rules Examination.

R156-22-302. Qualifying Experience for Licensure as a Professional Land Surveyor.

(1) In accordance with Subsections 58-22-302(3)(e) and (f), an applicant for licensure as a professional land surveyor shall comply with one or more of the following qualifying experience requirements:

(a) Submit verification of qualifying experience on forms available from the division from one or more licensed professional land surveyors who have provided supervision or who have personal knowledge of the applicant's knowledge, ability, field experience and competence to practice professional land surveying in accordance with the following:

(i) Applicants who have met the education requirements in Subsection 58-22-302(3)(d) shall document four years of qualifying experience in land surveying which experience may be obtained before, during or after completing the education requirements for licensure.

(ii) Applicants who did not complete the education requirements in Subsection 58-22-302(3)(d) shall document eight years of qualifying experience in land surveying; or

(b) Submit documentation of two years of licensed experience in a recognized jurisdiction as a professional land surveyor.

(2) Full or part time employment for periods of time less than ten weeks in length will not be considered as qualifying experience.

R156-22-401. Examination Requirements for Licensure by Endorsement.

In accordance with Subsection 58-22-302(4)(d)(ii), the examination requirements for licensure by endorsement are established as follows:

(1) An applicant for licensure as a professional engineer by endorsement shall comply with the examination requirements in Section R156-22-204 except that the board may waive one or more of the following examinations under the following conditions:

(a) the NCEES FE Examination for an applicant who is a principal for five of the last seven years preceding the date of the license application and who was not required to pass the NCEES FE Examination for initial licensure from the recognized jurisdiction the applicant was originally licensed;

(b) the NCEES PPE Examination for an applicant who is a principal for five of the last seven years preceding the date of the license application, who has been [~~continuously~~]licensed [~~in good standing~~]for [~~the past~~]20 years preceding the date of the license application, and who was not required to pass the NCEES PPE Examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

(2) An applicant for licensure as a professional structural engineer by endorsement shall comply with the examination requirements in Section R156-22-205 except that the board may waive the NCEES FE Examination for an applicant who is a principal for five of the last seven years preceding the date of the license application and who was not required to pass the NCEES FE Examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

(3) An applicant for licensure as a professional land surveyor by endorsement shall comply with the examination requirements in Section R156-22-303 except that the board may waive either the NCEES FLS Examination or the NCEES PPLS Examination or both to an applicant who is a principal for five of the last seven years preceding the date of the license application and who was not required to pass the NCEES FLS Examination or the PPLS Examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

KEY: engineers, surveyors, professional land surveyors*, professional engineers*

1998 **58-22-101**
Notice of Continuation January 27, 1998 **58-1-106(1)**
58-1-202(1)



Commerce, Occupational and Professional Licensing

R156-40

(Second CPR)

Recreational Therapy Practice Act Rules

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 20695

FILED: 05/28/1998, 12:42

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After another public hearing, written comments received, and further Division and Recreational Therapy Board review, additional changes to the proposed rule are being made.

SUMMARY OF THE RULE OR CHANGE: In the definition for "an approved training program" contained in Subsection R156-40-102(3), changed "may" to "will", changed "and" to "or", added a requirement of a minimum of ten hours of face to face consultation, and added that the practical experience in a facility be "structured." In the definition for "supervision of a therapeutic recreational technician" contained in Subsection R156-40-120(7), added that it also includes "supervision of a temporary TRS" as used in Subsection R156-40-302c(d).

(DAR Note: This is the second change in proposed rule (CPR) for this rule. The original proposed amendment upon which the first CPR was based was published in the February 15, 1998, issue of the *Utah State Bulletin*. The first CPR upon which this CPR is based was published in the April 15, 1998, issue of the *Utah State Bulletin*. The DAR No. (20695) is the same for all three filings.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-40-1, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division has determined that there are no costs or savings as a result of these changes.

❖LOCAL GOVERNMENTS: The Division has determined that there are no costs or savings as a result of these changes.

❖OTHER PERSONS: There are potential unknown savings to applicants for licensure as a therapeutic recreational technician (TRT) in that these changes provide more diverse opportunities for the applicant to obtain the 200 hours of education and training that are required for licensure.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are potential unknown savings to applicants for licensure as a therapeutic recreational technician (TRT) in that these changes provide more diverse opportunities for the applicant to obtain the 200 hours of education and training that are required for licensure.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Pursuant to the requirement of Section 63-46a-4, the executive director has considered the proposed amendments to the Recreational Therapy Practice Act Rules and agrees with the impact review and fiscal analysis of the division. The amendments primarily add a requirement that an approved training program include ten hours of face to face consultation and that the practical experience be structured. The implementation of the proposed changes will result in neither savings nor costs to the state budget or the public, but may result in savings to applicants by providing training alternatives not previously available.

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
David Fairhurst at the above address, by phone at (801) 530-6621, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dfairhur@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1998

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-40. Recreational Therapy Practice Act Rules.
R156-40-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 40, as used in Title 58, Chapters 1 and 40 or these rules:

(1) "Approved equivalent experience" for licensure as a MTRS, as used in Subsection 58-40-5(1)(a)(ii), means two years of full time paid experience obtained outside Utah while certified by NCTRC as a CTRS.

(2) "Approved masters degree in recreational therapy or a masters degree with an approved emphasis in recreational therapy", as used in Subsection 58-40-5(1)(a)(i), means an earned masters degree which includes a minimum of nine semester hours or 12 quarter hours of upper division or graduate level course work in recreational therapy.

(3) "An approved training program" for licensure as a TRT, as used in Subsection 58-40-5(3)(a), means 200 hours of education and training under the supervision or direction of a MTRS, which ~~may~~will include instruction in the theories and concepts of recreational therapy from recognized colleges or universities, work shops ~~and~~or seminars, a minimum of ten hours of face to face consultation, and a structured practical experience in a facility.

(4) "CTRS" means a person certified as a Certified Therapeutic Recreation Specialist by the National Council for Therapeutic Recreation Certification.

(5) "MTRS" means a person licensed as a master therapeutic recreational specialist.

(6) "NCTRC" means the National Council for Therapeutic Recreation Certification.

(7) "Supervision of a therapeutic recreational technician", as used in Subsection 58-40-6(3)(a) and (b), or "supervision of a temporary TRS", as used in Subsection R156-40-302c(d), means that the MTRS or TRS supervisor is responsible for the recreational therapy activities performed by the TRT and will review and approve the treatment plans as well as any modifications to the treatment plans as evidenced by the signature of the MTRS or TRS in the treatment plan.

(8) "TRS" means a person licensed as a therapeutic recreational specialist.

(9) "TRT" means a person licensed as a therapeutic recreational technician.

(10) "Unprofessional conduct" is defined in Title 58, Chapters 1 and 40.

**KEY: licensing, recreational therapy*
1998**

Notice of Continuation January 27, 1998

58-40-1

58-1-106(1)

58-1-202(1)



**Health, Family Health Services, Child
Health**

R396-100

Immunization Rule for Students

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 20959

FILED: 06/01/1998, 16:45

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes to the proposed rule are in response to comments submitted concerning the original proposed rule. The comments received that resulted in changes primarily addressed the need for clarification in certain sections.

