

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Number 99-15  
August 1, 1999

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 the division's publications, visit: <http://www.rules.state.ut.us/>

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# SPECIAL NOTICES

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## EXECUTIVE ORDER

**WHEREAS**, beginning on July 11, 1999, the Weber-Davis Canal near Ritter Road in Riverdale City, breached and caused severe flooding and debris flows that damaged dozens of homes and public infrastructure, and threatens to cause additional losses to agriculture in Weber County, Utah; and

**WHEREAS**, this flood has caused the evacuation of 300 persons from their homes and has caused severe damage to approximately 25 private residences, public roads and bridges and is creating a public health and safety hazard along public rights-of-way in Weber County, Utah; and

**WHEREAS**, 30,000 acres of productive farmland may be threatened because of the loss of irrigation water and

**WHEREAS**, immediate attention is necessary to alleviate the situation which threatens the safety, health and welfare of the citizens of Weber County; and

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

**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 THAT:** It is found, determined and declared that a "State of Emergency" exists due to the aforesaid flooding in Weber County and such area is declared to be a disaster requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Disaster Response 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 12th day of July, 1999.

(State Seal)

**Michael O. Leavitt**  
**Governor**

Attest:

**Olene S. Walker**  
**Lieutenant Governor**

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## EXECUTIVE ORDER

**Whereas**, the danger from wildland fires is extremely high throughout the State of Utah; and

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

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

SPECIAL NOTICES

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**Whereas**, immediate action is required to suppress the fires to protect public safety, property, natural resources and the environment; and

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

**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 That:** It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of July 14, 1999, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

**In Testimony, Whereof**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 14th day of July, 1999.

(State Seal)

**Michael O. Leavitt**  
Governor

Attest:

**Olene S. Walker**  
Lieutenant Governor

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**DEPARTMENT OF HEALTH**

**PUBLIC NOTICE**  
**MEDICAID PAYMENTS TO PHYSICIANS AND CLINICS**

Medicaid is giving public notice of a revised payment schedule for services provided by physicians. This revision is based on the most recent Resource-Based Relative Value Scale as utilized by the Health Care Financing Administration for Medicare pricing. This revision is budget neutral for Utah. Clinical laboratory fees were not adjusted.

*Written comments can be sent to the attention of Blaine Goff. The public may review or request a copy of the new fee schedule changes at: Division of Health Care Financing, Utah State Department of Health, PO Box 16580, 288 North 1460 West, Salt Lake City, Utah 84116-0580.*



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**UTAH STATE PUBLICATIONS****List 99-13****June 30, 1999**

Depository libraries: Asterisk (\*) indicates limited copies- make claims to issuing agency.

**This list is available on the World Wide Web at: <http://www.state.lib.ut.us/publicat/publicat.htm>**

**Capitol connections: news for and about people in state government.** Vol. 7, issue 2: July, 1999. Utah. Dept. of Administrative Services [and] Utah. Office of the Governor.

A 4500.81: Cap/7/2

<http://www.das.state.ut.us/capconn/>

Civil service--Utah/State governments--Officials and employees.

**Conservation agreement and strategy for spotted frog (*Rana luteiventris*) in the state of Utah**/by M. Jane Perkins, Leo D. Lentsch. 1998. Utah. Division of Wildlife Resources.

N 4920.H4.7: Con/998

oclc # 41624636

Spotted frog--Utah.

**Evaluation of flow requirements for June Sucker (*Chasmistes liorus*) in the Provo River: an empirical approach**/by Christopher J. Keleher, Leo D. Lentsch, Charles W. Thompson. 1998. Utah. Division of Wildlife Resources.

N 4620.S9.7: Jun/Pro/998

oclc # 41624375

Endangered species--Utah/June Sucker--Research--Utah/Wildlife conservation--Utah/Provo River (Utah)--Research.

**Evaluation of size-dependent overwinter growth and mortality of age-0 Colorado pikeminnow: final report**/by Yvette K. Converse, Leo D. Lentsch, Richard A. Valdez. 1999. Utah. Division of Wildlife Resources.

N 4620.M5.7: Eva/999

oclc # 41625638

Endangered species--Utah/Endangered species--Colo/Ptychocheilus lucius--Research--Utah/Ptychocheilus lucius--Research--Colo/Wildlife conservation--Utah/Wildlife conservation--Colo./Colorado pikeminnow--Utah/Colorado pikeminnow--Colo/Colorado River (Colo.-Mexico)--Research.

**Flagger Recertification interactive CD-ROM development**/by Gururaja Bandiakmakur. 1998. Utah State University; Utah Department of Transportation.

A 5170.C6.7: Tra/Fla/998

oclc # 38746664

Traffic safety--Computer-assisted instruction/Highway departments--Utah--Officials and employees--Training of/Highway departments--Utah--Officials and employees--Certification.

**Ft. Pearce Wash treatment project: final report**/by Kristen M. Comella and Richard A. Fridell. 1998. Utah. Division of Wildlife Resources.

N 4650.V5.7: For/998

oclc # 41623461

Fishes--Control--Utah/Fishery management--Utah/Fish kills--Utah/Piscicides--Utah/Ft. Pearce Wash (Utah)/Virgin River.

**Integrated GIS maintenance management system**/by William J. Grenney, Gregory D. Nash, Thad E. Senti, [and] Newell W. Crookston. 1998. Utah State University; Utah Department of Transportation.

A 5170.C6.7: Tra/Int/998

oclc # 38747255

Utah. Dept. of Transportation--Management/Geographic information systems--Utah/Information resources management--Utah.

**Optimization of left lane traffic signals**/by Peter T. Martin. 1998. Utah State University ; Utah Department of Transportation.

T 4794.T73.7: Opt/998

oclc # 38860382

Traffic signs and signals/Left-turn lanes/Traffic flow--Mathematical models/Electronic traffic controls.

**Ovations: ... newsletter.** [1999] Utah Arts Council.

H 6300.81: Ova/999

Arts--Utah/Art--Utah.

**Peer-to-peer desktop video conferencing final report, phase II**/by Thad E. Senti, William J. Grenney, Newell W. Crookston. 1998. Utah State University; Utah Department of Transportation.

A 5170.V52.7: Tra/Pee/998

oclc # 38746586

Computer conferencing--Utah/Interactive video--Utah.

**Southern Utah's special fishing holes: an introductory fishing guide.** [1999] Utah. Division of Wildlife Resources.

N 4690.S6.7: Sou/999

oclc # 41624048

Fishing--Utah.

**Southern Utah's wild trout streams**/[by] Dale K. Hepworth, Lynn Chamberlain. [1999] Utah. Division of Wildlife Resources.

N 4690.S6.7: Wil/999

oclc # 41624195

Trout fishing--Utah/Fishing--Utah.

**Standard Modular Data Storage System for maintenance management**/by William J. Grenney, Chandrasekhar Swaminathan, Newell W. Crookston. 1998. Utah State University ; Utah Department of Transportation.

A 5170.C6.7: Tra/Sta/998

oclc # 40435315

Information storage and retrieval systems--Transportation/Transportation--Management--Data processing/Pavements--Maintenance and repair--Management--Data processing/Highway departments--Data processing.

**UDWR 1998 annual report: Desert tortoise monitoring in the Red Cliffs Desert Reserve, Washington County, Utah**/by Ann M. McLuckie, Richard A. Fridell. 1998. Utah. Division of Wildlife Resources.

N 4920.T6.7: Red/Rep/998

oclc # 41624756

Desert tortoise--Utah--Washington County/Ecological surveys--Utah--Washington County/Wildlife management--Utah.

**Virgin River treatment projects: March 1996, August 1996, December 1996**/by Kristen M. Comella and Richard A. Fridell. 1998. Utah. Division of Wildlife Resources.

N 4650.V5.7: Vir/998

oclc # 41625479

Fishes--Control--Utah/Fishery management--Utah/Fish kills--Utah/Piscicides--Utah/Virgin River.

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**30 day review.** Vol. 6, no. 3: May-June, 1999. Utah. State Mental Hospital, Provo.

P 3221.8: Thi/6/3

oclc # 34734551

Utah. State Mental Hospital, Provo--Periodicals/Psychiatric hospitals--Utah--Periodicals/Mentally ill--Care--Utah--Periodicals.

**Deteccion masiva neonatal: importante informacion medica - por favor leala a fondo.** [1999] Utah. Dept. of Health.

P 4179.N48.9: Det/999

oclc # 41670594

Abnormalities, Human/Infants (Newborn)/Spanish language

**Epidemiology newsletter.** May, 1999. Utah. Bureau of Epidemiology.

P 4120.8: New/999/05

oclc # 25513993

**<http://hlunix.hl.state.ut.us/els/epidemiology/>**

Communicable diseases--Utah/Diseases--Reporting--Utah.

**Get up & go.** July, 1999. Utah. Division of Aging and Adult Services ; Committee for the Legal Protection of the Elderly, Inc.; Golden Age Corp. (Salt Lake City, Utah)

P 3260.8: Get/999/07

Aged--Utah/Aged--Services for--Utah/Aged--Legal status, laws, etc.--Utah.

\* **Petroleum geology of Cisco Dome area, Grand County, Utah/Craig D. Morgan.** June, 1999. Utah Geological Survey.

N 3300.71: Oil/19

oclc # 41670807

Geology--Utah--Grand County.

**Quarterly economic newsletter. Northern Region. Box Elder County.** Third quarter 1999. Utah. Dept. of Workforce Services.

I 3112.B6.8: Eco/999/3

oclc # 41149167

**<http://www.dws.state.ut.us/WI/Regions/northern.htm>**

Box Elder County (Utah)--Occupations--Statistics.

**Utah construction report.** Vol. 42, no. 1: January-February-March, 1999. University of Utah. Bureau of Economic and Business Research.

I 4300.8: Con/42/1

oclc # 02269107

Construction industry--Utah--Statistics--Periodicals.

**Utah real estate appraiser review: a publication for appraisal professionals.** Vol. 8, no. 3: July, 1999. Utah. Real Estate Division.

I 4200.A66.81:App/8/3

oclc # 29603605

**<http://www.commerce.state.ut.us/web/commerce/re/newslett/newslett.htm>**

Real estate appraisers--Utah/Real estate business--Utah/Real estate business--Law and legislation--Utah.

## SPECIAL NOTICES

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\* **Utah state bulletin.** Number 99-13: July 1, 1999. Utah. Division of Administrative Rules.  
A 3025.61: Bul/99-13  
oclc # 11854150  
<http://www.rules.state.ut.us/publicat/bulletin.htm>  
Delegated legislation--Utah--Periodicals/Administrative procedure--Utah--Periodicals.

\* **Utah state digest.** Number 99-13: July 1, 1999. Utah. Division of Administrative Rules.  
A 3026.61: Dig/99-13  
oclc # 12426255  
<http://www.rules.state.ut.us/publicat/digest.htm>  
Delegated legislation--Utah--Periodicals.

**The winds of WIC: the Utah WIC's quarterly newsletter.** Summer, 1999. Utah. Division of Community and Family Health Services.  
P 3271.W42.81: WIC/999/2  
oclc # 36913857  
Aid to families with dependent children--Utah/Welfare recipients--Utah.

**End of the Special Notices Section**

## NOTICES OF PROPOSED RULES

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A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between July 2, 1999, 12:00 a.m., and July 15, 1999, 11:59 p.m., are included in this, the August 1, 1999, 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 August 31, 1999. 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 November 29, 1999, 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.

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

**Administrative Services, Fleet  
Operations, Surplus Property  
R28-1  
State Surplus Property Disposal**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22179

FILED: 07/13/1999, 15:06

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are necessary to update the rule with current references to the Utah Code and procedure changes that are necessarily related to debt collection procedures and the State Office of Debt Collection. Section R28-1-9 is added to fulfill a requirement as stated in the Utah Code. Other nonsubstantive changes are made to the format and wording of the rule.

SUMMARY OF THE RULE OR CHANGE: The changes update the references to the Utah Code that are now applicable. Debt collection procedures as stated in the old rule were out-of-date as the State Office of Debt Collection is not identified as the agency to collect just debts owed to the state. Section R28-1-9 is added to fulfill a requirement stated in the Utah Code, wherein the dynamics of selling to the general public are detailed. Other nonsubstantive changes are made to the format and wording of the rule to help clarify and further explain both the federal and state surplus property programs and procedures.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63A-9-801(2)

## ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Additional costs or savings are not anticipated to occur as a result of this change to the rule since the changes do not affect basic procedures by which property is disposed. Rather, the changes simply clarify procedures in some cases and update references to the Utah Code.

❖LOCAL GOVERNMENTS: Additional costs or savings are not anticipated to occur as a result of this change to the rule since the changes do not affect basic procedures by which property is disposed. Rather, the changes simply clarify procedures in some cases and update references to the Utah Code.

❖OTHER PERSONS: Additional costs or savings are not anticipated to occur as a result of this change to the rule since the changes do not affect basic procedures by which property is disposed. Rather, the changes simply clarify procedures in some cases and update references to the Utah Code.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Additional costs or savings are not anticipated to occur as a result of this change to the rule since the changes do not affect basic procedures by which property is disposed. Rather, the changes simply clarify procedures in some cases and update references to the Utah Code.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change does not have a fiscal impact on businesses--Raylene Ireland

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

Administrative Services  
Fleet Operations, Surplus Property  
447 West 13800 South  
Draper, UT 84020, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Scott R. Steele at the above address, by phone at (801) 538-3015, by FAX at (801) 538-3844, or by Internet E-mail at [ssteele@das.state.ut.us](mailto:ssteele@das.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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Scott R. Steele, Acting Manager

**R28. Administrative Services, Fleet Operations, Surplus Property.****R28-1. State Surplus Property Disposal.****R28-1-1. Purpose.**

This rule sets forth policies and procedures which govern the acquisition and disposition of state and federal surplus property. It applies to all state and local public agencies and eligible non-profit educational and health institutions when dealing with federal surplus property. It also applies to all state agencies unless specifically exempted by law and to the general public when dealing with state surplus property.

**R28-1-2. Authority.**

Under the provisions of Title 63A, Chapter ~~[2]~~<sup>9</sup>, Part 8, the Utah State Agency for Surplus Property ~~[or the]~~<sup>(USASP)</sup> within the Division of Fleet Operations, under the Department of Administrative Services is responsible for ~~[the operation of]~~<sup>operating both a [combined] state and a federal surplus property program. The standards and procedures governing the operation of these two programs are found in two separate State Plans of Operation, one for state surplus property and a second plan for federal surplus [are found in the State Plan of Operation of the USASP, effective March 15, 1984,] property, the latter being a contract between the state and federal government[which is incorporated by reference]. [Copies of t]The State Plans of Operation [of the USASP] may be reviewed at the USASP, [and the Division of Administrative Rules.]</sup>

**R28-1-3. Procedures.**

A. State-owned personal property shall not be destroyed, sold, transferred, traded-in, traded, discarded, donated or ~~other wise~~otherwise disposed of without first submitting a properly completed form SP-1 to and receiving authorization from the USASP.