SUMMARY OF THE RULE OR CHANGE: The response to one comment, relating to documentation required on the official school immunization record, resulted in a deletion since the requirement could not reasonably be enforced. The hepatitis B and haemophilus influenzae b schedules were re-worked to be clearer and more specific. A section relating to the official immunization school record was re-worded to be more clear and more specific. Two sections required reformatting of the numbering/lettering for clarity and to be consistent with proper outline format.

(DAR Note: The original proposed new rule upon which this change in proposed rule is based was published in the April 15, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-11-301 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** For costs associated with the original filing on this rule, please see the Utah State Bulletin No. 98-8, April 15, 1998, under DAR No. 20959. The costs are unaffected by the amendments in this Change in Proposed Rule.

❖**LOCAL GOVERNMENTS:** For costs associated with the original filing on this rule, please see the Utah State Bulletin No. 98-8, April 15, 1998, under DAR No. 20959. The costs are unaffected by the amendments in this Change in Proposed Rule.

❖**OTHER PERSONS:** For costs associated with the original filing on this rule, please see the Utah State Bulletin No. 98-8, April 15, 1998, under DAR No. 20959. The costs are unaffected by the amendments in this Change in Proposed Rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: For costs associated with the original filing on this rule, please see the Utah State Bulletin No. 98-8, April 15, 1998, under DAR No. 20959. The costs are unaffected by the amendments in this Change in Proposed Rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Although the aggregate estimated cost of vaccination is large (\$1,600,000) this rule is justified to assure that all reasonable efforts are made to avoid the cost of an avoidable outbreak of a communicable disease as the result of insufficient immunization rates. The proposed changes, based on public comments received in response to the original filing, will reduce unnecessary administrative costs involved in documenting vaccinations in permanent records. I believe that all other costs on business are necessary and justifiable.

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

Health
Family Health Services, Child Health
Second Floor, Cannon Health Building
288 North 1460 West
Box 142001
Salt Lake City, UT 84114-2001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Rick Crankshaw at the above address, by phone at (801) 538-9450, by FAX at (801) 538-9440, or by Internet E-mail at rcranksh@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1998

AUTHORIZED BY: Rod L. Betit, Executive Director

R396. Health, Family Health Services, Child Health.

R396-100. Immunization Rule for Students.

R396-100-1. Purpose and Authority.

- (1) This rule prescribes the:
 - (a) immunizations required for attendance at a public, private, or parochial kindergarten, elementary, or secondary school through grade 12, nursery school, licensed day care center, child care facility, family care home, or Headstart program in this state;
 - (b) required doses and frequency of vaccine administration;
 - (c) reporting of statistical data; and
 - (d) time periods for conditional enrollment.
- (2) This rule is required by Section 53A-11-303 and authorized by Section 53A-11-306.

R396-100-2. Definitions.

- (1) "Conditional enrollment" means enrollment according to the provisions of R396-100-6.
- (2) "Department" means the Utah Department of Health.
- (3) "Exemption" means a relief from the statutory immunization requirements by reason of qualifying under Sections 53A-11-302 and 302.5.
- (4) "Parent" means a biological or adoptive parent who has legal custody of a child, a legal guardian, or a legal age brother or sister of a student who is without a parent or guardian, or a student, if of legal age.
- (5) "School" means a public, private, or parochial kindergarten, elementary, or secondary school through grade 12, nursery school, licensed day care center, child care facility, family care home, or Headstart program
- (6) "School entry" means a student, at any grade, entering a Utah school for the first time.
- (7) "School official" means a director, superintendent, principal, operator, or his designee.
- (8) "Student" means an individual enrolled in a school as defined in R396-100-2(5).

R396-100-3. Required Immunizations.

- (1) To attend a Utah school, a student must meet the minimum immunization requirements of Sections R396-100-4, 5, 6, 7, 8, and 9.
- (2) Persons administering vaccines shall administer them according to the route, dosage, and site recommendations of the United States Public Health Service's Advisory Committee on Immunization Practices, the American Academy of Pediatrics, or the American Academy of Family Physicians.
 - (a) If a student received a dose of vaccine at less than the recommended age, less than the minimum interval between doses, or less than the recommended dosage, the vaccination must be repeated at the correct [dose] interval and dose.
 - (b) Doses of measles, mumps and rubella vaccines must be repeated if administered before a student's first birthday.
 - (c) If doses of vaccine are received in a series with a longer interval between doses than recommended, additional doses are not required.

(3) All vaccines required by this rule may be administered alone, or in combination, or concurrently with all other vaccines required by this rule.

R396-100-4. Required Immunizations for Diphtheria, Tetanus, and Pertussis Vaccines.

A student must be immunized for diphtheria, tetanus, and pertussis according to the applicable schedule of the following three schedules:

(1) Schedule No. 1. A student under seven years of age must receive four doses of diphtheria, tetanus and acellular pertussis (DTaP), or diphtheria, tetanus, whole-cell pertussis (DTP), or pediatric diphtheria, tetanus (DT) vaccines. Administer the first three doses a minimum of one month apart, the fourth dose six months or more after the third dose. If a student started the series late, an interval of four months between the third and fourth doses is acceptable. If the fourth dose is administered before a student's fourth birthday, a fifth dose of DTaP, DTP or DT is required before a student enters kindergarten, or first grade if a student did not attend kindergarten.

(2) Schedule No. 2. A student who is seven or older and who has not completed the series must receive three doses of adult Tetanus, diphtheria (Td). The first two doses must be administered a minimum of one month apart and the third dose six months after receiving the second dose. If the series was started before the student's seventh birthday with DTaP, DTP, or DT, they may be counted toward the three-dose series of Td.

(3) Schedule No. 3. A student who is seven and who has not received any of the tetanus or diphtheria vaccines must receive three doses of adult Td. The first dose must be administered before school entry and the second dose at a minimum of one month, but not more than two months after receiving the first dose. The third dose must be administered six months after the second dose.

R396-100-5. Required Immunizations for Poliomyelitis (Polio).

A student must be immunized for Poliomyelitis (polio) according to one of the following three schedules:

(1) Schedule No. 1. A student must receive sequential administration of two doses of inactivated polio vaccine (IPV) followed by 2 doses of live oral polio vaccine (OPV) for a total of four doses. The first three doses, two IPV and one OPV, must be administered a minimum of one month apart. The second dose of OPV must be administered according to the following three conditions:

- (a) on or after a student's fourth birthday;
- (b) a minimum of one month after receiving the first dose of OPV;
- (c) before a student enters kindergarten, or first grade if a student did not attend kindergarten.

(2) Schedule No. 2(a). A student must receive four doses of OPV. The first three doses must be administered a minimum of one month apart. The fourth dose of OPV must be administered according to the following four conditions:

- ~~(a)~~(i) on or after a student's fourth birthday;
- ~~(b)~~(ii) a minimum of one month after receiving the third dose of OPV;
- ~~(c)~~(iii) before a student enters kindergarten, or first grade if a student did not attend kindergarten; and

~~(d)~~(b) ~~(i)~~ If the third dose of OPV is administered on or after a student's fourth birthday, the fourth dose of OPV is not required

(3) Schedule No. 3(a). A student must receive four doses of IPV. The first three doses must be administered a minimum of one month apart. The fourth dose of IPV must be administered according to the following four conditions:

- ~~(a)~~(i) on or after a student's fourth birthday;
- ~~(b)~~(ii) a minimum of one month after receiving the third dose of IPV;
- ~~(c)~~(iii) before a student enters kindergarten, or first grade if a student did not attend kindergarten; and
- ~~(d)~~(b) if the third dose of IPV is administered on or after a student's fourth birthday, the fourth dose of IPV is not required

R396-100-6. Required Immunizations for Measles.

(1) A student must be immunized for Measles by receiving two doses of measles-containing vaccine. The first dose must be administered on or after the student's first birthday. The second dose must be administered before the student enters kindergarten, or first grade if the student did not attend kindergarten. The interval between doses one and two is a minimum of one month.

(a) If the student received the first dose of measles-containing vaccine less than one month before school entry into any grade, kindergarten through twelfth, the second dose of measles-containing vaccine must be administered at a minimum of one month, but not more than two months after receiving the first dose.

(b) A student one year of age or older entering school must have received one dose of measles-containing vaccine before school entry.

(2) After July 1, 1999, a student attending a school at any grade, kindergarten through twelfth grade, shall provide written documentation of receiving a second dose of measles-containing vaccine before school entry, if previous documentation has not been provided. The minimum interval between the first and second doses is one month.

R396-100-7. Required Immunizations for Mumps and Rubella.

(1) A student must be immunized for mumps by receiving one dose of mumps-containing vaccine on or after the student's first birthday.

(2) A student must be immunized for Rubella by receiving one dose of rubella-containing vaccine on or after the student's first birthday.

R396-100-8. Required Immunizations for Haemophilus Influenza Type b (Hib).

(1) A student must be immunized for Haemophilus influenza type b (Hib) if the student attends a Utah school before his fifth birthday. Although the schedules and number of doses recommended by the manufacturers vary, ~~[T]he minimum required doses of Hib vaccine [is age-related depending on the age of a student when starting the Hib vaccine series]~~ necessary for compliance is dependent on a student's current age and does not depend on the prior number of Hib vaccine doses received.

(a) For a student[s] less than 12 months of age, a minimum of two doses is required. An additional dose is required on or after the first birthday.

(b) For a student[s] 12 ~~(to 15)~~ through 14 months of age, a minimum of two doses is required, with at least one of the two doses required on or after the first birthday.

(c) For a student[s] 15 months through four years of age, and only one dose ~~[a minimum of two doses]~~ is required, [with] ~~but only if one dose was given after the first birthday. [If the student is 15 months of age or older and has had no doses prior to 15 months of age, then only one dose is required:]~~ If the student did not receive one dose after the first birthday, the student must receive one dose to be in compliance with this rule.

(2) The recommended interval between Hib doses is two months. A one-month interval is also acceptable.

(3) Hib vaccine is not required nor recommended after a student's fifth birthday.

R396-100-9. Required Immunizations for Hepatitis B.

After July 1, 1999, a student enrolling for the first time at a Utah school, except for a student in first grade or above, shall provide written documentation of receiving three doses of hepatitis B vaccine. The first two doses must be administered a minimum of one month apart. The third dose must be administered according to the following three conditions:

- (1) a minimum of two months after receiving the second dose;
- (2) the minimum interval between doses one and three is four months;
- (3) the student is a minimum of six months of age.

R396-100-10. Official Utah School Immunization Record.

(1) The Department shall provide the official Utah School Immunization Record forms to all schools, private physicians, child care facilities, and local health departments.

(2) A school official shall accept any immunization record provided by a licensed physician, registered nurse, or public health official as certification of immunization, and shall transfer this information to the Utah School Immunization Record with the following information:

- (a) name of student;
- (b) student's birth date;
- (c) type of vaccine administered;
- (d) minimally ~~the month, [day,]~~ and year each dose was administered; however, the month, day and year are required for the first dose of measles, mumps and rubella vaccine.

~~[(e) the name of the health care provider administering the vaccine.]~~

(3) A parent claiming an exemption to immunization, as allowed by Section 53A-11-302, shall provide to a school official the Utah School Immunization Record with the required signatures and completion of the exemption information on the back of the School Immunization Record, with the appropriate signatures. [

~~(a)] If an exemption is claimed for personal beliefs, a parent shall also provide to a school official, a Personal Exemption Form, as required by Section 53A-11-302.5.~~

~~(+)(a)~~ A parent shall fill in the required information on the Personal Exemption Form and sign in the presence of a representative of the local health department in the county where the student resides.

~~(+)(b)~~ The health department representative shall witness and sign the Personal Exemption Form and attach the Exemption Form to the Utah School Immunization Record.

~~(3)(4)~~ A school official shall maintain a file of the Utah School Immunization Record for each student in all grades and a Utah Department of Health Personal Exemption Form for each student in all grades claiming a personal exemption. A school official shall return the Utah School Immunization Record and the Personal Exemption Form to the parent of a student when the student withdraws, transfers, is promoted, or otherwise leaves the school. As an alternative, a school official may transfer the School Immunization Record and the Personal Exemption Form with a student's official school record to the new school.

~~(4)(5)~~ A representative of the Department or the local health department may examine, audit, and verify immunization records maintained by a school official.

~~(5)(6)(a)~~ [A school official shall provide a written statistical report of the immunization status of all students under the school official's jurisdiction to the Department's Immunization Program before or on November 30 of each year. A school official shall also provide a written statistical report of the immunization status of all transfer students before or on January 31 of each year. The Department shall prescribe the information needed and the format for the reports.] For all students under a school official's jurisdiction, the school official shall provide to the Department's Immunization Program:

(i) by November 30 of each year, a written statistical report of the immunization status of students enrolled in a licensed day care center, Headstart program, and kindergarten or first grade if the student did not attend kindergarten;

(ii) by November 30 of each year, commencing 1999, a written statistical report of the two-dose measles immunization status of all kindergarten through twelfth grade students.

(iii) by January 31 of each year, a written statistical report of the immunization status of all transfer students.

(b) the Department shall prescribe the information needed and the format for the reports.

R396-100-11. Conditional Enrollment and Exclusion.

A school may conditionally enroll a student who is not completely immunized against each specific disease as required in this rule if the student has received at least one dose of each specific vaccine required by this rule for his age. To remain in school, the student must complete the required subsequent doses in each vaccine series on schedule and provide written documentation to the school official.

(1) A school official shall review the immunization status of a conditionally enrolled student every 60 days to ensure continued compliance in completing the required doses of vaccines. If the student has not received a subsequent dose or immunization within one month of the first date that the subsequent dose or immunization can be administered, the student is not in compliance and the school must exclude the student from school attendance.

(2) A student's exclusion from school attendance begins five days after the conditional enrollment period expires. Within these five days, a school official shall mail to the last-known address of the student's parent or guardian, a written notice of the student's pending exclusion from school and of a parent's right to claim an exemption to immunization.

R396-100-12. Notification to Parents.