~~[+]~~This rule applies to and includes a~~[A]~~ny residue that may be remaining from agency cannibalization [shall be declared surplus on form SP-1.]of property.

B. When a department or agency of state government determines that state-owned personal property is in excess to current needs, they will make such declaration using Form SP-1. ~~[No surplus]~~State-owned personal property [will]shall not be processed by the USASP unless the appropriate form is executed.

C. A standard form SP-3 is required when it is determined that ~~[surplus]~~state-owned personal property should be abandoned and destroyed. ~~[This form]~~The SP-3 is generated by the USASP after receiving a form SP-1 and reviewing the [form SP-1]property being disposed of by the agency.

D. State-owned [H]information technology equipment may be transferred directly to public institutions, such as schools and libraries by the owning agency. However, a form SP-1 must still be completed and forwarded to the USASP to account for the transfer of the equipment. In such cases, the USASP will not assess a fee to the donating agency. Similarly, the USASP is authorized to donate computer equipment received as surplus property from agencies to the Utah Correctional Industries (UCI) for refurbishment and upgrade. Subsequent to refurbishing and upgrading, UCI may sale the equipment to public schools. In such cases, the costs associated with refurbishing and upgrading the equipment shall be borne by UCI and subsequent sale to public schools [when authorized by the USASP.

~~—~~E. No property may be disposed of as described in "A" above unless authorized in writing by the USASP.] shall be governed by the Department of Corrections.

E. Federal surplus property is not available for sale to the general public, on a day-to-day basis. Donation of federal surplus property shall be administered in accordance with the procedures identified in the State Plan of Operation for the Federal Property Assistance Program. Public auctions of federal surplus property are authorized under certain circumstances and conditions. The USASP Manager shall coordinate such auctions when deemed necessary or appropriate. Federal surplus property auctions are conducted locally, but are regulated and accomplished by a representative of the U.S. General Services Administration.

F. The USASP ~~[Director]~~Manager or designee may make an exception to the written authorization requirement identified in paragraph A above. Exceptions must be for good cause[-. A good cause exception requires a weighing of:] and must consider:

1. The cost to the state;
2. The potential liability to the state;
3. The overall best interest of the state.

**R28-1-4. Related Party Transactions.**

A. The USASP has a duty to the public to ensure that State-owned surplus property is disposed of at fair market value, in an independent and ethical manner, and that the property or the value of the property has not been misrepresented. A conflict of interest may exist or appear to exist when a related [employee or otherwise

~~related]~~party attempts to purchase surplus property.~~[The USASP has a duty to the public to insure that surplus property is disposed of for a fair price, in and independent and ethical manner, and that property has not been misrepresented when related parties are disclosed or discovered.]~~

B. ~~[If a potential purchaser is determined to be a related party, the USASP will employ certain additional procedures to help insure ethical disposal of the property.]~~A related party is defined as someone who may fit into any of the following categories pertaining to the surplus property in question:

1. Has purchasing authority.
2. Has maintenance authority.
3. Has disposition or signature authority.
4. Has authority regarding the disposal price.
5. Has access to restricted information.
6. Is perceived to be a related party using other criteria which may prohibit independence.

C. Owning state agencies must list any recommended purchasers on the standard form SP-1 and specify whether they are considered to be a related party.

D. When a prospective purchaser is ~~[discovered]~~identified or determined to be a related party, the USASP will employ one of the following procedures:

1. The USASP may require written justification and authorization from the Department or Division Head or authorized agent. Justification may include reference to maintenance history, purchase price and the absence of conflicts of interest. If the related party is an authorized agent, a higher approval ~~[will]~~may be sought.

2. The USASP may choose to hold the property for sale by public auction or sealed bid. The prospective buyer ~~[must]~~may then compete against other bidders.

3. The USASP may ~~[not sell]~~hold the property ~~[to]~~for a 30 day period before allowing the related party ~~[under any circumstances if ethical considerations may not be compensated for through other means:~~

~~—~~4. The USASP may employ some other method to compensate for a lack of independence in a related party transaction. The particular method employed will be documented on the form SP-1]the opportunity to purchase the property, thus allowing for purchase of the property in accordance with the priorities listed below.

**R28-1-5. Priorities.**

A. Public agencies ~~[will be]~~are given priority ~~[to]~~for the purchase [state]of state-owned surplus property.

B. ~~[Selected p]~~Property [which is-]received by the USASP that is determined to be unique, in short supply or in high demand by public agencies [will]shall be held for a period of 30 days [for their use, after which time it may be]before being offered for sale to the general public.

C. ~~[Following is a list of the agencies that have priority to purchase state surplus property:]~~For this rule, the entities listed below, in priority order, are considered to be public agencies:

1. State Agencies
2. State Universities, Colleges, and Community Colleges
3. Other tax supported educational agencies or political subdivisions in the State of Utah including cities, towns, counties and local law enforcement agencies
4. Other tax supported educational entities

5. Non-profit health and educational institutions

D. ~~Following priorities 1-5, the property would be made available for sale to the public.~~

~~E. State-owned personal property that is not purchased by or transferred to public agencies during the 30-day hold period may be offered for public sale.~~

E. The USASP [Director]Manager or designee [may]shall make [exceptions regarding the 30-day agency purchase priority for good cause. A good cause exception requires a weighing of]the determination as to whether property is subject to the 30-day hold period. The decision shall consider the following:

1. The cost to the state;
2. The potential liability to the state;
3. The overall best interest of the state.

#### **R28-1-6. Accounting and Reimbursement.**

A. The USASP will record and maintain records of all transactions related to the acquisition and sale of all state and federal surplus property. A summary of the total yearly sales of state surplus by agency or department will be provided to the legislature following the close of each fiscal year.

B. Reimbursements to state agencies from the sale of their surplus property will be made through the Division of Finance on interagency transfers or warrant requests. The Surplus Agency is authorized to deduct operating costs from the selling price of all state surplus property. In ~~[most]all~~ cases ~~[the-]property~~ will be ~~[sold]priced to sale~~ for fair market value. ~~[The exception will be on those-]i~~ Items that are not marketable for ~~[various reasons and must]whatever reason may~~ be discounted in ~~[order for them to sell. Selected property may be]price or~~ disposed of by abandonment, donation, or sold as scrap.

C. Deposits from cash sales will be made to the State Treasurer in accordance with Title 51, Chapter 7.

D. The USASP may maintain a federal working capital reserve not to exceed one year's operating expenses. In the event the Surplus Agency accumulates funds in excess of the allowable working capital reserve, they will reduce their service and handling charge to under recover operating expenses and reduce the Retained Earnings balance accordingly. The only exception is where the USASP is accumulating excess funds in anticipation of the purchase of new facilities or capital items. Prior to the accumulation of excess funds, the USASP must obtain the written approval of the Executive Director of the Department of Administrative Services.

#### **R28-1-7. Payment.**

A. Payment received from public purchasers ~~[shall]may~~ be in the form of cash and/or certified funds, ~~[USASP-]authorized bank credit cards[-for state purchases only-], and~~ business ~~[and]or~~ personal checks ~~[with a bank letter of guarantee, or unguaranteed business checks and bank card-guaranteed personal checks in amounts not exceeding \$100.00].~~ Personal checks must be guaranteed with a bank card and may not be accepted for amounts exceeding \$200. Unguaranteed personal checks or 2-party checks [are unacceptable]shall not be accepted.

B. Payment received from state subdivisions shall be in the form of agency or subdivision check.

C. Payment made by public purchasers shall be at the time of purchase and prior to removal of the property purchased. Payment for purchases by state subdivisions shall be within 60 days following the purchase and removal of the property.

D. The USASP ~~[Director]Manager~~ or designee may make exceptions ~~[in form and timing of]to the payment provisions of this rule~~ for good cause. A good cause exception requires a weighing of:

1. The cost to the state;
2. The potential liability to the state;
3. The overall best interest of the state.

#### **R28-1-8. Bad Debt Collection.**

A. If a check from the general public, state subdivisions, or other agencies is returned to the USASP for "insufficient funds", the USASP shall initiate formal collection procedures.

B. The USASP shall initiate the following procedures to collect a bad debt:

1. The debtor may not make any future purchases from the USASP until the debt is paid in full.

2. The USASP shall send a certified letter to the debtor stating that the debtor has 15~~[to 25]~~ days to pay the full amount [in full]owed with cash or certified funds~~[-including a \$15.00], including any and all additional fees associated with the collection process, such as returned check fees.]fee:~~

~~3. The USASP shall send a second letter, via certified, return-receipt mail, requiring the debtor to pay the outstanding balance within 10 days of receipt of the letter.]~~

3. The letter shall also state that if the balance is not paid within the 1[0]5 day period, the matter will be referred to the ~~[Utah]Office of State [Attorney-General's Office]Debt Collection~~ for formal collection proceedings.

C. The USASP Director or designee may make exceptions ~~[in form and timing of bad debt]to the collection provisions of this rule~~ for good cause. A good cause exception requires a weighing of:

1. The cost to the state;
2. The potential liability to the state;
3. The overall best interest of the state.

#### **R28-1-9. Public Sales of Surplus Property.**

A. State-owned surplus property may be purchased at any time by the general public, subject to any 30-day holding period that may be applicable, as described above.

B. At the discretion of the USASP Manager, any state-owned surplus property may be sold to the general public by auction or sealed bid. Property to be auctioned may be consigned out to an auction service. If a consignment approach is considered, the USASP Manager must ensure that the auction service is contracted by and authorized as a vendor by the Division of Purchasing.

C. Federal surplus property auctions to the general public may be accomplished on occasions and subject to the limitations as indicated previously.

D. The frequency of public auctions, for either State-owned or federal surplus property will be regulated by current law as applicable, the volume of items held in inventory at the USASP, and the profitability of conducting auctions versus other approaches to disposing of surplus property.



**KEY: state property**  
~~[July 8, 1996]~~1999 ~~[63A-2-301]~~63A-9-801  
Notice of Continuation March 19, 1997

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**Administrative Services, Fleet  
Operations, Surplus Property**  
**R28-2**  
**Surplus Firearms**

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 22180  
FILED: 07/13/1999, 15:06  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are necessary to update the rule with current references to the Utah Code. Subsection R28-2-3(B)(5) stating that a five-day waiting period is required for handgun sales to a non-licensee is removed because it conflicts with other statements in the rule. Subsection R28-2-3(C) is removed because it is the desire of the Utah State Agency for Surplus Property (USASP) that no exceptions be allowed to this rule. Other nonsubstantive changes are made to the format and wording of the rule.

SUMMARY OF THE RULE OR CHANGE: Changes are necessary to update the rule with current references to the Utah Code. Subsection R28-2-3(B)(5), which stated that a five-day waiting period would be required for handgun sales to a nonlicensee is removed since handguns will not be sold to anyone except retiring law enforcement officers who are in possession of the handgun at time of retirement. Subsection R28-2-3(C), which allowed exceptions, is removed. Other nonsubstantive changes are made to the format and wording of the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63A-9-801(2)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Additional costs or savings are not anticipated to occur as a result of this change to the rule since the changes do not affect basic procedures by which property is disposed. Rather, the changes simply clarify procedures in some cases and update references to the Utah Code.

❖LOCAL GOVERNMENTS: Additional costs or savings are not anticipated to occur as a result of this change to the rule since the changes do not affect basic procedures by which property is disposed. Rather, the changes simply clarify procedures in some cases and update references to the Utah Code.

❖OTHER PERSONS: Additional costs or savings are not anticipated to occur as a result of this change to the rule since the changes do not affect basic procedures by which property is disposed. Rather, the changes simply clarify procedures in some cases and update references to the Utah Code.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Additional costs or savings are not anticipated to occur as a result of this change to the rule since the changes do not affect basic procedures by which property is disposed. Rather, the changes simply clarify procedures in some cases and update references to the Utah Code.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change does not have a fiscal impact on businesses--Raylene Ireland

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
Administrative Services  
Fleet Operations, Surplus Property  
447 West 13800 South  
Draper, UT 84020, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Scott R. Steele at the above address, by phone at (801) 538-3015, by FAX at (801) 538-3844, or by Internet E-mail at [ssteele@das.state.ut.us](mailto:ssteele@das.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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Scott R. Steele, Acting Manager

**R28. Administrative Services, Fleet Operations, Surplus Property.**

**R28-2. Surplus Firearms.**

**R28-2-1. Purpose and Authority.**

This rule sets forth policies and procedures for disposing of surplus firearms from state agencies and participating local agencies, as authorized ~~[under the provisions of Section 63A-2-301 et seq., as amended.]~~ in the Utah Code, Title 63A, Chapter 9, Part 8. This rule ~~[also applies to sale of]~~ governs the destruction, sale, transfer, or donation of surplus firearms to [the]any agency or to the general public.

**R28-2-2. Definitions.**

"Firearms" means all state owned firearms, including any confiscated or seized firearms ~~[(that the state has authority to sell)]~~ over which the state has disposal authority, and any firearms declared surplus by local subdivisions.

"USASP" means Utah State Agency for Surplus Property.

"handgun" means pistols and revolvers.

"hunting and sporting rifles" means long barreled shotguns and rifles manufactured for hunting or sporting purposes.

"nonlicensee" means an individual or organization not licensed by the Federal Bureau of Alcohol, Tobacco and Firearms to buy or sell firearms.

**R28-2-3. Procedures.**

A. All state owned firearms shall be disposed of under the ~~[procedures]~~ general provisions of Rule R28-1.

1. As an exception to the purchase priority listed in Section ~~[R28-1-4;]~~ R28-1-5, the sale of firearms directly to the general public by the USASP is prohibited.

2. Hunting and sporting rifles meeting Federal Firearms regulations may be sold only to firearms dealers licensed by the Federal Bureau of Alcohol, Tobacco and Firearms. ~~[in accordance with the purchase priority listed in Section R28-1-4.]~~ All sales will be accomplished by either auction or sealed bid.

~~a. The sale of handguns directly to firearms dealers licensed by the Federal bureau of Alcohol Tobacco and Firearms by the USASP is prohibited.]~~

3. ~~Handguns may not be sold to firearms dealers.~~ Handguns not purchased by legally constituted state law enforcement agencies and all firearms not meeting Federal Firearms regulations will either be transferred to the Utah State Public Safety Crime Lab for use or be destroyed.