(1) If a school official has not received a student's School Immunization Record or Certificate of Personal Exemption one month before the start of the school year, the school official shall notify the parent by mail, telephone, or in person that:

(a) The school official does not have a completed Utah School Immunization Record or Certificate of Personal Exemption for an enrolling student.

(b) A school official cannot admit a student without proof of complete immunizations, or evidence that a student qualifies for conditional enrollment, or evidence that a student qualifies for an exemption on medical, personal, or religious grounds.

(c) Immunizations and documentation are available from a licensed medical doctor (M.D.), doctor of osteopathy (D.O.), public health department, or any community clinic.

(2) A school official shall notify the parent of these requirements at the time of first registration.

R396-100-13. Exclusion of Students Who Are Under Exemption and Conditionally Enrolled Status.

(1) A local health officer, may exclude students who are under exemption and conditionally enrolled status from school attendance if there is good cause to believe that a student:

(a) attending school under an exemption or conditional enrollment has a vaccine-preventable disease;

(b) has been exposed to a vaccine-preventable disease;

(c) will be exposed to a vaccine-preventable disease as a result of school attendance.

(2) A student shall not attend school until the local health officer is satisfied that a student is no longer at risk of contracting or transmitting a vaccine-preventable disease.

R396-100-14. Penalties.

Enforcement provisions and penalties for the violation or for the enforcement of public health rules, including this Immunization Rule for Students, are prescribed under Section 26-23-6. A violation is punishable as a class B misdemeanor on the first offense, a class A misdemeanor on the second offense or by civil penalty of up to \$5,000 for each violation.

KEY: immunization, rules and procedures

1998

53A-11-303



End of the Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Administrative Services, Facilities Construction and Management

R23-12

State of Utah Parking Policy

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21186
FILED: 06/01/1998, 15:26
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Subsection 63A-5-103(1)(e), which directs the Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: A five-year review is being filed while a repeal process is begun.

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

Administrative Services
Facilities Construction and Management
4110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kenneth Nye at the above address, by phone at (801) 538-8284, by FAX at (801) 538-3267, or Internet E-mail at fcmain.knye@email.state.ut.us.

AUTHORIZED BY: Richard E. Byfield, Director

EFFECTIVE: 06/01/1998



Health, Health Care Financing, Coverage and Reimbursement Policy

R414-51

Dental, Orthodontia

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21188
FILED: 06/01/1998, 16:49
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-18-2.1 creates the Division, which shall be responsible for implementing, organizing, and maintaining the Medicaid program. Section 26-1-5 notes that the Department shall have the power to adopt, amend, or rescind rules necessary to carry out the provisions of this title.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Review by Division and Bureaus recommends continuation of this rule. No other comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH

COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule must be continued because it establishes guidelines for providing medically necessary services for a select group of Medicaid eligible individuals. The rule establishes the right to the service as well as limitations on the service. No opposing comments were received.

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

Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
Box 142906
Salt Lake City, UT 84114-2906, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Steven Bradford at the above address, by phone at (801) 538-6483, by FAX at (801) 538-6099, or Internet E-mail at sbradfor@email.state.ut.us.

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 06/01/1998

**Workforce Services, Workforce
Information and Payment Services
R994-201
Definition of Terms in Employment
Security Act**

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 21178
FILED: 05/29/1998, 09:38
RECEIVED BY: NL

**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 35A-1-104(1) grants rulemaking authority to the Department.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule

provides the fundamental definitions of the Unemployment Insurance Program.

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

Workforce Services
Workforce Information and Payment Services
Fifth Floor
140 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or Internet E-mail at wsadmpo.spotter@state.ut.us.

AUTHORIZED BY: Robert C. Gross, Executive Director

EFFECTIVE: 05/29/1998

**Workforce Services, Workforce
Information and Payment Services**

R994-202

Employing Units

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 21179
FILED: 05/29/1998, 09:38
RECEIVED BY: NL

**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 35A-1-104(1) grants rulemaking authority to the Department. This rule directly applies to Section 35A-4-202.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Two comments were received since the last five-year review. The rule changes that prompted the comments were a result of a change to this section of the Employment Security Act. Both comments came in March of 1992 regarding the treatment of temporary employment agencies and employee leasing agencies as employers under the Employment Security Act. The rule was redrafted in 1995 after soliciting comment in a special public meeting. There have been no further comments.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH

COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule identifies and defines the different types of organizations and how they are treated under the Employment Security Act (Title 35A, Chapter 4 et seq.).

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

Workforce Services
Workforce Information and Payment Services
Fifth Floor
140 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or Internet E-mail at wsadmpo.spotter@state.ut.us.

AUTHORIZED BY: Robert C. Gross, Executive Director

EFFECTIVE: 05/29/1998



**Workforce Services, Workforce
Information and Payment Services**

R994-208

Definition of Wages

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 21180
FILED: 05/29/1998, 09:38
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**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 35A-1-104(1) grants rulemaking authority to the Department. This rule directly applies to Section 35A-4-208.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule defines and identifies wages that are subject to the provisions of the Employment Security Act (Title 35A, Chapter 4 et seq.).

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

Workforce Services
Workforce Information and Payment Services
Fifth Floor
140 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or Internet E-mail at wsadmpo.spotter@state.ut.us.

AUTHORIZED BY: Robert C. Gross, Executive Director

EFFECTIVE: 05/29/1998



**Workforce Services, Workforce
Information and Payment Services**

R994-600

Dislocated Workers

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 21181
FILED: 05/29/1998, 09:38
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsections 35A-1-104(1) and 35A-1-104(19) and governs the in-state operation of Utah's dislocated workers programs under two federal Acts: the Worker Adjustment and Retraining Notification (WARN) Act, and the Economic Dislocation and Worker Adjustment Assistance (EDWAA) Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received since the last five-year review regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule defines the roles of the state Direct Response Unit, Regional Workforce Services Areas, and employers regarding dislocated workers. This rule facilitates these entities working together for the benefit of Utah's workers.

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

Workforce Services
Workforce Information and Payment Services
Fifth Floor
140 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shawn Potter at the above address, by phone at (801) 526-
9205, by FAX at (801) 526-9211, or Internet E-mail at
wsadmpo.spotter@email.state.ut.us.

AUTHORIZED BY: Robert C. Gross, Executive Director

EFFECTIVE: 05/29/1998



End of the Five Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Commerce

Occupational and Professional Licensing

No. 20973 (AMD): R156-1. General Rules of the Division of Occupational and Professional Licensing.
Published: May 1, 1998
Effective: June 4, 1998

No. 20992 (AMD): R156-60a. Social Worker Licensing Act Rules.
Published: May 1, 1998
Effective: June 4, 1998

No. 20974 (AMD): R156-67-302d. Qualifications for Licensure - Examination Requirements.
Published: May 1, 1998
Effective: June 4, 1998

No. 20975 (AMD): R156-68-302b. Qualifications for Licensure - Examination Requirements.
Published: May 1, 1998
Effective: June 4, 1998

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 20935 (REP): R414-39. Home and Community-based Services Waiver.
Published: April 15, 1998
Effective: May 27, 1998

Health Systems Improvement, Community Health Nursing

No. 20794 (CPR): R425-1. Nurse Education Financial Assistance.
Published: May 1, 1998
Effective: June 3, 1998

Health Systems Improvement, Health Facility Licensure

No. 20808 (AMD): R432-1-4. Identification Badges.
Published: March 15, 1998
Effective: May 28, 1998

Natural Resources

Oil, Gas and Mining; Oil and Gas

No. 20946 (AMD): R649-1. Oil and Gas General Rules.