B. A peace officer retiring from state service and desiring to retain his service firearm, may purchase his assigned firearm at one-half of its current replacement cost.

1. Proof of intent to retire shall be sent to the USASP along with a completed standard form SP-1 and shall be signed by an authorized agent of the owning agency.

2. The replacement cost shall be determined by the most recent state purchase order or other documentation for the specified firearm(s) and a copy shall accompany the completed standard form SP-1.

~~[3. All retentions must be in accordance with Federal Firearms regulations pursuant to Sections 921(a)(19) and 922(s) of Title 18, United States Code.~~

~~a. Written certification that surplus firearms meet federal firearms regulations shall be provided by the owning agency or a qualified armorer.]~~ C. All firearms retained by the USASP shall be in accordance with Federal Firearms regulations pursuant to Sections 921(a)(19) and 922(s) of Title 18, United States Code.

1. Written certification that surplus firearms meet federal firearms regulations shall be provided by the owning agency or a qualified armorer.

~~[4]D. All [retentions]firearms retained by the USASP shall be [subject to]in good working condition.[ of the firearm.]~~

a. Written certification specifying the condition of surplus firearms shall be provided by the owning agency or a qualified armorer.

~~5. A five day waiting period is required for handgun sales to a nonlicensee.~~

~~a. An exception to the five day waiting period will be made when the retiring officer presents a written statement from the Department or Division Head or authorized agent verifying that possession of the handgun by the purchaser would not violate the law.~~

~~C. The USASP Director or designee may make exceptions to the firearms rule for good cause. A good cause exception requires a weighing of:~~

- ~~1. The cost to the state;~~
- ~~2. The potential liability to the state;~~
- ~~3. The overall best interest of the state.]~~

**KEY: firearms**

~~[1994]~~1999

~~[63A-2-301]~~63A-9-801

Notice of Continuation August 16, 1996



**Administrative Services, Fleet  
Operations, Surplus Property  
R28-4  
State Recycling Program**

**NOTICE OF PROPOSED RULE**

(Repeal)

DAR FILE NO.: 22181

FILED: 07/13/1999, 15:06

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: There is no authority for this rule, stated or implied. Moreover, this rule requires the Utah State Agency for Surplus Property (USASP) to develop and run a program that may be unprofitable and which state agencies are not mandated to use. This rule also conflicts with current practice wherein the state has outsourced the recycling endeavor.

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

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63A-9-801(2)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Additional costs and/or savings are not anticipated to occur as a result of repealing this rule as the function of recycling is currently outsourced.

❖LOCAL GOVERNMENTS: Additional costs or savings are not anticipated to occur as a result of repealing this rule as the function of recycling is currently outsourced.

❖OTHER PERSONS: Additional costs or savings are not anticipated to occur as a result of repealing this rule as the function of recycling is currently outsourced.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Additional costs or savings are not anticipated to occur as a result of repealing this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change does not have a fiscal impact on businesses--Raylene Ireland

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

Administrative Services  
Fleet Operations, Surplus Property  
447 West 13800 South  
Draper, UT 84020, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Scott R. Steele at the above address, by phone at (801) 538-3015, by FAX at (801) 538-3844, or by Internet E-mail at [steele@das.state.ut.us](mailto:steele@das.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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Scott R. Steele, Acting Manager

**R28. Administrative Services, Fleet Operations, Surplus Property.**

**[R28-4. State Recycling Program:**

**R28-4-1. Purpose and Authority:**

~~— This rule sets forth policies and procedures which govern the disposition of state owned recyclable property. Title 63A, Chapter 2 is interpreted as authorization for the Utah State Agency for Surplus Property or the USASP within the Division of Fleet Operations, under the Department of Administrative Services to operate a recyclable state surplus personal property program in conjunction with the state surplus property program:~~

**R28-4-2. Definitions:**

~~—"Recyclable surplus personal property" means paper, cardboard, fiber, metals, wood and other products that are purchased with state funds, is surplus to an agency's needs and have a recycling market value if sold:~~

**R28-4-3. Procedures:**

~~A. State agencies with existing recycling programs are not mandated to use the USASP in disposing of their recyclable surplus personal property. However, agencies with existing recycling programs may exercise the option of discontinuing existing programs and using the USASP for recycling services.~~

~~B. The USASP will establish a training system for state employees on the recycling program and the environmental and cost avoidance benefits it provides to taxpayers of the state.~~

~~C. The USASP will establish collection systems for recyclable surplus personal property at centralized points in state buildings as funding and staffing permits.~~

~~D. The USASP will periodically inspect the centralized collection points in state buildings and collect the recyclable surplus personal property and sell it to private sector recycling companies for market value.~~

~~E. Any revenues collected which exceed the costs of operation of the recycling program will be divided proportionately and~~

~~reimbursed at the Department level on a Quarterly basis. The reimbursements will be formulated on USASP's best estimate of pro-rata pounds collected from each Department. Recycling revenues generated will be collected by the USASP and used to cover costs of program operations including capital equipment purchases, employee salaries and benefits, administration, accounting, training, reporting, etc.~~

~~F. The USASP will submit an annual recycling report to the legislature following the close of each fiscal year including revenues, expenses, capital equipment purchases, capital equipment depreciation, quantities and types of recyclable surplus personal property sold, the estimated cost avoidance and environmental impact of the recycling program and the revenues remitted to each Department.~~

~~G. The USASP Director or designee may make an exception to the state recycling program procedures for good cause. A good cause exception requires a weighing of:~~

- ~~— 1. The cost to the state;~~
- ~~— 2. The potential liability to the state;~~
- ~~— 3. The overall best interest of the state;~~

**KEY: recycling, state property**

**July 8, 1996** ~~63A-2-301(2)(a)~~



**Administrative Services, Fleet  
Operations, Surplus Property  
R28-7  
Surplus Property Rate Schedule**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22182

FILED: 07/13/1999, 15:06

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are necessary because the existing rule is lacking an authority statement. The rule also allowed for actions that in some cases may only be accomplished by the legislature and also granted the manager of the Utah State Agency for Surplus Property (USASP) discretion in adjusting rates that is not appropriate.

SUMMARY OF THE RULE OR CHANGE: This change adds Section R28-7-1, the "Purpose and Authority" paragraph that was missing from the old rule. Also, a minor change is made in Section R28-7-2, the definitions paragraph where one definition is deleted. In Section R28-7-3, the amendment spells out in detail how shipping and handling charges are calculated. Finally, the option for the manager at the Utah State Agency for Surplus Property (USASP) to make exceptions to the rate structure when desired is removed. Other nonsubstantive changes are made to the format and wording of the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-9-807 and Subsection 63A-9-801(2)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No additional costs or savings are anticipated to occur as a result of this change to the rule. Although unknown exactly, the degree to which rates may have been adjusted in the past by the USASP manager was likely not very extensive. Other changes to the rule do not affect basic procedures by which property is disposed.

❖LOCAL GOVERNMENTS: No additional costs or savings are anticipated to occur as a result of this change to the rule. Although unknown exactly, the degree to which rates may have been adjusted in the past by the USASP manager was likely not very extensive. Other changes to the rule do not affect basic procedures by which property is disposed.

❖OTHER PERSONS: No additional costs or savings are anticipated to occur as a result of this change to the rule. Although unknown exactly, the degree to which rates may have been adjusted in the past by the USASP manager was likely not very extensive. Other changes to the rule do not affect basic procedures by which property is disposed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Additional costs, if any, are not likely to be significant. Although unknown exactly, the degree to which rates were adjusted in the past by the USASP manager was likely not very extensive. Other changes to the rule do not affect basic procedures by which property is disposed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change does not have a fiscal impact on businesses--Raylene Ireland

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

Administrative Services  
Fleet Operations, Surplus Property  
447 West 13800 South  
Draper, UT 84020, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Scott R. Steele at the above address, by phone at (801) 538-3015, by FAX at (801) 538-3844, or by Internet E-mail at [ssteele@das.state.ut.us](mailto:ssteele@das.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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Scott R. Steele, Acting Manager

**R28. Administrative Services, Fleet Operations, Surplus Property.**

**R28-7. Surplus Property Rate Schedule.**

**R28-7-1. Purpose and Authority.**

As allowed in Section 63A-9-807 of the Utah Code, charges and fees are assessed based on the value of the surplus property sold or donated as well as for services and handling of the property by the Utah State Agency for Surplus Property.

**R28-7-2. Definitions.**

["S and H" means Services and Handling Charges.  
—]"USASP" means Utah State Agency for Surplus Property.

**R28-7-3. Rate Schedule.**

The USASP operates by assessing [S]services and [H]handling charges on property sold or donated. The [S]services and [H]handling charges are based on the [cost, direct and indirect, of administering the USASP program:]direct and indirect costs associated with acquiring, receiving, warehousing, distributing, selling, donating, or transferring the surplus property.

A. The USASP rate structure includes several individual rate schedules for different types of surplus property sales and/or services provided. The [entire—]USASP rate structure is [reevaluated]reviewed [at least]annually, [and individual rates may be adjusted several times annually:]

[B. The USASP Director or designee may make exceptions to the rate structures referred to in "A" above for good cause. A good cause exception requires a weighing of:

- 1. The cost to the state;
- 2. The potential liability to the state;
- 3. The overall best interest of the state.]B. In addition to the direct and indirect costs identified above, other expenses that were determined to be necessary in order to sale or donate the property may also be included. Such costs would include any rehabilitation expenses or special handling expenses.

**KEY: rates**

[1991]1999 [63A-2-301]63A-9-807  
Notice of Continuation December 2, 1997



Commerce, Occupational and Professional Licensing

**R156-73**

Chiropractic Physician Practice Act Rules

**NOTICE OF PROPOSED RULE**  
(Amendment)

DAR FILE NO.: 22187  
FILED: 07/15/1999, 13:11  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After Division and Board review, several changes are being made in the rules to provide further clarification and to delete unnecessary items that are already covered in statute in Title 58, Chapters 1 and 73.

SUMMARY OF THE RULE OR CHANGE: Changed section numbering throughout the rule. In Section R156-73-102, deleted the following definitions: "approved college or university"; "committee"; "continuing education"; "direct supervision"; "intern in training"; "preceptor"; and clarified the definition for "preceptorship." Added Section R156-73-302a to clarify education requirements with regards to two years of general study in a college or university as required in Subsection 58-73-302(1)(d). In Section R156-73-301 clarified what examinations are the approved written clinical competency examination. Deleted Utah Chiropractic Law Examination in these rules as it is required in Subsection 58-73-302(1)(f)(ii). Clarification changes were made in Section R156-73-302 regarding temporary license. Minor clarification changes were made in Section R156-73-303 regarding continuing education-renewal requirement with regards to the number of continuing education hours required to be prorated for an individual who first becomes licensed during any two-year period. Deleted Section R156-73-304 regarding continuing education-reinstatement requirements. In Section R156-73-305, added that a continuing education course must be under the sponsorship of, or approved by, a chiropractic college or university whose program or institution is accredited by the Council on Chiropractic Education, Inc., or under the sponsorship of, or approved by, another state licensing agency. Deleted paragraph regarding requesting exemption from completing continuing education requirements. Minor changes were made in Section R156-73-501 regarding preceptorship. Added additional definitions to unprofessional conduct regarding boundary issues, fraudulent billing practices, misleading advertising, failing to repay any loan or other repayment obligation incurred by the licensee to fund his education or training as a chiropractic physician, and failing to keep the division informed of a current address and telephone number. Added Section R156-73-502 regarding the supervision of a chiropractic assistant and what duties they may not perform. Revised Section R156-73-201 regarding the Chiropractic Quality and Standards Committee, an advisory peer committee to the Chiropractic Physician Licensing Board; deleted paragraphs that are already covered in statute.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-73-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: No costs or savings are anticipated to the state budget beyond minimal costs to the Division of reprinting rules once proposed changes become effective. Any costs will be absorbed in the Division's current budget
- ❖LOCAL GOVERNMENTS: Proposed rules do not apply to local governments; therefore, no costs or savings.

- ❖OTHER PERSONS: No costs or savings are anticipated to the general public, applicants for licensure as a chiropractic physician, or licensed chiropractic physicians. Proposed rules are only further clarifying items contained in statute.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated increase in costs. In fact, the clarification of boundary issues may make the Division's dealing with complaints/disciplinary cases easier and more efficient.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments proposed are designed primarily to remove rules which are redundant and only restate the language of the licensing act. Additionally, the proposed amendments clarify the education and examination requirements for licensure and includes more specific language to clarify matters considered to constitute unprofessional conduct. The proposed amendments will have no effect on the state budget or upon local governments. Likewise, it will not impact upon the licensed professionals, or either directly or indirectly upon the public--Douglas C. Borba

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:

Karen Reimherr at the above address, by phone at (801) 530-6767, by FAX at (801) 530-6511, or by Internet E-mail at [brdopl.kreimher@email.state.ut.us](mailto:brdopl.kreimher@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 08/31/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/12/1999, 9:00 a.m., 160 East 300 South, Conference Room 205 (2nd floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.  
R156-73. Chiropractic Physician Practice Act Rules.  
R156-73-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 73, as used in Title 58, Chapters 1 and 73, or these rules:

- (1) [~~"Approved college or university" means a chiropractic college or university whose program is accredited by the Council on Chiropractic Education, Inc.~~
- ~~—(2) "Committee" means the Quality and Standards Committee created in Section R156-73-201.~~
- ~~—(3) "Continuing education" means continuing education that meets the standards set forth in Subsection R156-73-305.~~

— (4) "Direct supervision" means that a preceptor is in the facility and immediately available to provide advice, instruction and consultation to a preceptee and is responsible for the chiropractic activities and services performed by the preceptee.

— (5) "Intern-in-training" or "preceptee" means a student enrolled in good standing at an approved college or university who has completed the academic requirements and is in the process of completing a preceptorship under the direct supervision of a preceptor.

— (6) "Preceptor" means a chiropractic physician who has contracted with an approved college or university to provide chiropractic training to a preceptee under his direct supervision.

— (7) "Preceptorship" means a supervised training program established by a written contract between a [preceptor] chiropractic college or university whose program or institution is accredited by the Council on Chiropractic Education, Inc., and a [preceptor] licensee for the purpose of providing chiropractic training to a [preceptee] student enrolled in the chiropractic college or university while under the [direct] supervision of a [preceptor] licensee.

(8) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 73, is further defined in accordance with Subsection 58-1-203(5), in Section R156-73-401.

**R156-73-302a. Qualifications for Licensure - Education Requirements.**

In accordance with Subsection 58-73-302(1)(d), graduation from a chiropractic college or university whose program or institution is accredited by the Council on Chiropractic Education, Inc., is evidence of having satisfactorily completed at least two years of general study in a college or university.

**R156-73-302b. Qualifications for Licensure - Examination Requirements.**

(1) In accordance with Subsection 58-73-302(1)(f)(i), the approved written clinical competency examination is the National Chiropractic Board Part 3 or the Special Purposes Examination for Chiropractors (SPEC) administered by the National Board of Chiropractic Examiners. The passing score shall be established by the National Board of Chiropractic Examiners.

(2) In accordance with Subsection 58-73-302(1)(f)(iii), the approved practical examination is the National Chiropractic Board Part 4 (practical examination) administered by the National Board of Chiropractic Examiners. The passing score shall be established by the National Board of Chiropractic Examiners.

(2) All applicants for licensure shall pass the Utah Chiropractic Law Examination with a minimum passing score of 75.

**R156-73-3023. Temporary License [--- Conditions --- Limitations].**

(1) The division may issue a temporary license to an endorsement applicant who has been licensed for at least two years in another state who completes the following:

— (a) submits an application for temporary license in the form prescribed by the division;

— (b) pays a fee determined by the department under Section 63-38-3.2;

— (c) meets the requirements of Subsection 58-73-302(2), except passing the SPEC examination; and

— (e) works in the office of a chiropractic physician approved by the division who is responsible for the chiropractic activities and services performed by the person who is issued the temporary license:

— (2) The temporary license will be issued for a period of time not to exceed 10 months:

— (3) The temporary license will not be renewed or extended for any purpose:

— (4) The supervisor shall not be approved to supervise more than two persons at any given time:

— (5) Any change in supervisors must be preapproved by the division: In accordance with Subsections 58-1-303(1)(a) and 58-73-302(2), an endorsement applicant may be issued a temporary license under the following conditions:

(1) The licensee shall work under the supervision of a chiropractic physician approved by the division.

(2) The supervising chiropractic physician shall:

(a) be available at all times to provide advice, instruction and consultation;

(b) assume responsibility for all chiropractic activities and services performed by the temporary licensee; and

(c) supervise no more than two persons at any given time.

(3) The temporary license may not be renewed or extended for any purpose.

(4) Any change in supervising chiropractic physician shall be preapproved by the division.

**R156-73-303a. Continuing Education - Renewal Requirement.**

(1) In accordance with Subsection 58-73-303(2), each licensee shall complete 24 hours of continuing education in each preceding two year period of licensure.

(2) [If a person becomes licensed during the two year renewal period, the person shall complete one hour of continuing education for each month the person is licensed.] The required number of hours of continuing education for an individual who first becomes licensed during the two year period shall be prorated to the part of that two year period during which the person is licensed.

**[R156-73-304. --- Continuing Education --- Reinstatement Requirement.**

— In addition to the reinstatement requirements set forth in Subsections 58-1-308(5) and (6), and R156-1-308e, a license that is not renewed by the expiration date may be reinstated in accordance with the following:

— (1) If the application for reinstatement is received by the division within two years after the expiration date, the applicant shall:

— (a) submit documentation of having completed 24 hours of continuing education required for the previous renewal period; and

— (b) submit documentation of having completed a pro rata amount of continuing education based upon one hour of continuing education for each month the license was expired for the current renewal period:

— (2) If the application for reinstatement is received by the division more than two years after the date the license expired, the applicant shall document completion of a minimum of 24 hours of continuing education and additional hours as determined by the

board to clearly demonstrate the applicant is currently competent to engage in chiropractic;]

**R156-73-~~305~~303b. Continuing Education - Standards.**

- (1) The standards for continuing education are as follows:
- (a) the content must be relevant to chiropractic practice and consistent with the laws and rules of this state;
  - (b) the course must be under the sponsorship of or approved by:
    - (i) ~~[an approved college or university; or] a chiropractic college or university whose program or institution is accredited by the Council on Chiropractic Education, Inc.;~~
    - (ii) a professional association or organization representing a licensed profession whose program objectives relate to the practice of chiropractic; or
    - (iii) another state licensing agency.
  - (c) learning objectives must be reasonably and clearly stated;
  - (d) teaching methods must be clearly stated and appropriate;
  - (e) faculty must be qualified, both in experience and in teaching expertise;
  - (f) documentation of attendance must be provided; and
  - (g) there shall be no more than four clock hours related to chiropractic practice marketing.

(2) A licensee shall be responsible for maintaining competent records of completed continuing education for a period of two years after close of the two year period to which the records pertain. [

~~— (3) A licensee who documents he is engaged in full time activities or is subjected to circumstances which prevent the licensee from meeting the continuing education requirement established in Subsection 58-73-303(2) and this section may be excused from the requirement for a period of up to three years. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.]~~

**R156-73-~~501~~304. Preceptorship - Approved Form of Supervision.**

In accordance with Subsection 58-73-304(2), the approved form of supervision is defined, clarified or established as follows:

- (1) ~~[the preceptee shall work under the direct supervision of his preceptor;~~
- ~~— (2) ]~~the supervising preceptor shall:
- (a) ~~[have at least two years of licensed experience in any state;~~
  - ~~— (b) ]~~be currently licensed in good standing in Utah;~~[-and]~~
  - (~~[c]~~b) have entered into a written contract with an approved college or university to provide chiropractic training to a preceptee; and
  - (c) remain on the premises at all times while the preceptee is performing any clinical procedures.

**R156-73-~~306~~308. Renewal Cycle - Procedures.**

- (1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 73, is established by rule in Section R156-1-308.
- (2) Renewal procedures shall be in accordance with Section R156-1-308.

**R156-73-~~401~~501. Unprofessional Conduct.**

"Unprofessional conduct" includes:

(1) ~~[making public claim of superiority in training or skill as a chiropractic physician or in the performance of professional services that can not be substantiated; or] failing without just cause to repay as agreed any loan or other repayment obligation legally incurred by the licensee to fund the licensee's education or training as a chiropractic physician;~~

(2) keeping ~~[his]the~~ office, instruments, laboratory, equipment, appliances or supplies in an unsafe or unsanitary condition;

(3) engaging in advertising which is misleading because of omission of necessary material information, which contains false or misleading statements, or which otherwise operates to deceive;

(4) engaging in or abetting deceptive or fraudulent billing practices;

(5) engaging in sexual contact with a patient or former patient, with or without patient consent, within 12 months of documented termination of services;

(6) engaging in sexual activities or contact with a patient or former patient, with or without patient consent, after 12 months of documented termination of services if there is a risk of exploitation or potential harm to the patient;

(7) engaging in behaviors in a patient/doctor relationship, including verbal, intended to sexually arouse any person or encourage sexual activity; and

(8) failing to keep the division informed of a current address and telephone number.

**R156-73-502. Chiropractic Assistant.**

In accordance with Subsection 58-73-102(3), a chiropractic assistant may perform activities related to the practice of chiropractic in accordance with the following:

- (1) The supervising chiropractic physician shall:
- (a) be currently licensed in Utah;
  - (b) be responsible for the chiropractic activities and services performed by the assistant; and
  - (c) always be available to provide advice, instruction and consultation.
- (2) The supervising chiropractic physician shall never delegate the following to a chiropractic assistant:
- (a) adjustment of the articulation of the spinal column;
  - (b) diagnosis of the articulation of the spinal column;
  - (c) manipulation of the articulation of the spinal column; and
  - (d) therapeutic positioning of the articulation of the spinal column.

**R156-73-~~201~~602. Advisory Peer Committee Created - Membership - Duties.**

~~[(+)]~~In accordance with Subsection 58-73-602(3), there is created the Quality and Standards Committee as an advisory peer committee to the Chiropractic Physician Licensing Board consisting of five chiropractic physicians licensed and in good standing in Utah who are qualified by education, training and experience to competently act in quality care review. [

~~— (2) The committee shall serve in accordance with Section R156-1-205.~~

~~— (3) The committee shall, when requested by the division:~~

- ~~— (a) review complaints against licensed chiropractic physicians;~~
- ~~— (b) advise the division as to whether or not the complaints constitute unprofessional, unlawful or incompetent practice;~~

—(c) act as expert witnesses for the division at adjudicative proceedings; and

—(d) advise the board and division with respect to practice standards, procedures, devices and equipment and whether they are competent, professional, ethical and in the public interest.]

**KEY: chiropractors, licensing, chiropractic physician\***

[~~October 2, 1996~~1999]

58-73-101

58-1-106(1)

58-1-202(1)

◆ \_\_\_\_\_ ◆

**Health, Community Health Services,  
Epidemiology  
R386-702  
Communicable Disease Rule**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22189

FILED: 07/15/1999, 14:05

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Communicable Disease Rule has not had a major revision since 1991 and needs to be updated to reflect current practices in Utah, comply with national recommendations, and respond to emerging infections.

SUMMARY OF THE RULE OR CHANGE: 1) Update the reportable disease list to comply with national (Centers for Disease Control and Prevention) recommendations; 2) Simplify and update language and conform with new disease control recommendations (especially rabies and typhoid); 3) Require the submittal of certain organisms to the state public health laboratory; 4) Require reporting of selected drug-resistant bacteria; 5) Update the penalties sections to comply with legislative requirements; and 6) Update the official references.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-30 and 26-6-3

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 1) Benenson, Abram S., ed. *Control of Communicable Diseases Manual*. 16th ed. Washington, DC: American Public Health Association, 1995; 2) Centers for Disease Control and Prevention. "Human Rabies Prevention - United States, 1999": recommendation of the Advisory Committee on Immunization Practices (ACIP), *Morbidity and Mortality Weekly Report (MMWR)* 48, no. RR-1 (January 8, 1999): 1-21; and 3) Centers for Disease Control and Prevention. "Compendium of Animal Rabies Control, 1999": The National Association of State Public Health

Veterinarians, Inc. *Morbidity and Mortality Weekly Report (MMWR)* 48, no. RR-3 (April 2, 1999): 1-9

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No fiscal impact--costs to the Bureau of Epidemiology will not change significantly. Some diseases have been deleted from reporting and others added. Electronic reporting should simplify management of disease reports.

❖LOCAL GOVERNMENTS: No fiscal impact--costs to local health departments will not change significantly. Some diseases have been deleted from reporting and others added. Electronic reporting should simplify management of disease reports.

❖OTHER PERSONS: \$2,000 annually. Laboratories that have not voluntarily submitted specimens will be required to send them to the state public health laboratory.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Laboratories will incur additional expenses by being required to submit isolates to the state public health laboratory. The average cost will be \$5 per specimen. Total specimens to be submitted during each year are estimated at 400. The average cost for a laboratory that has not been participating will average \$2,000 per year. This represents the worst case, as most laboratories have been voluntarily submitting specimens for many years.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since most laboratories are already submitting specimens to the state public health laboratory, the additional cost to business should be minimal. I believe this cost is reasonable to protect the public against the spread of communicable diseases--Rod L. Betit

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

Health  
Community Health Services, Epidemiology  
Room 2482, Cannon Health Building  
288 North 1460 West  
PO Box 142104  
Salt Lake City, UT 84114-2104, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig R. Nichols at the above address, by phone at (801) 538-6191, by FAX at (801) 538-9923, or by Internet E-mail at [cnichols@doh.state.ut.us](mailto:cnichols@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 08/31/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/31/1999, 2:00 p.m., Cannon Health Building, 288 North 1460 West, Salt Lake City, UT .

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Rod L. Betit, Executive Director



**R386. Health, Community Health Services, Epidemiology.****R386-702. Communicable Disease Rule.****R386-702-1. Purpose Statement.**

(1)[:] The Communicable Disease Rule is adopted under authority of Sections ~~26-1-5,~~ 26-1-30[,] and 26-6-3.

(2)[:] ~~This [R]rule[ R386-702]~~ outlines a multidisciplinary approach to communicable and infectious disease control and emphasizes reporting, surveillance, isolation, treatment and epidemiological investigation. Reporting requirements are specified for communicable and infectious diseases, outbreaks, and unusual prevalence of any disease. Each section has been adopted with the intent of reducing [~~communicable-~~]disease morbidity and mortality through the rapid implementation of established practices and procedures.

(3)[:] Communicable disease epidemiology serves as an ideal model for ~~[all-of-preventative]~~ preventive medicine. Epidemics are rare and early loss of life due to infectious agents ha~~[ve]~~s been dramatically reduced. Continual cooperation among all health care providers will ~~[not only-]~~ maintain ~~[but will]~~ and improve the health of the citizens of Utah.

**R386-702-2. Reportable Diseases.**

(1)[:] The Utah Department of Health declares the following diseases to be of concern to the public health. Each confirmed or suspected case shall be reported to the Bureau of Epidemiology, Utah Department of Health or to the local health department. Upon receipt of a report, the local health ~~[officer]~~department shall forward a written or electronic copy of the report to the Bureau of Epidemiology, Utah Department of Health.