Published: April 15, 1998
Effective: June 2, 1998

No. 20947 (AMD): R649-2. General Rules.

Published: April 15, 1998
Effective: June 2, 1998

No. 20948 (AMD): R649-3. Drilling and Operating Practices.

Published: April 15, 1998
Effective: June 2, 1998

No. 20949 (AMD): R649-5. Underground Injection Control of Recovery Operations and Class II Injection Wells.

Published: April 15, 1998
Effective: June 2, 1998

No. 20950 (AMD): R649-8. Reporting and Report Forms.

Published: April 15, 1998
Effective: June 2, 1998

No. 20951 (AMD): R649-9. Waste Management and Disposal.

Published: April 15, 1998
Effective: June 2, 1998

Public Safety

Peace Officer Standards and Training

No. 20995 (AMD): R728-409. Refusal, Suspension, or Revocation of Peace Officer Certification.

Published: May 1, 1998
Effective: June 2, 1998

No. 20996 (NEW): R728-505. Service Dog Program Rules.

Published: May 1, 1998
Effective: June 2, 1998

NOTICES OF RULE EFFECTIVE DATES

Transportation

Motor Carrier

No. 20918 (AMD): R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.

Published: April 1, 1998

Effective: May 28, 1998

Program Development

No. 20942 (AMD): R926-2. Evaluation of Proposed Additions to the State Highway System.

Published: April 15, 1998

Effective: May 29, 1998

Workforce Services

Employment Development

No. 20675 (AMD): R986-305. Resources.

Published: February 1, 1998

Effective: May 28, 1998

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all changes to Utah's administrative rules from January 2, 1998, to the present (current as of June 7, 1998). The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

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	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administration</u>					
R13-2	Access to Records	20537	NSC	01/06/98	Not Printed
R13-3	American With Disabilities Act Grievance Procedures	20631	5YR	01/08/98	98-3/89
<u>Facilities Construction and Management</u>					
R23-4	Suspension/Debarment From Consideration for Award of State Contracts	20702	5YR	01/28/98	98-4/128
R23-5	Contingency Funds	20703	5YR	01/28/98	98-4/128
R23-6	Value Engineering and Life Cycle Costing of State Owned Facilities Rules and Regulations	20704	5YR	01/28/98	98-4/129
R23-7	Utah State Building Board Policy Statement Master Planning	20705	5YR	01/28/98	98-4/129
R23-8	Planning Fund Use	20706	5YR	01/28/98	98-4/130
R23-9	Building Board State/Local Cooperation Policy	20707	5YR	01/28/98	98-4/130
R23-10	Naming of State Buildings	20708	5YR	01/28/98	98-4/131
R23-11	Facilities Allocation and Sale Procedures	20709	5YR	01/28/98	98-4/131
R23-12	State of Utah Parking Policy	21186	5YR	06/01/98	98-12/37
R23-13	State of Utah Parking Rules for Facilities Managed by the Division of Facilities Construction and Management	21150	5YR	05/15/98	98-11/200

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R23-21	Division of Facilities Construction and Management Lease Procedures	20710	5YR	01/28/98	98-4/132
R23-24	Capital Projects Utilizing Non-appropriated Funds	20711	5YR	01/28/98	98-4/132
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-2	Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food	20931	5YR	03/19/98	98-8/63
<u>Animal Industry</u>					
R58-19	Compliance Procedures	20279	NEW	01/05/98	97-24/12
<u>Marketing and Conservation</u>					
R65-11	Utah Sheep Marketing Order	20699	NEW	03/19/98	98-4/8
<u>Plant Industry</u>					
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	20838	5YR	03/05/98	98-7/72
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	20962	AMD	05/16/98	98-8/2
R68-19	Compliance Procedures	20280	NEW	01/15/98	97-24/13
R68-19-4	Citation	20813	AMD	04/15/98	98-6/16
<u>Regulatory Services</u>					
R70-201	Compliance Procedures	20281	NEW	01/15/98	97-24/14
R70-201-4	Citation	20814	AMD	04/15/98	98-6/16
R70-530	Food Establishment Sanitation Rule	20721	R&R	05/16/98	98-4/10
COMMERCE					
<u>Occupational and Professional Licensing</u>					
R156-1	General Rules of the Division of Occupational and Professional Licensing	20973	AMD	06/04/98	98-9/4
R156-3a	Architect Licensing Act Rules	20200	AMD	see CPR	97-23/4
R156-3a	Architect Licensing Act Rules	20200	CPR	02/18/98	98-2/79
R156-15-302d	Qualifications for Licensure - Examination Requirements	20894	AMD	05/05/98	98-7/8
R156-16a	Optometry Practice Act Rules	20778	AMD	04/01/98	98-5/4
R156-17a	Pharmacy Practice Act Rules	20492	AMD	02/24/98	98-1/3
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	20696	5YR	01/27/98	98-4/133
R156-37	Controlled Substance Act Rules of the Division of Occupational and Professional Licensing	20878	AMD	05/04/98	98-7/8
R156-37-605	Emergency Verbal Prescription of Schedule II Controlled Substances	20941	AMD	05/19/98	98-8/8
R156-40	Recreational Therapy Practice Act Rules	20697	5YR	01/27/98	98-4/133

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	20173	AMD	see CPR	97-22/12
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	20173	CPR	02/03/98	98-1/199
R156-55a	Utah Construction Trades Licensing Act Rules	20650	AMD	03/05/98	98-3/23
R156-56-302	Licensure of Inspectors	20883	AMD	05/04/98	98-7/28
R156-59	Employee Leasing Company Act Rules	20701	5YR	01/27/98	98-4/134
R156-59	Employee Leasing Company Act Rules	20651	AMD	see CPR	98-3/28
R156-59	Employee Leasing Company Act Rules	20651	CPR	05/04/98	98-7/71
R156-60a	Social Worker Licensing Act Rules	20992	AMD	06/04/98	98-9/26
R156-60b	Marriage and Family Therapist Licensing Act Rules	20581	AMD	02/18/98	98-2/18
R156-60c	Professional Counselor Licensing Act Rules	20359	AMD	02/03/98	98-1/6
R156-60d	Substance Abuse Counselor Act Rules	20273	AMD	01/15/98	97-24/16
R156-61	Psychologist Licensing Act Rules	20342	AMD	02/03/98	98-1/10
R156-63	Security Personnel Licensing Act Rules	20930	AMD	05/19/98	98-8/9
R156-67-302d	Qualifications for Licensure - Examination Requirements	20974	AMD	06/04/98	98-9/29
R156-68-302b	Qualifications for Licensure - Examination Requirements	20975	AMD	06/04/98	98-9/30
R156-69	Dentist and Dental Hygienist Practice Act Rules	20776	AMD	04/01/98	98-5/6
<u>Real Estate</u>					
R162-1	Authority and Definitions	20798	AMD	04/23/98	98-6/17
R162-2	Exam and License Application Requirements	20799	AMD	04/23/98	98-6/19
R162-3	License Status Change	20800	AMD	04/23/98	98-6/21
R162-4	Office Procedures - Real Estate Principal Brokerage	20801	AMD	04/23/98	98-6/23
R162-5	Property Management	20802	AMD	04/23/98	98-6/26
R162-6	Licensee Conduct	20803	AMD	04/23/98	98-6/27
R162-7	Enforcement	20804	AMD	04/23/98	98-6/32
R162-10	Administrative Procedures	20805	AMD	04/23/98	98-6/33
R162-107	Unprofessional Conduct	20625	NEW	03/04/98	98-2/22
<u>Securities</u>					
R164-4	Licensing Requirements	20679	AMD	03/04/98	98-3/31
R164-5	Broker-Dealer and Investment Adviser Books and Records	20680	AMD	03/04/98	98-3/38
R164-6-1g	Dishonest or Unethical Business Practices	20681	AMD	03/04/98	98-3/40
R164-26-6	Consent to Service	20682	AMD	03/04/98	98-3/44
COMMUNITY AND ECONOMIC DEVELOPMENT					
<u>Community Development, Community Services</u>					
R202-100	Community Services Block Grant Rules	20282	AMD	01/15/98	97-24/17