- [1-1-](a) Acquired Immunodeficiency Syndrome
- [1-2-](b) Amebiasis
- [1-3-](c) Anthrax
- [1-4-](d) Botulism
- [1-5-](e) Brucellosis
- [1-6-](f) Campylobacteriosis
- [1-7- ~~Cancer~~](g) Chancroid
- [1-8-](h) Chickenpox
- (i) Chlamydia trachomatis
- [1-9-](j) Cholera
- [1-10-](k) Coccidioidomycosis
- [1-11-](l) Colorado tick fever
- (m) Creutzfeldt-Jakob disease
- (n) Cryptosporidiosis
- (o) Cyclospora infection
- [1-12-](p) Diphtheria
- (q) Echinococcosis
- (r) Ehrlichiosis, human granulocytic and human monocytic
- [1-13-](s) Encephalitis: primary, post-infectious, arthropod-borne and unspecified
- (t) Enterococcal infection, vancomycin-resistant
- (u) Escherichia coli O157:H7
- [1-14- Foodborne illness, including food poisoning
- 1-15-](v) Giardiasis
- [1-16- Gonococcal ophthalmia neonatorum](w) Gonorrhea: sexually transmitted and ophthalmia neonatorum
- [1-17-](x) Haemophilus influenzae, invasive disease~~[-, all serotypes]~~
- (y) Hansen Disease (Leprosy)
- (z) Hantavirus infections and pulmonary syndrome

- (aa) Hemolytic Uremic Syndrome, postdiarrheal
- [1-18-](bb) Hepatitis A
- [1-19-](cc) Hepatitis B, cases and carriers
- [1-20-](dd) Hepatitis, other viral: type C, ~~[Delta, ]and non-A non-B[-, and unspecified]~~
- [1-21-](ee) Human Immunodeficiency Virus Infection, ~~[r]~~Reporting requirements are listed in R~~[386-702-10]~~388-803.
- [1-22- Echinococcosis
- 1-23-](ff) Influenza, laboratory confirmed
- (gg) Kawasaki syndrome
- [1-24-](hh) Legionellosis
- [1-25- Leprosy
- 1-26- Leptospirosis(ii) Listeriosis
- (jj) Lyme Disease
- [1-27-](kk) Malaria
- (ll) Measles
- [1-28-](mm) Meningitis, aseptic and bacterial (specify etiology)
- [1-29- ~~Meningococemia~~](nn) Meningococcal Disease, invasive
- [1-30-](oo) Mumps
- (pp) Pelvic Inflammatory Disease
- [1-31-](qq) Pertussis
- [1-32-](rr) Plague
- [1-33-](ss) Poliomyelitis, paralytic~~[-and nonparalytic]~~
- (tt) Psittacosis
- [1-34-](uu) Q Fever
- [1-35-](vv) Rabies, human and animal
- [1-36-](ww) Relapsing fever, tick-borne and louse-borne
- (xx) Reye syndrome
- [1-37-](yy) Rheumatic fever
- [1-38-](zz) Rocky Mountain spotted fever
- [1-39-](aaa) Rubella
- [1-40-](bbb) Rubella, congenital syndrome
- [1-41- ~~Rubeola~~
- 1-42-](ccc) Salmonellosis
- [1-43-](ddd) Shigellosis
- [1-44-](eee) Staphylococcal diseases, all outbreaks and Staphylococcus aureus with resistance or intermediate resistance to vancomycin or resistance to methicillin isolated from any site
- (fff) Streptococcal Disease, invasive, Group A, isolated from a normally sterile site
- (ggg) Streptococcal Toxic-Shock Syndrome
- (hhh) Streptococcus pneumoniae, drug-resistant invasive disease, isolated from a normally sterile site
- (iii) Syphilis, all stages and congenital
- [1-45-](jii) Tetanus
- [1-46-](kkk) Toxic-~~[s]~~Shock ~~[s]~~Syndrome
- [1-47-](lll) Trichinosis
- [1-48-](mmm) Tuberculosis, Special Measures for the Control of Tuberculosis are listed in R388-804.
- [1-49-](nnn) Tularemia
- [1-50-](ooo) Typhoid, cases and carriers
- [1-51- Typhus
- 1-52- ~~Sexually transmitted diseases~~
- 1-52.1- Chancroid
- 1-52.2- Chlamydial infections
- 1-52.3- Gonorrhea
- 1-52.4- Granuloma inguinale

- 1.52.5. Lymphogranuloma venereum
- 1.52.6. Pelvic inflammatory disease
- 1.52.7. Syphilis
- 1.53.](ppp) Yellow fever

[1.54.](qqq) Any sudden or extraordinary occurrence of [serious]infectious or communicable disease [Refer to R386-702-3(4) and R386-702-3(5) for requirements on reporting of outbreaks or unusual diseases]is also reportable. Any disease occurrence, pattern of cases, suspect cases, or increased incidence of any illness which may indicate an outbreak, epidemic or related public health hazard, including but not limited to suspected or confirmed outbreaks of foodborne or waterborne disease, newly recognized or re-emergent diseases or disease producing agents, shall be reported immediately by telephone to the Bureau of Epidemiology, Utah Department of Health, 801-538-6191.

### R386-702-3. Reporting.

(1)[:] Case Report: Unless otherwise specified, the report of these diseases to the Bureau of Epidemiology, Utah Department of Health shall provide the following information: name, age, sex, address, date of onset, and all other information as prescribed by the Department. A standard report form has been adopted and is supplied to physicians and other reporting sources by the Department.

(2)[:] Immediate Reports: Any outbreak or suspected outbreak shall be reported immediately by telephone. Cases and suspect cases of anthrax, botulism, cholera, diphtheria, measles, meningococcal disease, mumps, pertussis, plague, poliomyelitis, rabies, relapsing fever, rubella, [rubeola,]tetanus, tuberculosis, typhoid, [typhus,]and yellow fever are to be made by telephone to the Bureau of Epidemiology, Utah Department of Health, 801-538-6191, or the local health [officer]department.

(3)[:] Case Notification: Chickenpox, influenza, [and s]Staphylococ[al diseases]us aureus with resistance to methicillin and vancomycin resistant enterococcus are to be reported by number of cases only. These reports shall be made monthly.

[4. Reporting of Outbreaks: ~~Any outbreak or undue prevalence of a disease, whether or not listed as reportable, shall be reported immediately by telephone to the local health department or the Utah Department of Health, Bureau of Epidemiology, 801-538-6191. Some of the more common examples which are to be so reported are:~~

- 4.1. Diarrhea of the newborn
- 4.2. Fevers of unknown etiology
- 4.3. Food poisoning
- 4.4. Gastroenteritis
- 4.5. Impetigo
- 4.6. Infectious mononucleosis
- 4.7. Influenza
- 4.8. Nosocomial infections
- 4.9. Ringworm
- 4.10. Scarlet Fever
- 4.11. Staphylococcal diseases
- 4.12. Streptococcal infections]

(4) Mandatory Submission of Isolates: Laboratories shall submit all isolates of the following organisms to the Utah Department of Health, public health laboratory:

- (a) Bacillus anthracis;
- (b) Bordetella pertussis;

- (c) Campylobacter species;
- (d) Clostridium botulinum;
- (e) Corynebacterium diphtheriae;
- (f) Enterococcus, vancomycin-resistant;
- (g) Escherichia coli, enterohemorrhagic;
- (h) Francisella tularensis;
- (i) Haemophilus influenzae, from normally sterile sites;
- (j) Influenza, types A and B;
- (k) Legionella species;
- (l) Listeria monocytogenes;
- (m) Mycobacterium tuberculosis complex;
- (n) Neisseria gonorrhoeae;
- (o) Neisseria meningitidis, from normally sterile sites;
- (p) Salmonella species;
- (q) Shigella species;
- (r) Staphylococcus aureus with resistance or intermediate resistance to vancomycin isolated from any site;
- (s) Vibrio cholera;
- (t) Yersinia species.

(5)[:] Occurrence of Unusual Diseases: Any unusual disease of [epidemiological]public health importance, including newly identified multi-drug resistant bacteria, and any outbreak or undue prevalence of a disease, whether or not listed as reportable, shall also be promptly reported by telephone to the local health department or the Bureau of Epidemiology, Utah Department of Health.—Examples are: histoplasmosis, Kawasaki syndrome, histeriosis, nosocomial outbreaks, Reye syndrome, rickettsialpox, Lyme disease, trachoma, psittacosis, smallpox, Vibrio species, and yersiniosis.

(6)[:] Timing of Reports: All diseases not required to be reported by telephone or by number of cases shall be reported within seven calendar days from the time of identification. Reports are to be sent to the local health department or the Bureau of Epidemiology, 288 North 1460 West, P. O. Box 142104, Salt Lake City, Utah 84114-2104.

[7. ~~Cancer Reporting: Cancer should be reported to Utah Cancer Registry, 420 Chipeta Way, Suite 190, Salt Lake City, Utah 84108.~~

— 8.](7) Individuals Required to Report Communicable Diseases: Section 26-6-6 lists those individuals and facilities required to report diseases known or suspected of being communicable. Physicians, hospitals, health care facilities, home health agencies, health maintenance organizations, and other [medical]health care providers shall report details regarding each case. Schools, child day care centers, and citizens shall provide any relevant information. Laboratories and other testing sites shall report laboratory evidence confirming any of the reportable diseases. Laboratories and other testing sites shall also report any test results which provide presumptive evidence of infection such as positive tests for syphilis, measles, and viral hepatitis.

[9.](8) Confidentiality of Reports: All reports required by [R386-702]this rule are confidential and are not open to public inspection. Nothing in [R386-702]this rule, however, precludes the discussion of case information with the attending physician or public health workers. All information collected pursuant to this rule may not be released or made public, except as provided by Section 26-6-27. Penalties for violation of confidentiality are prescribed in Section 26-[25a-103]6-29.

**R386-702-4. General Measures for the Control of Communicable Diseases.**

(1) The local health officer department shall maintain all reportable disease records as he deems necessary in the performance of his duties needed to enforce Chapter 6 of the Health Code and this rule, or as requested by the Utah Department of Health.

(2) General Control Measures for Reportable Diseases.

(a) The local health officer department shall, when an unusual or rare disease occurs in any part of the state or when any disease becomes so prevalent as to endanger the state as a whole, contact the Bureau of Epidemiology, Utah Department of Health for assistance, and shall cooperate with the representatives of the Utah Department of Health acting under the direction of the executive director of the Utah Department of Health.

(b) The local health officer department shall investigate and control the causes of epidemic, infectious, communicable, and other disease affecting the public health. The local health officer department shall also provide for the detection, reporting, prevention, and control of communicable, infectious, and acute diseases which are dangerous or important or which may affect the public health. The local health officer department may require physical examination and measures to be performed as necessary to protect the health of others.

(c) If, in the opinion of the local health officer it is necessary or advisable to protect the public's health that any person shall be kept from contact with the public, the local health officer shall establish, maintain and enforce involuntary treatment, isolation and quarantine as provided by Section[s] 26-1-30(9) and 26A-1-146-4. Control measures shall be specific to the known or suspected disease agent. Guidance is available from the Bureau of Epidemiology, Utah Department of Health or official reference listed in R386-702-12(1-1)9(1)(a).

(3) Prevention of the Spread of Disease From a Case.

(a) The local health officers department shall take action and measures as may be necessary within the provisions of Section 26-6-4, Title 26, Chapter 6b; and [R386-702]this rule, to prevent the spread of any communicable disease, infectious agent, or any other condition which poses a public health hazard. Action shall be initiated upon discovery of a case or upon receipt of notification or report of any disease.

4. Transportation of Communicable Disease Cases.

4.1. Persons with a communicable disease subject to isolation and contacts subject to quarantine shall not travel or be transported from one place to another without the permission of the local health officer. Persons subject to isolation or quarantine shall not travel or be transported outside the area of jurisdiction of the local health officer until the permission of the health officer into whose jurisdiction the person is to be brought is obtained. An exception may be made in instances where the patient is to be admitted directly to a hospital for treatment of the communicable disease; provided that the local health officer or physician providing care shall insure that adequate precautions are taken to prevent dissemination of the disease by the patient or his contacts enroute to the hospitals.

5. Importation of Disease:

5.1. No diseased person or thing liable to propagate contagious disease shall be brought within the limits of the state without special permission and direction of the executive director

of the Utah Department of Health, and whenever it shall come to the knowledge of any person that any person or thing has been brought within the limits of the state, he shall immediately give notice to the executive director or his representative, together with the location of the person or thing.

(4) Public Food Handlers.

(a) A person known to be infected with a communicable disease that can be transmitted by food, water, or milk, or is suspected of being infected with such a communicable disease shall may not engage in the commercial handling of food, water, or other drink or be employed in a dairy or on any premises handling milk or milk products, until he is determined by the local health officer department to be free of communicable disease, or incapable of transmitting the infection.

(5) Communicable Diseases in Places Where Milk or Food Products are Handled or Processed.

(a) Whenever If a case, carrier, or suspected case of a disease which can be conveyed by milk or food products is found at any place where dairy products are handled or offered for sale, or when if a disease is found or suspected to have been transmitted by these food products, the local health department may immediately prohibit the sale, or removal of milk and all other food products from the premises may be stopped at once at the direction of the local health officer. Sale or distribution of milk or food products from the premises may be resumed when measures have been taken to eliminate the threat to health from the food and its processing which meet the approval of the executive director of the Utah Department of Health as prescribed by R392-100.

(6) Request for State Assistance.

(a) If a local health department[s] finds they are it is not able to completely comply with [R386-702]this rule, the local health officer or his representative shall request the assistance of the Utah Department of Health shall be requested by the local health officer or his representative. In such circumstances, the local health department investigator shall provide all required information to the Bureau of Epidemiology. If the local health officer fails to comply with the provisions of [R386-702]this rule, the Utah Department of Health shall take action necessary to enforce [R386-702]this rule.

(7) Approved Laboratories.

(a) Laboratory analyses which are necessary to identify the causative agents of reportable diseases or to determine adequacy of treatment of patients with a disease shall be ordered by the physician or other health care provider to be performed in or referred to a laboratory approved by the Utah Department of Health holding a valid certificate under the Clinical Laboratory Improvement Amendments of 1988.

10. Penalties:

Penalties for violation of these rules are prescribed under Sections 26-6-5 and 26A-1-123(5).

**R386-702-5. Special Measures for Control of Rabies.**

(1) Rationale of Treatment.

(a) A physician[s] must evaluate individually each exposure to possible rabies infection. The physician shall also consult with local or state public health officials shall be consulted if questions arise about the need for rabies prophylaxis.

(2) Management of Biting Animals.

~~[2.1-](a)~~ A healthy ~~[domestic]~~ dog, ~~[or]~~ cat, or ferret that bites a person shall be confined and observed for ten days from the date of bite as specified by local animal control ordinances. It is recommended that rabies vaccine not be administered during the observation period. Such animals shall be ~~[and]~~ evaluated by a veterinarian at the first sign of illness during confinement ~~[or before release]~~. A veterinarian or animal control officer shall immediately report ~~[A]~~ any illness in the animal ~~[shall be reported immediately]~~ to the local health department. If signs suggestive of rabies develop, a veterinarian or animal control officer shall direct that the animal ~~[shall]~~ be ~~[humanely killed and]~~ euthanized, its head removed, and the head shipped ~~[;]~~ under refrigeration, not frozen, for examination of the brain by a laboratory approved by the Utah Department of Health.

~~[2.2-](b)~~ If the ~~[animal]~~ dog, cat, or ferret shows no signs of rabies or illness during the ten day period, the veterinarian or animal control officer shall direct that the unvaccinated animal ~~[shall]~~ be vaccinated against rabies at the owner's expense before release to the owner. If a veterinarian is not available, the animal may be released, but the owner shall have the animal vaccinated ~~[immunization shall take place]~~ within 72 hours of release.

~~[2.3-](c)~~ Any stray or unwanted dog, ~~[or]~~ cat, or ferret that bites a person may be ~~[killed]~~ euthanized immediately by a veterinarian or animal control officer, if permitted by local ordinance, and the head submitted, as described in R386-702-~~[6(2.1)]~~5(2)(a), for rabies examination. If the brain is negative by fluorescent-antibody examination for rabies, one can assume that the saliva contained no virus, and the person bitten need not be treated.

~~(d)~~ Wild animals include raccoons, skunks, coyotes, foxes, bats, the offspring of wild animals crossbred to domestic dogs and cats, and any other carnivorous animal.

~~[2.4-](e)~~ Signs of rabies in wild animals cannot be interpreted reliably ~~[;]~~. ~~[therefore;]~~ If ~~[a]~~ ~~[ny]~~ wild animal ~~[that]~~ bites or scratches a person, the person or attending medical personnel shall notify an animal control or law enforcement officer. A veterinarian, animal control officer or representative of the Division of Wildlife Resources shall ~~[be]~~ kill ~~[ed]~~ the animal at once, without unnecessary damage to the head, and submit the brain ~~[submitted]~~, as described in R386-702-~~[6(2.1)]~~5(2)(a), for examination for evidence of rabies. If the brain is negative by fluorescent-antibody examination for rabies, one can assume that the saliva contained no virus, and the person bitten need not be treated.

~~(f)~~ Rabbits, opossums, squirrels, chipmunks, rats, and mice are rarely infected and their bites rarely, if ever, call for rabies prophylaxis and testing. Unusual exposures to any animal should be reported to the local health department or the Bureau of Epidemiology, Utah Department of Health.

~~(g)~~ When rare, valuable, captive wild animals maintained in zoological parks approved by the United States Department of Agriculture or research institutions, as defined by Section 26-26-1, bite or scratch a human, the Bureau of Epidemiology, Utah Department of Health shall be notified. The provisions of subsection R386-702-5(2)(e) may be waived by the Bureau of Epidemiology, Utah Department of Health if zoological park operators or research institution managers can demonstrate that the following rabies control measures are established:

~~(i)~~ Employees who work with the animal have received preexposure rabies immunization.

~~(ii)~~ The person bitten by the animal voluntarily agrees to accept postexposure rabies immunization provided by the zoological park or research facility.

~~(iii)~~ The director of the zoological park or research facility shall direct that the biting animal be held in complete quarantine for a minimum of 180 days. Quarantine requires that the animal be prohibited from direct contact with other animals or humans.

~~(h)~~ Any animal bitten or scratched by a wild, carnivorous animal or a bat that is not available for testing shall be regarded as having been exposed to rabies.

~~[2.5-](i)~~ For maximum protection of the public health, unvaccinated dogs, ~~[or]~~ cats, and ferrets bitten or scratched by ~~[known]~~ a confirmed or suspected rabid animal ~~[s]~~ shall be ~~[destroyed]~~ euthanized immediately by a veterinarian or animal control officer. If the owner is unwilling to have the animal ~~[destroyed]~~ euthanized, the local health officer shall order that the animal be held in strict isolation in a ~~[pound or kennel]~~ municipal or county animal shelter or a veterinary medical facility approved by the local health ~~[officer]~~ department, at the owner's expense, for at least six months and vaccinated one month before being released. If any illness suggestive of rabies develops in the animal, the veterinarian or animal control officer shall immediately report the illness ~~[case shall be reported immediately]~~ to the local health department and the veterinarian or animal control officer shall direct that the animal ~~[shall]~~ be ~~[managed]~~ euthanized and the head shall be handled as described in subsection R386-702-~~[6(2.1)]~~5(2)(a).

~~[2.6-](j)~~ Dogs, ~~[and]~~ cats, and ferrets that are currently vaccinated and are bitten by rabid animals, ~~[and that are currently vaccinated should]~~ shall be revaccinated immediately by a veterinarian and confined and observed by the animal's owner for ~~[90]~~45 days. If any illness suggestive of rabies develops in the animal, the ~~[case]~~ owner shall ~~[be]~~ report ~~[ed]~~ immediately to the local health department and the animal shall be ~~[managed]~~ euthanized by a veterinarian or animal control officer and the head shall be handled as described in subsection R386-702-~~[6(2.1)]~~5(2)(a).

~~(k)~~ Livestock exposed to a rabid animal and currently vaccinated with a vaccine approved by the United States Department of Agriculture for that species shall be revaccinated immediately by a veterinarian and observed by the owner for 45 days. Unvaccinated livestock shall be slaughtered immediately. If the owner is unwilling to have the animal slaughtered, the animal shall be kept under close observation by the owner for six months.

~~(l)~~ Unvaccinated animals other than dogs, cats, ferrets, and livestock bitten by a confirmed or suspected rabid animal shall be euthanized immediately by a veterinarian or animal control officer.

~~(3)~~ ~~[;]~~ Measures for Standardized Rabies Control Practices.

~~[3.1-](a)~~ Humans requiring either pre- or post-exposure rabies prophylaxis shall be treated in accordance with the ~~[latest]~~ recommendations of the U.S. Public Health Service Immunization Practices Advisory Committee, as adopted and incorporated by reference in R386-702-9(b). A copy of the recommendations shall be made available to licensed medical personnel, upon request to the Bureau of Epidemiology, Utah Department of Health.

~~[3.1.1-](i)~~ A physician or other health care provider that administers rabies vaccine shall immediately report ~~[A]~~ all serious systemic neuroparalytic or anaphylactic reactions to rabies vaccine

[shall be immediately reported] to the Bureau of Epidemiology, Utah Department of Health, 801-538-6191.

[3.2.](b) The Compendium of Animal Rabies Control, 1991<sup>[+]</sup>9, Part II, is the reference document for animal vaccine use.

[3.3. The Certificate for Animal Rabies Vaccination developed by the Utah Department of Health shall be used as the official vaccination certificate and interstate shipment certificate. The Certificate for Animal Rabies Vaccination shall be made available upon request to the Bureau of Epidemiology. Alternate forms are acceptable, providing the forms contain the same information as the standard certificate and are signed by a licensed veterinarian.

3.4.)(c) [Rabies vaccination is a prerequisite to licensing by any]A county, city, town, or other political subdivision that requires licensure of animals shall also require rabies vaccination as a prerequisite to obtaining a license.

[3.5.](d) Animal rabies vaccinations are valid only [when]if performed by or under the direction of a licensed veterinarian in accordance with the Compendium of Animal Rabies Control. [In special situations, as determined by the State Epidemiologist, public health officials may administer animal rabies vaccine.]

(e) All agencies and veterinarians administering vaccine shall document each vaccination on the National Association of State Public Health Veterinarians (NASPHV) form number 51, Rabies Vaccination Certificate, which can be obtained from vaccine manufacturers. The agency or veterinarian shall provide a copy of the report to the animal's owner. Computer-generated forms containing the same information are also acceptable.

[3.6.](f) [Sales of a]Animal rabies vaccines [are restricted]may be sold or otherwise provided only to licensed veterinarians or veterinary biologic supply firms. Animal rabies vaccine may be purchased by the Utah Department of Health and the Utah Department of Agriculture.

(4.)(-) Measures to Prevent or Control Rabies Outbreaks.

[4.1.](a) The most important single factor in preventing human rabies is the maintenance of high levels of immunity in the pet dog, [and]cat, and ferret populations through vaccination. All dogs, [and]cats, and ferrets in [the State of]Utah [shall]should be immunized against rabies by a licensed veterinarian.

[4.2.](b) If the Utah Department of Health finds that rabies is present in an area of the state and a quarantine is declared, the Utah Department of Health may require that [A]all dogs, [and]cats, and ferrets [shall] be vaccinated at three months of age. Unvaccinated animals are subject to confinement and possible destruction.

4.3. The Compendium of Animal Rabies Control, 1991, is the reference document for animal vaccine use.

4.4. Outbreaks of animal or human disease may result in the imposition of emergency measures that can include an immediate quarantine, mandatory vaccination and prohibition of animal transport in and out of this state.

4.5. The Utah Department of Health may declare a quarantine under authority of Sections 26-6-11 through 26-6-14.

5. Penalties.

Penalties are described in Section 26-6-15.]

### **R386-702-6. Special Measures for Control of Typhoid.**

(1.)(-) Because typhoid control measures depend largely on sanitary precautions and other health measures designed to protect the public, the local health department shall investigate each case of

typhoid [shall be thoroughly investigated]and strictly manage[d] the infected individual according to the following outline:

(2.)(-) Cases: [Isolation in a fly-proof room with e]Enteric [isolation procedures is]precautions are required during hospitalization. Hospital care is desirable during acute illness. Release of the patient from supervision by the local health [authority]department shall be based on not less than three negative cultures of feces, [t]and urine in patients with schistosomiasis[)], taken at least 24 hours apart and at least 48 hours after any antibiotic, and not earlier than one month after onset[;]. [t]If any of these cultures is positive, repeat cultures at intervals of one month during the 12-month period following onset until at least three consecutive negative cultures are obtained. The patient shall be restricted from [public]food handling and from providing patient care during the period of supervision by the local health department.

(3.)(-) Contacts: Administration of typhoid vaccine is [of doubtful value]required for all household members of known typhoid carriers. Household and close contacts shall not be employed in occupations likely to facilitate transmission of the disease, [t]such as food handling[)], during the period of contact with the infected person until at least two negative feces and urine cultures, taken at least 24 hours apart, are obtained from each contact.

(4.)(-) Carriers: [A]If a laboratory or physician identifies a carrier of typhoid, the details of the case[carriers] shall be reported by the attending physician by telephone to the local health department or the Bureau of Epidemiology, Utah Department of Health, 801-538-6191, and each infected individual shall [be under]submit to the supervision of the local health department[until released as provided by R386-702-7]. Carriers are prohibited from food handling and patient care until released in accordance with R386-702-6(4)(a) or R386-702-6(4)(b). All reports and orders of supervision shall be kept confidential and shall[not] be [divulged]released only as allowed by Subsection 26-6-27(2)(c). [to persons other than the carrier and his immediate family, unless required for protection of the public health.]

[4.1.](a) Convalescent Carriers: Any person who harbors typhoid bacilli for three but less than 12 months after onset is defined as a convalescent carrier. [Convalescent carriers may be released when three successive negative specimens of feces and urine are obtained which are taken at intervals of not less than one month, beginning at least 48 hours after discontinuation of specific therapy. Fresh stool specimens are preferred to rectal swabs; at least one of the three consecutive negative stool specimens shall be obtained by purging.]Release from occupational and food handling restrictions may be granted at any time from [3]three to 12 months after onset, as specified in R386-702-6(6).

[4.2.](b) Chronic Carriers: Any person who continues to excrete typhoid bacilli for more than 12 months after onset of typhoid is a chronic carrier. Any person who gives no history of having had typhoid or who had the disease more than one year previously, and whose feces or urine are found to contain typhoid bacilli[on three separate examinations 48 hours apart, confirmed by the Utah Department of Health, Division of Laboratory Services,]is also a chronic carrier.

[4.3.](c) Other Carriers: [A person should be held under surveillance.]If typhoid bacilli are isolated from surgically removed tissues, organs, including the gallbladder or kidney, or from draining lesions such as osteomyelitis, the attending physician shall

report the case to the local health department or the Bureau of Epidemiology, Utah Department of Health. If the person continues to excrete typhoid bacilli for more than 12 months, he is a chronic carrier and may be released after satisfying the criteria for chronic carriers in R386-702-[7(4.2)]6(6).

[5.1:] Carrier Restrictions and Supervision: [Each typhoid carrier shall be reported to the Utah Department of Health.] The local health [officer]department [is responsible for this]shall report[ing] all typhoid carriers to the Bureau of Epidemiology, [as well as]and shall:

[5.1.1:](a) Requir[ing]e the necessary laboratory tests for release[-]:

[5.2.1:](b) Issu[ing]e written instructions to the carrier[-];[-See Typhoid Carrier Agreement, R386-702-7.]

[5.3.1:](c) Supervis[ing]e the carrier.

[6.1:] Requirements for Release of Convalescent and Chronic Carriers: A convalescent or chronic carrier may be released from supervision and occupational and food handling restrictions by [application through]the local health officer [to the Utah Department of Health]or his representative. [The executive director of the Utah Department of Health or his representative]The local health officer or his representative may grant release from occupational and food handling restrictions only if one of the following conditions is satisfied:

[6.1.1:](a) Three consecutive negative cultures of feces, and urine in patients with schistosomiasis, are obtained from [authenticated]fecal specimens taken at least one month apart and at least 48 hours after antibiotic therapy has stopped. [Fresh stool specimens are preferred to rectal swabs; at least one of the three consecutive negative stool specimens shall be obtained by purging.]The attending physician, hospital personnel, laboratory personnel, or local health department staff shall authenticate that the fecal specimens come from the known carrier.

[6.2.1:](b) In the judgment of the [executive director of the Utah Department of Health]local health officer or his representative, additional treatment such as cholecystectomy or nephrectomy has terminated the carrier state.[-]

7. Typhoid Carrier Agreement must include the following information:

7.1. Address

7.2. Date

7.3. A statement that includes the following:

7.3.1. "I have been informed that my excreta contain typhoid bacilli and that unless unusual precautions are taken, persons may contract typhoid fever from me. Realizing this danger, I hereby agree to observe the precautions stated below, so that I may be permitted to remain in free communication with other persons.

7.3.2. "I shall take no part in the preparation or handling of milk, water, or other food which will be consumed by persons other than my own immediate family. I shall not engage in any occupation which brings me in contact with milk, milk products, milk bottles or milk utensils, and I shall not participate in the management of a dairy or other milk distributing plant, boarding house, restaurant, food store or in any occupation involving the preparation or handling of food.

7.3.3. "I shall wash my hands thoroughly with soap and hot water and a nail brush after using the toilet and before handling food for my immediate family. If modern flush toilets are not

available, I shall use an adequate supply of quicklime as instructed; each time I use an outdoor privy.

7.3.4. "I shall inform the local health officer of any contemplated change of residence so that he can notify the Utah Department of Health and obtain proper approval.

7.3.5. "I have been informed that the local health officer and the Utah Department of Health will keep the information confidential unless I violate this agreement in some way or action is necessary for the protection of the public."

7.4. Signature of Carrier.

7.5. A blank copy of the Typhoid Carrier Agreement is available upon application to the Bureau of Epidemiology.]

### R386-702-7. Special Measures for the Control of Ophthalmia Neonatorum.

[1.1:] Every physician or midwife practicing obstetrics or midwifery shall, [upon]within three hours of the birth of a child, instill or cause to be instilled in each eye of such newborn one percent silver nitrate solution contained in wax ampules, or tetracycline ophthalmic preparations or erythromycin ophthalmic preparations, as these are the only antibiotics of currently proven efficacy in preventing development of ophthalmia neonatorum. The value of irrigation of the eyes with normal saline or distilled water is unknown and not recommended.[-A maximum delay of three hours shall be allowed between the time of birth and the administration of an approved prophylactic agent.]