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CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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R207-1	Utah Arts Council General Program Rules	20811	5YR	02/25/98	98-6/77
R207-2	Policy for Donations and Loans to the State Fine Art Collection	20812	5YR	02/25/98	98-6/77
<u>Community Development, History</u>					
R212-12	Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds	20528	NEW	03/10/98	98-2/23
<u>Community Development, Library</u>					
R223-1	Adjudicative Procedures	21090	5YR	05/01/98	98-11/201
CORRECTIONS					
<u>Administration</u>					
R251-107	Executions	20160	AMD	01/15/98	97-22/16
R251-112	Americans With Disabilities Act Complaint Procedure	20841	5YR	03/06/98	98-7/72
R251-304	Contract Procedure	20843	5YR	03/06/98	98-7/73
R251-703	Vehicle Direction Station	20196	AMD	01/15/98	97-23/6
R251-707	Legal Access	20198	AMD	01/15/98	97-23/8
R251-710	Search	20379	AMD	03/15/98	98-1/14
EDUCATION					
<u>Administration</u>					
R277-469	Textbook Commission Operating Procedures	20779	NEW	04/07/98	98-5/7
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, and Special Education (Birth-Age 5) Certification	20780	AMD	04/07/98	98-5/10
R277-508	Employment of Substitute Teachers	20899	5YR	03/13/98	98-7/73
R277-514	Suspension and Revocation of Teaching Certificates	20781	R&R	04/07/98	98-5/13
R277-516	Library Media Certificates and Programs	20657	5YR	01/14/98	98-3/89
R277-518	Vocational-Technical Certificates	20658	5YR	01/14/98	98-3/90
R277-600	Student Transportation Standards and Policies	20659	5YR	01/14/98	98-3/90
R277-605	Extracurricular Student Activities	20660	5YR	01/14/98	98-3/91
R277-606	Interschool Competitive Sports in High School	20661	5YR	01/14/98	98-3/91
R277-610	Released-Time Classes for Religious Instruction	20662	5YR	01/14/98	98-3/91
R277-615	Foreign Exchange Students	20663	5YR	01/14/98	98-3/92
R277-700	The Elementary and Secondary School Core Curriculum and High School Graduation Requirements	20664	5YR	01/14/98	98-3/92
R277-701	Values Education	20665	5YR	01/14/98	98-3/93
R277-702	Procedures for the Utah General Educational Developmental Certificate	20666	5YR	01/14/98	98-3/93
R277-709	Education Programs Serving Youth in Custody	20667	5YR	01/14/98	98-3/94
R277-710	Accelerated Learning Programs	20668	5YR	01/14/98	98-3/94

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-716	Alternative Language Services (ALS)	20669	5YR	01/14/98	98-3/94
R277-718	Utah Career Teaching Scholarship Program	20670	5YR	01/14/98	98-3/95
R277-721	Deadline for CACFP Sponsor Participation in Food Distribution Program	20671	5YR	01/14/98	98-3/95
R277-722	Withholding Payments and Commodities in the CACFP	20672	5YR	01/14/98	98-3/96
R277-730	Alternative High School Curriculum	20673	5YR	01/14/98	98-3/96
R277-732	Community Education	20674	5YR	01/14/98	98-3/97
R277-740	Subchapter One of the Education Improvement and Consolidation Act of 1981	20900	5YR	03/13/98	98-7/74
R277-746	Driver Education Programs for Utah Schools	20901	5YR	03/13/98	98-7/74
R277-747	Private School Student Driver Education	20902	5YR	03/13/98	98-7/74
R277-751	Special Education Extended School Year	20903	5YR	03/13/98	98-7/75
R277-912	Standards and Procedures for Post-Secondary Applied Technology Education Accreditation	20904	5YR	03/13/98	98-7/75
<u>Applied Technology Education (Board for), Rehabilitation</u>					
R280-200	Rehabilitation	20905	5YR	03/13/98	98-7/76
ENVIRONMENTAL QUALITY					
<u>Air Quality</u>					
R307-1-1	Foreword and Definitions	20096	AMD	01/08/98	97-21/4
R307-1-1	Foreword and Definitions	20202	AMD	01/08/98	97-23/10
R307-1-1	Foreword and Definitions	20736	AMD	04/22/98	98-5/16
R307-1-3	Control of Installations	20219	AMD	02/05/98	97-23/20
R307-1-3	Control of Installations	20740	NSC	02/05/98	Not Printed
R307-2-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	20099	AMD	01/08/98	97-21/14
R307-8	Oxygenated Gasoline Program	20771	AMD	04/22/98	98-5/26
R307-8-3	Average Oxygen Content Standard	20100	AMD	01/08/98	97-21/15
<u>Drinking Water</u>					
R309-105	Quantity Requirements	20789	EXD	02/01/98	98-5/80
R309-106	Source Development	20290	REP	03/01/98	97-24/26
R309-107	Disinfection	20291	REP	03/01/98	97-24/33
R309-108	Conventional Complete Treatment	20292	REP	03/01/98	97-24/37
R309-109	Miscellaneous Treatment Methods	20293	REP	03/01/98	97-24/47
R309-110	Pumping Facilities	20294	REP	03/01/98	97-24/56
R309-111	Water Storage	20295	REP	03/01/98	97-24/60
R309-112	Distribution System	20296	REP	03/01/98	97-24/63
<u>Radiation Control</u>					
R313-12	General Provisions	20234	AMD	see CPR	97-23/115
R313-12	General Provisions	20234	CPR	03/20/98	98-4/115
R313-15	Standards for Protection Against Radiation	20235	AMD	see CPR	97-23/44
R313-15	Standards for Protection Against Radiation	20235	CPR	03/20/98	98-4/120
R313-15	Standards for Protection Against Radiation	21038	5YR	04/30/98	98-10/149

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R313-18	Notices, Instructions and Reports to Workers by Licensees or Registrants -- Inspections	20236	AMD	01/23/98	97-23/61
R313-25	License Requirements for Land Disposal of Radioactive Waste - General Provisions	20237	AMD	01/23/98	97-23/62
R313-32	Medical Use of Radioactive Material	20238	AMD	01/23/98	97-23/65
<u>Solid and Hazardous Waste</u>					
R315-1	Utah Hazardous Waste Definitions and References	20382	AMD	02/20/98	98-1/15
R315-2	General Requirements - Identification and Listing of Hazardous Waste	20383	AMD	02/20/98	98-1/17
R315-3	Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	20384	AMD	02/20/98	98-1/27
R315-4	Hazardous Waste Manifest	20385	AMD	02/20/98	98-1/35
R315-6-7	Transfer Facility Requirements	20538	AMD	02/20/98	98-2/24
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	20386	AMD	02/20/98	98-1/36
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	20387	AMD	02/20/98	98-1/38
R315-13	Land Disposal Restrictions	20388	AMD	02/20/98	98-1/39
R315-14-7	Hazardous Waste Burned in Boilers and Industrial Furnaces	20389	AMD	02/20/98	98-1/40
R315-16	Standards for Universal Waste Management	20390	AMD	02/20/98	98-1/40
R315-50	Appendices	20391	AMD	02/20/98	98-1/50
R315-301	Solid Waste Authority, Definitions, and General Requirements	20965	5YR	04/02/98	98-9/65
R315-301-2	Definitions	19876	AMD	see CPR	97-19/23
R315-301-2	Definitions	19876	CPR	01/05/98	97-23/111
R315-301-2	Definitions	20249	NSC	01/05/98	Not Printed
R315-302	Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements	20966	5YR	04/02/98	98-9/66
R315-303	Landfilling Standards	20967	5YR	04/02/98	98-9/67
R315-305	Class IV Landfill Requirements	20968	5YR	04/02/98	98-9/68
R315-306	Energy Recovery and Incinerator Standards	20969	5YR	04/02/98	98-9/69
R315-307	Landtreatment Disposal Standards	20999	5YR	04/20/98	98-10/150
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R414-12	Medical Supplies Durable Medical Equipment--Prosthetics	20762	5YR	02/09/98	98-5/66
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R746-331	Determination of Exemption of Mutual Water Corporations	20626	EMR	01/05/98	98-3/87
R746-331	Determination of Exemption of Mutual Water Corporations	20627	NEW	04/06/98	98-3/78
R746-332	Depreciation Rates for Water Utilities	20964	5YR	04/02/98	98-9/70
R746-341	Lifeline Rule	20677	AMD	04/06/98	98-3/78
R746-342	Rule on One-Way Paging	20970	5YR	04/03/98	98-9/71
R746-356-2	Definitions	20592	NSC	01/06/98	Not Printed

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R746-360	Universal Public Telecommunications Service Support Fund	20956	EMR	03/31/98	98-8/59
R746-402	Rules Governing Reports of Accidents by Electric, Gas, Telephone, and Water Utilities	20971	5YR	04/03/98	98-9/71
R746-405	Rules Governing the Filing of Tariffs for Gas, Electric, Telephone, Water and Heat Utilities	20972	5YR	04/03/98	98-9/72
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R765-134	Informal Adjudicative Procedures Under the Utah Administrative Procedures Act	20980	5YR	04/13/98	98-9/72
R765-555	Policy on Colleges and Universities Providing Facilities, Goods and Services in Competition with Private Enterprise	20981	5YR	04/13/98	98-9/73
R765-993	Records Access and Management	20982	5YR	04/13/98	98-9/73
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R850-80	Sale of Trust Lands	20395	AMD	02/03/98	02/03/98
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R855-2	Disbursement of "Pass-Through" License Plate Revenues for Expenditure by County Centennial Committees	20925	EXD	03/17/98	98-8/67
R855-3	Disbursement of Discretionary Grants for Expenditure by County Centennial Committees, Communities, Other Groups, and Individuals	20926	EXD	03/17/98	98-8/67
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R861-1A-23	Designation of Adjudicative Proceedings Pursuant to Utah Code Ann. Section 63-46b-4	20818	AMD	05/04/98	98-6/55
R861-1A-24	Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-502.1, 63-46b-8, and 63-46b-10	20819	AMD	05/04/98	98-6/56
R861-1A-25	Informal Adjudicative Proceedings Pursuant to Utah Code Ann. Section 63-46b-5	20820	AMD	05/04/98	98-6/57
R861-1A-26	Procedures for Formal and Informal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501, 63-46b-5, and 63-46b-6 through 63-46b-11	20821	AMD	05/04/98	98-6/57
R861-1A-27	Discovery Pursuant to Utah Code Ann. Section 63-46b-7	20822	AMD	05/04/98	98-6/59
R861-1A-28	Evidence in Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-210, 76-8-502, 76-8-503, 63-46b-8	20823	AMD	05/04/98	98-6/59
R861-1A-32	Mediation Process Pursuant to Utah Code Section 63-46b-1	20824	AMD	05/04/98	98-6/60