### R386-702-8. Penalties.

[1. Enforcement provisions and penalties for the violation or for the enforcement of public health rules, including this Code of Communicable Disease Rules, are prescribed under Section 26-23-6.](1) Any person who violates any provision of R386-702 may be assessed a penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

### R386-702-9. Official References.

[1.1:] [These rules are not intended to provide detail on the management of individual cases. Therefore, the Utah Department of Health adopts and incorporates by reference the following documents:]All treatment and management of individuals and animals who have or are suspected of having a communicable or infectious disease that must be reported pursuant to this rule shall comply with the following documents, which are adopted and incorporated by reference:

[1.1.1:](a) American Public Health Association. "Control of Communicable Diseases [in Man]Manual". 1[5]6th ed., Abram S. Benenson, editor, 199[0]5.

[1.2:](b) Centers for Disease Control. Recommendation of the Immunization Practices Advisory Committee (ACIP): Human [R]abies Prevention - United States, 199[1]2. "Morbidity and Mortality Weekly Report." 199[1]2; 4[0]8; RR-[3]1, 1-[19]21.

[1.3:](c) The National Association of State Public Health Veterinarians, Inc. "Compendium of Animal Rabies Control, 199[1]2, Part II."[-]

1.4. Classification of Tuberculosis. American Thoracic Society "Diagnostic Standards and Classification of Tuberculosis and Other Mycobacterial Diseases, 1981."

1.5. A statement by the National Consensus Conference on Tuberculosis. Published in "Chest", Vol. 87 #2, February, 1985 (Supplement).

1.6. Centers for Disease Control. Recommendations of the Advisory Committee for Elimination of Tuberculosis: Screening for Tuberculosis and Tuberculous Infection in High-Risk Populations and The Use of Preventive Therapy for Tuberculous Infection in the United States. "Morbidity and Mortality Weekly Report." 1990; 39:RR-8, 1-12.]

**KEY: communicable diseases, rules and procedures**  
**199[2]9** **26-6-3**  
**Notice of Continuation September 9, 1997**



**Health, Community Health Services,  
HIV/AIDS Prevention and Control  
R388-803  
HIV Infection Rule**

**NOTICE OF PROPOSED RULE**  
(Repeal and Reenact)  
DAR FILE No.: 22190  
FILED: 07/15/1999, 14:05  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The HIV Infection Rule lists reporting requirements for HIV/AIDS, exemptions from reporting, partner identification, and notification requirements. The intent is to have comprehensive disease surveillance and control through reporting and partner notification.

SUMMARY OF THE RULE OR CHANGE: Changes are being made to Rule R388-803 to comply with national recommendations and laboratory testing associated with HIV infection, and also the partner identification and notification provision. The old rule contained outdated terminology relating to HIV testing and did not reflect the new test procedures used for assessing HIV infection. The outdated terminology was taken out. The new tests used to assess HIV infection were added and are outlined in Section R388-803-2 as follows: Demonstration of HIV specific nucleic acids in Subsection R388-803-2(1)(e); any other test or condition indicative of HIV infection in Subsection R388-803-2(1)(f); CD4+ T-Lymphocyte tests in Subsection R388-803-2(2)(a); and HIV viral load determination in Subsection R388-803-2(2)(b). To comply with the Ryan White Care Act amendments, the word "spouse" is added to the current provision in Subsection R388-803-4(1), which stipulates partner notification for sex and needle sharing partners of HIV-positive individuals.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-6-6 through 26-6-9; and Title 26, Chapter 6b

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule change imposes no additional requirement upon the state in terms of equipment, personnel, or other resources. Therefore, there are no additional costs to the state.

❖LOCAL GOVERNMENTS: This rule change imposes no additional requirement by way of equipment, personnel, or other resources. Therefore, there are no additional costs to local government.

❖OTHER PERSONS: This rule change requires no additional cost to physicians who order these tests or to laboratories who perform the tests. The tests are those which physicians already order and use for diagnostic and treatment purposes and which laboratories already perform. There is no additional equipment or other set-up costs involved. Additionally, the cost to physicians or laboratories to report results of CD4+ T-Lymphocyte and viral load tests to the Utah Department of Health is minimal. The mechanism to report HIV antibody tests and AIDS related conditions are already in place and will also be used to report these additional diagnostic tests.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional costs are imposed on affected persons, government entity, or public or private organizations as a result of this rule change, over and above what may be presently required.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule update should not have significant fiscal impact on businesses--Rod L. Betit

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

Health  
Community Health Services,  
HIV/AIDS Prevention and Control  
Cannon Health Building  
288 North 1460 West  
PO Box 142105  
Salt Lake City, UT 84114-2105, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Teresa Garrett at the above address, by phone at (801) 538-6096, by FAX at (801) 538-9913, or by Internet E-mail at tgarrett@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 08/31/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/31/1999, 2:00 p.m., Cannon Health Building, 288 North 1460 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Rod L. Betit, Executive Director



**R388. Health, Community Health Services, HIV/AIDS Prevention and Control.****[R388-803. HIV Infection Rule:****R388-803-1. Special Considerations for the Control of HIV Infection:**~~1. Reporting of HIV Infection:~~~~1.1. Any infection with Human Immunodeficiency Virus (HIV) shall be reported under the authority of Section 26-6-3 and in accordance with R386-702-3.~~~~1.2. "HIV Infection" is defined as an indication of Human Immunodeficiency Virus (HIV) infection detected by any of the following:~~~~1.2.1. Presence of antibodies to HIV, verified by a positive confirmatory test, such as Western blot or other method approved by the Utah Department of Health;~~~~1.2.2. Presence of HIV antigen;~~~~1.2.3. Isolation of HIV;~~~~1.2.4. Demonstration of HIV proviral DNA;~~~~1.3. For reporting purposes, Western blot interpretation shall be based on criteria recommended by the Association of State and Territorial Public Health Laboratory Directors (ASTPHLD);~~~~1.4. Evidence of antibodies to HIV obtained by Enzyme Immunoassay (EIA) shall be reported if repeatedly reactive and confirmatory testing was not performed. A repeatedly reactive EIA means two or more positive tests:~~~~1.4.1. In repeatedly reactive cases, the Utah Department of Health or the local health department will ensure appropriate confirmatory tests and counseling are conducted. All identifying information on persons found to have negative results on confirmatory tests will be removed from the files of the local health department and the Utah Department of Health and destroyed by employees designated by the local health officer or, in the case of the Utah Department of Health, by the director of the Bureau of HIV/AIDS Prevention and Control;~~~~1.5. Persons with repeatedly reactive EIA results and indeterminate confirmatory test results shall also be reported:~~~~1.5.1. The Utah Department of Health or the local health department shall maintain records of persons with indeterminate tests in a separate and confidential file until a final diagnosis is made;~~~~1.5.2. The Utah Department of Health or the local health department may contact persons with indeterminate test results or their medical providers to ensure appropriate follow-up testing and counseling are accomplished;~~~~1.5.3. All identifying information on persons who, after appropriate follow-up, are determined to be uninfected shall be removed from the files of the local health department and the Utah Department of Health and destroyed by employees designated by the local health officer or, in the case of the Utah Department of Health, by the director of the Bureau of HIV/AIDS Prevention and Control;~~~~2. Exemptions from Reporting of HIV Infection:~~~~2.1. Utah Department of Health studies:~~~~2.1.1. Seroprevalence and other epidemiological studies conducted by the Utah Department of Health are exempt from reporting of HIV infections. Exemption is allowed only for those tests conducted as part of the study; individuals found to be HIV infected through other testing are reportable;~~~~2.2. Anonymous testing site:~~~~2.2.1. "Anonymous Testing" is defined as testing individuals for infection with HIV without the individual's disclosing his name;~~~~2.2.2. The executive director of the Utah Department of Health may allow one site or agency within the State to administer anonymous testing;~~~~2.2.3. The anonymous testing site shall submit to the Utah Department of Health the demographic information (excluding the name) and HIV test results from each individual who is tested;~~~~2.2.4. The anonymous testing site shall conduct HIV counseling and partner notification for all HIV infected individuals and submit to the Utah Department of Health information on counseling and partner notification as required by Section 26-6-3;~~~~2.2.5. The Utah Department of Health will provide the annual statistical report to the Legislative Interim Health Committee;~~~~2.2.6. If the Utah Department of Health finds that anonymous testing is not resulting in partner notification comparable to that in confidential testing programs throughout the State, the anonymous testing program shall be terminated;~~~~2.3. Medical research studies:~~~~2.3.1. As provided by Section 26-6-3, a university or hospital research study may be exempted from reporting requirements for HIV infection. In any case where an exemption from reporting is requested, the university or hospital shall submit to the Utah Department of Health the research protocol, the written approval of the institutional review board, and a letter showing the funding sources and the justification for requiring anonymity. Upon receipt of the required documents, the Utah Department of Health will review the application and grant an exemption from reporting if all requirements of Section 26-6-3 have been satisfied;~~~~2.3.2. The university or hospital that receives an exemption from reporting shall provide to the Utah Department of Health a quarterly report indicating the number of HIV infected individuals enrolled in the study;~~~~3. Partner Identification and Notification:~~~~3.1. "Partner" is defined as an individual who has shared needles, syringes, or drug paraphernalia or who has had sexual contact with an HIV infected individual;~~~~3.2. "Partner Notification" is the identification, location, and counseling of those persons who are named as partners of an HIV infected individual;~~~~3.3. When an individual is tested and found to have an HIV infection, the Utah Department of Health or local health department shall conduct partner notification activities. The Utah Department of Health shall establish standards for partner notification;~~~~4. Retroactive Reporting:~~~~4.1. Reporting of individuals who were found to have an HIV infection through testing conducted prior to the effective date of amendments to Section 26-6-3, April 24, 1989, is not required. The Utah Department of Health will continue to accept reports, on a voluntary basis, of HIV infections discovered prior to that date;~~~~4.2. This subsection does not apply if the individual with an HIV infection is tested on or after April 24, 1989;~~~~4.3. This subsection does not apply if the individual with an HIV infection is considered to have a suspect or confirmed case of Acquired Immunodeficiency Syndrome (AIDS);~~**KEY: communicable diseases, HIV/AIDS\*, reporting\*****1992****26-6-3****Notice of Continuation September 9, 1997]**



**R388-803. HIV Test Reporting.****R388-803-1. Authority and Purpose.**

(1) Authority for this rule is established in Title 26, Chapter 6, Sections 3 and 3.5 of the Utah Communicable Disease Control Act.

(2) This rule establishes requirements for:

(a) reporting screening, diagnostic, and treatment test results related to Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS); and

(b) partner identification and notification.

(c) Reporting of HIV infection and AIDS is required by R386-702, Communicable Disease Rule.

**R388-803-2. Reporting of AIDS, HIV Infection, and Related Tests.**

(1) A health care provider who administers or causes to have administered any of the following tests shall report all positive results to the Utah Department of Health or the local health department where the patient resides:

(a) presence of antibodies to HIV, repeatedly reactive on two or more tests; presence of antibodies to HIV that are verified by a positive confirmatory test; repeatedly reactive tests with indeterminate confirmatory tests.

(b) presence of HIV antigen;

(c) isolation of HIV;

(d) demonstration of HIV proviral DNA;

(e) demonstration of HIV specific nucleic acids; and

(f) any other test or condition indicative of HIV infection.

(2) A health care provider who administers or causes to have administered any of the following tests shall report the results of each test to the Utah Department of Health or the local health department where the patient resides:

(a) CD4+ T-Lymphocyte tests; and

(b) HIV viral load determination;

(3)(a) A laboratory that analyzes samples for any of the tests listed in subsection (1) shall report all positive results to the Utah Department of Health or the local health department where the patient resides, except that it need not report patient name if it does not have the name.

(b) A laboratory that analyzes samples for any of the tests listed in subsection (2) shall report all results to the Utah Department of Health or the local health department where the patient resides, except that it need not report patient name if it does not have the name.

(4) Reports shall include:

(a) patient name, if available;

(b) patient number, if the name is not available;

(c) date of birth;

(d) date of test administration;

(e) test result; and

(f) name of the health care provider who ordered the test.

(5) Reports may be made in writing, by telephone, or by other electronic means acceptable to the Department.

**R388-803-3. Exemptions for Reporting of HIV Infection, AIDS and Related Tests.**

(1) A university or hospital that conducts research studies exempt from reporting AIDS and HIV infection under Section 26-6-3.5 shall submit the following to the Department:

(a) a summary of the research protocol;

(b) written approval of the institutional review board; and

(c) a letter showing funding sources and the justification for requiring anonymity.

(2) The university or hospital shall provide the Department a quarterly report indicating the number of HIV infected individuals enrolled in the study.

**R388-803-4. Partner Identification and Notification.**

(1) "Partner" is defined as any individual, including a spouse, who has shared needles, syringes, or drug paraphernalia or who has had sexual contact with an HIV infected individual. "Spouse" is defined as any individual who is the marriage partner of that person at any time within the ten-year period prior to the diagnosis of HIV infection.

(2) If an individual is tested and found to have an HIV infection, the Utah Department of Health or local health department shall conduct partner notification activities.

**KEY: HIV/AIDS, reporting, spousal notification**  
**1999**

**26-6-3**

**Notice of Continuation September 9, 1997**

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Health, Community Health Services,  
HIV/AIDS Prevention and Control  
**R388-804**  
Special Measures for the Control of  
Tuberculosis

**NOTICE OF PROPOSED RULE**

(Repeal and Reenact)

DAR FILE NO.: 22191

FILED: 07/15/1999, 14:05

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Tuberculosis Control Rule establishes standards for the control and prevention of tuberculosis. The rule establishes standards for such things as screening, conducting contact investigation, treatment, and control. This rule has not had major revision since 1982. Consequently, revisions need to reflect current practices and comply with the recently revised Communicable Disease Statute.