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R865-19S-58	Materials and Supplies Sold to Owners, Contractors and Repairmen of Real Property Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103	20828	AMD	05/04/98	98-6/61
<u>Motor Vehicle Enforcement</u>					
R877-23V-17	Reasonable Cause for Denial, Suspension, or Revocation of License Pursuant to Utah Code Ann. Sections 41-3-105 and 41-3-209	20393	AMD	02/24/98	98-1/113
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R884-24P-7	Assessment of Mining Properties Pursuant to Utah Code Ann. Section 59-2-201	20177	AMD	01/06/98	97-22/75
R884-24P-7	Assessment of Mining Properties Pursuant to Utah Code Ann. Section 59-2-201	20649	AMD	03/10/98	98-3/81
R884-24P-7	Assessment of Mining Properties Pursuant to Utah Code Ann. Section 59-2-201	20897	AMD	05/04/98	98-7/65
R884-24P-24	Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924	20394	AMD	02/24/98	98-1/114
R884-24P-58	One-Time Decrease in Certified Rate Based on Estimated County Option Sales Tax Pursuant to Utah Code Ann. Section 59-2-924	20203	AMD	02/24/98	97-23/96
R884-24P-59	One-Time Decrease in Certified Rate Based on Estimated Additional Resort Communities Sales Tax Pursuant to Utah Code Ann. Section 59-2-924	20204	AMD	02/24/98	97-23/96
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R909-1	Safety Regulations for Motor Carriers	20827	AMD	05/01/98	98-6/62
R909-4-11	Maximum Towing and Storage Rates	20271	AMD	02/27/98	97-24/112
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	20918	AMD	05/28/98	98-7/67
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R986-221	Demonstration Programs	20742	5YR	02/06/98	98-5/69
R986-301	Medicaid General Provisions	20743	5YR	02/06/98	98-5/70
R986-301	Medicaid General Provisions	20769	AMD	04/01/98	98-5/48
R986-302	Eligibility Requirements	20224	AMD	01/02/98	97-23/97
R986-302	Eligibility Requirements	20744	5YR	02/06/98	98-5/70
R986-303	Coverage Groups	20745	5YR	02/06/98	98-5/71
R986-303-301	A, B, and D Medicaid and A, B, and D Institutional Medicaid Coverage Groups	20319	AMD	02/03/98	98-1/116
R986-304	Income and Budgeting	20746	5YR	02/06/98	98-5/71
R986-304	Income and Budgeting	20738	EMR	02/12/98	98-5/60
R986-304	Income and Budgeting	20739	AMD	04/01/98	98-5/49
R986-305	Resources	20726	EMR	02/12/98	98-4/123
R986-305	Resources	20747	5YR	02/06/98	98-5/72
R986-305	Resources	20770	AMD	04/01/98	98-5/55
R986-305	Resources	20675	AMD	05/28/98	98-3/84
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R986-306	Program Benefits	20777	AMD	04/01/98	98-5/57
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R986-309	Utah Medical Assistance Program (UMAP)	20751	5YR	02/06/98	98-5/74
R986-309-901	UMAP General Eligibility Requirements	20732	EMR	02/12/98	98-5/62
R986-309-901	UMAP General Eligibility Requirements	20960	AMD	05/18/98	98-8/50
R986-310	Demonstration Programs	20752	5YR	02/06/98	98-5/74
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R986-417	Documentation	20208	CPR	02/03/98	98-1/120
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R986-421	Demonstration Programs	20211	AMD	01/02/98	97-23/103
R986-421	Demonstration Programs	20753	5YR	02/06/98	98-5/75
R986-701	Child Care Assistance General Provisions	20754	5YR	02/06/98	98-5/75
R986-702	Conditions of Eligibility and Client Payment Amount	20755	5YR	02/06/98	98-5/76
R986-703	Child Care Programs	20756	5YR	02/06/98	98-5/77
R986-704	Income Rules and Eligibility Calculations	20757	5YR	02/06/98	98-5/77
R986-705	Resources	20758	5YR	02/06/98	98-5/78
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<u>Workforce Information and Payment Services</u>					
R994-201	Definition of Terms in Employment Security Act	21178	5YR	05/29/98	98-12/38
R994-202	Employing Units	21179	5YR	05/29/98	98-12/38
R994-208	Definition of Wages	21180	5YR	05/29/98	98-12/39
R994-600	Dislocated Workers	21181	5YR	05/29/98	98-12/39

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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	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

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<u>ACCESS TO INFORMATION</u>					
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	20657	R277-516	5YR	01/14/98	98-3/89
	20904	R277-912	5YR	03/13/98	98-7/75
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Community and Economic Development, Community Development, Library	21090	R223-1	5YR	05/01/98	98-11/201
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<u>ADMINISTRATIVE PROCEDURES</u>					
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	20720	R636-5	EXD	02/01/98	98-4/136
Natural Resources; Oil, Gas and Mining Board	21041	R641-100	5YR	05/01/98	98-10/158
	21042	R641-101	5YR	05/01/98	98-10/159
	21043	R641-102	5YR	05/01/98	98-10/159
	21044	R641-103	5YR	05/01/98	98-10/160
	21045	R641-104	5YR	05/01/98	98-10/160
	21046	R641-105	5YR	05/01/98	98-10/160
	21047	R641-106	5YR	05/01/98	98-10/161
	21048	R641-107	5YR	05/01/98	98-10/161
	21049	R641-108	5YR	05/01/98	98-10/162
	21050	R641-109	5YR	05/01/98	98-10/162
	21051	R641-110	5YR	05/01/98	98-10/163
	21052	R641-111	5YR	05/01/98	98-10/163
	21053	R641-112	5YR	05/01/98	98-10/164
	21054	R641-113	5YR	05/01/98	98-10/164
	21055	R641-114	5YR	05/01/98	98-10/164
	21056	R641-115	5YR	05/01/98	98-10/165
	21057	R641-116	5YR	05/01/98	98-10/165
	21058	R641-117	5YR	05/01/98	98-10/166
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Agriculture and Food, Plant Industry	20280	R68-19	NEW	01/15/98	97-24/13
	20813	R68-19-4	AMD	04/15/98	98-6/16
Agriculture and Food, Regulatory Services	20281	R70-201	NEW	01/15/98	97-24/14
	20814	R70-201-4	AMD	04/15/98	98-6/16

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	20202	R307-1-1	AMD	01/08/98	97-23/10
	20736	R307-1-1	AMD	04/22/98	98-5/16
	20219	R307-1-3	AMD	02/05/98	97-23/20
	20740	R307-1-3	NSC	02/05/98	Not Printed
	20099	R307-2-12	AMD	01/08/98	97-21/14
	20100	R307-8-3	AMD	01/08/98	97-21/15
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<u>ALTERNATIVE SCHOOL</u>					
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<u>APPLIED TECHNOLOGY EDUCATION</u>					
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	20394	R884-24P-24	AMD	02/24/98	98-1/114
	20203	R884-24P-58	AMD	02/24/98	97-23/96
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	20200	R156-3a	CPR	02/18/98	98-2/79
<u>ART IN PUBLIC PLACES</u>					
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	20812	R207-2	5YR	02/25/98	98-6/77
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	20938	R657-33	5YR	03/24/98	98-8/65
	20939	R657-33	AMD	05/18/98	98-8/43
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	20744	R986-302	5YR	02/06/98	98-5/70
	20208	R986-417	AMD	see CPR	97-23/100
	20208	R986-417	CPR	02/03/98	98-1/120
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	20709	R23-11	5YR	01/28/98	98-4/131
	20711	R23-24	5YR	01/28/98	98-4/132
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	20489	R671-312	AMD	02/18/98	98-1/87
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	20925	R855-2	EXD	03/17/98	98-8/67
	20926	R855-3	EXD	03/17/98	98-8/67
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	20756	R986-703	5YR	02/06/98	98-5/77
	20757	R986-704	5YR	02/06/98	98-5/77
	20758	R986-705	5YR	02/06/98	98-5/78
	20759	R986-706	5YR	02/06/98	98-5/78
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	20266	R430-5	NEW	02/05/98	97-24/71
	20267	R430-6	NEW	01/20/98	97-24/75
	20645	R430-10	EMR	01/09/98	98-3/86
	20684	R430-10	EMR	01/20/98	98-4/122
	20268	R430-30	NEW	01/21/98	97-24/79
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	20755	R986-702	5YR	02/06/98	98-5/76
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	20240	R527-5	AMD	01/05/98	97-23/83
	20522	R527-39	NEW	02/05/98	98-1/67
	20978	R527-56	5YR	04/13/98	98-9/69
	20723	R527-300	AMD	03/18/98	98-4/77
	20724	R527-301	AMD	03/18/98	98-4/80
	20523	R527-430	NEW	02/05/98	98-1/68
	20725	R527-475	AMD	03/18/98	98-4/82
	20520	R527-550	AMD	02/11/98	98-1/70
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	20451	R671-307	AMD	02/18/98	98-1/84
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	20455	R671-309	AMD	02/18/98	98-1/85
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