SUMMARY OF THE RULE OR CHANGE: This change to the Tuberculosis Control Rule repeals the rule established in 1982 and redefines the standards related to tuberculosis treatment and control. Many of the provisions that define the standards of practice for tuberculosis care are eliminated, and replaced with more current documents that are incorporated by reference. Requirements for employee skin testing have been eliminated as this is more appropriately monitored through Occupational Safety and Health

Administration (OSHA). The requirement for skin testing of new school entrants has also been removed from the rule. Mass screening of this population is no longer recommended by the Centers for Disease Control and Prevention (CDC) so that scarce resources can be redirected to high risk populations. The proposed rule clarifies mandatory reporting requirements, details screening priorities and procedures, incorporates case definition criteria, identifies official diagnosis and treatment references, describes epidemiologic investigation requirements, and defines individual responsibilities for the payment of quarantine procedures. All cases of suspect and confirmed cases of tuberculosis are classified as immediately reportable by telephone. This change allows prompt response by public health officials to control the impact of this disease. High risk individuals and groups are more clearly defined. This change allows health care providers, local health departments and others to more appropriately direct resources to groups where data trends indicate that tuberculosis is most likely to be present. Early detection and treatment is critical to the continued elimination of tuberculosis. The diagnosis and treatment of tuberculosis is a dynamic process. By incorporating the diagnosis and treatment guidelines established by the American Thoracic Society and Centers for Disease Control, we are following state-of-the-art health practice standards. Contact investigations are described to match the CDC standard of practice. Prompt action and control is necessary when tuberculosis is identified or suspected to protect the public's health. Finally, this rule establishes that individuals who are quarantined by order of a local health department or the Utah Department of Health (UDOH) shall submit information regarding alternate payment sources for the quarantine stay.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-6-4, 26-6-6 through 26-6-9; and Title 26, Chapter 6b

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 1) American Thoracic Society (ATS/CDC) treatment standards as described in "Treatment of Tuberculosis and Tuberculosis Infection in Adults and Children." *American Journal of Respiratory and Critical Care Medicine* 149 (1994): 1359-1374; 2) American Thoracic Society (ATS/CDC) diagnostic and classification standards as described in "Diagnostic Standards and Classification of Tuberculosis." *American Review of Respiratory Disease* 142, no. 3 (September 1990): 725-735; and 3) Centers for Disease Control and Prevention. "Case Definitions for Infectious Conditions under Public Health Surveillance," *Morbidity and Mortality Weekly Report (MMWR)* 46, no. RR-10 (1997): 40-41 (as reprinted in *Reported Tuberculosis in the United States, 1997*, p. 75)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: It is anticipated that the changes in this proposed rule will be revenue neutral from the state budget perspective. The state may have increased costs related to assisting local health departments and health providers in program planning during the implementation of this rule. However, as groups and individuals who are more at risk for tuberculosis are identified, costs associated with tuberculosis

screening will be reduced as the numbers of individuals who are screened decreases. Directly observed therapy may increase the state costs as the state assists local health departments and health providers who treat individuals with tuberculosis. However, directly observed therapy will also reduce costs by reducing the incidence of drug resistance, the need for quarantine measures, and the risk of transmission of disease.

❖LOCAL GOVERNMENTS: It is anticipated that the changes in this proposed rule will be revenue neutral for local health departments. This rule identifies individuals at high-priority for screening and, therefore, some local health departments may have limited costs associated with program planning and implementation. However, as local health departments more clearly identify those individuals and groups to be screened for tuberculosis, costs associated with tuberculosis screening will be reduced as the numbers of individuals who are screened decreases. This rule also requires directly observed therapy for individuals who do not adhere to self-administered therapy, or have drug-resistant or multi-drug resistant disease. This may add costs to local health departments and health care providers who treat individuals with tuberculosis. However, the action of providing directly observed therapy will directly reduce the incidence of drug resistance, the need for quarantine measures, and the risk of transmission of disease, therefore making this also revenue-neutral action. Directly observed therapy for the above mentioned individuals is also the community standard for Utah and is currently routinely practiced.

❖OTHER PERSONS: Health care providers who choose to treat clients outside the public health arena may have increased costs associated with the directly observed therapy requirement. However, the action of providing directly observed therapy has a direct correlation with completion of therapy rates and the decreased need for costly quarantine actions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no identified costs for individuals who use the public health system for tuberculosis care and treatment. All reported cases of tuberculosis for the past three years have used the public health system for care and treatment. Therefore, it is extremely difficult to estimate compliance costs to individuals who might choose to receive care outside of the public health system.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After consulting with local health departments, representatives of the medical community, and other public health officials, there appears to be a clear consensus that implementation of this rule will better direct scarce resources. Any costs to business appear to be minimal--Rod L. Betit

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

Health  
Community Health Services,  
HIV/AIDS Prevention and Control  
Cannon Health Building  
288 North 1460 West

PO Box 142105  
Salt Lake City, UT 84114-2105, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Teresa Garrett at the above address, by phone at (801) 538-6096, by FAX at (801) 538-9913, or by Internet E-mail at tgarrett@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 08/31/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/31/1999, 2:00 p.m., Cannon Health Building, 288 North 1460 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Rod L. Betit, Executive Director

**R388. Health, Community Health Services, HIV/AIDS Prevention and Control.**

**~~R388-804. Tuberculosis Control Rule.~~**

**~~R388-804-1. Special Measures for the Control of Tuberculosis.~~**

~~1. Definitions:~~

~~1.1. Communicable Tuberculosis. A person is considered to have communicable tuberculosis when any of the following conditions are known to exist:~~

~~1.1.1. The diagnosis of pulmonary tuberculosis has been established by the demonstration of *M. tuberculosis* in sputum, gastric washings, bronchial washing or pulmonary tissue by culture as specified in R388-804-1(1.2).~~

~~1.1.2. When a positive smear for acid-fast bacilli has been demonstrated in body tissues or secretion and clinical findings are consistent with the diagnosis of tuberculosis until the time that the patient's physician presents evidence acceptable to the Utah Department of Health that no growth was obtained by culture of the specimen which was positive on the smear or that the organisms cultured are mycobacteria other than *M. tuberculosis*.~~

~~1.1.3. A chest x-ray shows changes characteristic of tuberculosis until proven not be tuberculosis by a negative tuberculin test or by bacteriologic or other appropriate studies. It is recommended that at least six sputa, or six gastrics be negative on smear and culture to rule out current disease.~~

~~1.1.4. Anti-tuberculosis drugs are being administered and the patient has not yet achieved bacteriologic negativity as defined in R388-804-1(1.4).~~

~~1.1.5. Anti-tuberculosis drugs have been discontinued or taken irregularly during the prescribed period of therapy for current disease:~~

~~1.2. Diagnosis. Examination of body tissue or secretions by a laboratory approved by the Utah Department of Health is required by microscopy and culture to establish or rule out the diagnosis of tuberculosis. It is recommended that at least six sputa or gastrics, or urine be negative for *M. tuberculosis* to rule out active disease. The growth of a single colony of *M. tuberculosis* is diagnostic.~~

~~1.2.1. A 14 inch by 17 inch chest x-ray is required if a tuberculin test is significant.~~

~~1.3. Successful Attainment of Bacteriological Negativity. Bacteriologic negativity may be said to have been achieved when three specimens collected as outlined above, R388-804-1, on separate days, preferably consecutive days, are negative by smear and culture for *M. tuberculosis*, followed in one month by three additional similarly collected specimens which are also negative by smear and culture for *M. tuberculosis*.~~

~~1.4. Attainment of Noninfectious Status. An individual shall be considered noninfectious to the public at large when, following progressive decreases in the number of acid-fast organisms in appropriately collected sputum smears, three consecutive negative smears of sputum are obtained, preferably on three consecutive days:~~

~~1.4.1. Extrapulmonary tuberculosis is generally considered noninfectious to the general public if contaminated drainage is appropriately handled and proper chemotherapy is being given.~~

~~1.4.2. Hospitalized patients with pulmonary tuberculosis shall remain segregated until noninfectious.~~

~~1.5. Tuberculin Skin Testing. The standard technique, Mantoux, is the intracutaneous injection of 0.1 ml of purified protein derivative (PPD) tuberculin containing 5 TU into the skin; usually in the volar or dorsal surface of the forearm.~~

~~1.6. Significant Tuberculin Reaction. A five m.m. or more induration of five TU's, intermediate strength, PPD is significant for contacts of cases and for reactors under six years of age. However, a 10 m.m. reaction is considered significant in all others. Reactions shall be recorded in m.m. of induration and then interpreted by size and circumstances.~~

~~2. Classification of Tuberculosis:~~

~~2.1. Class O: No tuberculosis exposure, not infected. No history of exposure, reaction to tuberculin skin test not significant.~~

~~2.2. Class I: Tuberculosis exposure, no evidence of infection. History of exposure, reaction to tuberculin skin test not significant.~~

~~2.3. Class II: Tuberculosis infection, no disease, significant reaction to tuberculin skin test, negative bacteriologic studies, if done. No clinical or roentgenographic evidence of tuberculosis.~~

~~2.4. Class III: Tuberculosis: current disease, *M. tuberculosis* cultured, if done, otherwise, both a significant reaction to tuberculin skin test and clinical or roentgenographic evidence of current disease.~~

~~2.5. Class IV: Tuberculosis: no current disease, history of previous episode or episodes of tuberculosis, or abnormal stable roentgenographic findings in a person with a significant reaction to tuberculin skin test, negative bacteriologic studies, if done, no clinical or roentgenographic evidence of current disease.~~

~~2.6. Class V: Tuberculosis suspect, diagnosis pending.~~

~~3. Isolation:~~

~~3.1. Isolation of patients with communicable or suspected communicable pulmonary tuberculosis is required.~~

~~4. Concurrent Disinfection:~~

~~4.1. No special requirement other than adequate ventilation. Ordinary hygienic precautions suffice when patient is on specific therapy. Terminal cleaning as usual.~~

~~5. Epidemiological Investigations:~~

~~5.1. Epidemiological investigation is required. All household and other close contacts shall be tuberculin tested. Contacts with tuberculin reactions less than five m.m. induration shall be retested in 8-12 weeks. Contacts with tuberculin reactions of five m.m.~~

induration or more shall be referred for complete examination and x-rays.

— 6. Tuberculin Skin Testing of High Risk Groups:

— 6.1. Individuals at high risk for tuberculosis including contacts of cases, all newly employed personnel in schools, nursing homes, day care facilities, and medical care institutions, individuals relocating in the state from outside the United States, and new school entrants from outside the state shall receive appropriate tuberculin skin testing and follow-up.

— 7. Employee Skin Testing:

— 7.1. Tuberculin testing of all newly employed adult school personnel, day care center personnel and personnel in medical care institutions and nursing homes shall be required within two weeks of beginning of employment unless the employee is known to have had a previous significant tuberculin test. It is the responsibility of said institutions to conduct a tuberculin testing program and to report findings of significant tests to the local health department.

— 7.2. If the tuberculin test is not significant, the employee shall be released from further routine tuberculin testing unless he has frequent or periodic close exposure to persons with communicable pulmonary tuberculosis.

— 7.3. If the tuberculin test is significant or if the employee has a known significant tuberculin test and has not had adequate chemotherapy, he shall be required to have a chest x-ray and an evaluation to ascertain whether or not any of the following conditions are present: evidence of current or inadequately treated healed tuberculosis disease, history of close exposure to a case of communicable pulmonary tuberculosis within the previous two years, history of a negative tuberculin test within the previous two years, diabetes mellitus which is severe or poorly controlled, disease associated with severe immunologic deficiencies such as cancer, reticuloendothelial disease, or immunosuppressive therapy with corticosteroids, ACTH, or cytotoxins; silicosis; gastrectomy or excessive alcohol intake. The chest x-ray and evaluation are required within five weeks following the report that he has a significant tuberculin test. If any of the above listed conditions, except current disease, are present, the employee is to be counseled that he is at relatively high risk of developing tuberculosis disease and that he should complete one year of Isoniazid chemoprophylaxis, unless medically contraindicated. If the employee has current disease, he must complete a recommended course of chemotherapy with at least two antituberculosis drugs.

— 7.3.1. Employees with significant tuberculin tests, with any of the above listed conditions who complete one year of Isoniazid chemoprophylaxis, or adequate antituberculosis chemotherapy if indicated, shall be released from further routine tuberculosis surveillance activities:

— 7.3.2. Employees, whose skin tests convert from not significant to significant or who have any of the above listed conditions, who do not complete a one year course of chemoprophylaxis shall receive annual chest x-rays for a period of three years:

— 7.3.3. Employees with significant tuberculin tests, with none of the above listed conditions or without a history of close exposure to a case of current pulmonary tuberculosis within the previous three years shall be released from further routine tuberculosis surveillance activities following completion of one year of Isoniazid chemoprophylaxis or following a negative chest x-ray twelve months after the initial x-ray.

— 7.4. Employees, who do not have significant tuberculin tests, having potential frequent or periodic close exposure to persons with active pulmonary tuberculosis or laboratory specimens from cases shall have periodic tuberculin tests at intervals specified by the institution's infection control committee. Employees developing significant tuberculin tests shall be required to have chest x-ray, medical evaluation and follow-up as described in R388-804-1-7(3.1), 7(3.2), and 7(3.3):

— 7.5. A contact investigation is required among the employees of schools, day care centers, health care institutions, and nursing homes when they are exposed to a case of communicable tuberculosis:

— 8. New School Entrant Skin Testing:

— 8.1. Tuberculin testing of all new school entrants in grades kindergarten through 12, vocational schools, colleges, and universities, from states, countries, territories, or Indian reservations with case rates higher than 15 per 100,000, shall be required within 30 days of school enrollment unless the student is known to have had a previous significant tuberculin test. It shall be the responsibility of said institutions to institute and conduct a tuberculin testing program and to report findings of significant tests to the local health department:

— 8.2. If the tuberculin test is not significant, the student shall be released from further routine tuberculin testing unless he has frequent or periodic close exposure to persons with communicable pulmonary tuberculosis:

— 8.3. If the tuberculin test is significant or if the student has a known significant tuberculin test and has not had adequate chemotherapy, he shall be required to have a chest x-ray and an evaluation to ascertain whether or not any of the following conditions are present: evidence of current or inadequately treated healed tuberculosis disease, history of close exposure to a case of communicable pulmonary tuberculosis within the previous two years, severe or poorly controlled diabetes mellitus, disease associated with severe immunologic deficiencies, such as cancer, reticuloendothelial disease, or immunosuppressive therapy with corticosteroids, ACTH, or cytotoxins; silicosis; gastrectomy or excessive alcohol intake:

— 8.4. The chest x-ray and evaluation shall be required within five weeks following the report of a significant tuberculin test. If any of the above listed conditions, except current disease, are present, the student and parents are to be counseled that the student is at relatively high risk of developing tuberculosis disease and that he must complete one year of Isoniazid chemoprophylaxis, unless medically contraindicated. If the student has current disease, he must complete a recommended course of chemotherapy with at least two antituberculosis drugs:

— 8.5. Students with significant tuberculin tests, with none of the above listed conditions or without a history of close exposure to a case of active pulmonary tuberculosis within the previous three years are released from further routine tuberculosis surveillance activities following completion of one year of Isoniazid chemoprophylaxis:

— 9. Contact Investigation:

— 9.1. For each case of current tuberculosis disease, an individual assessment shall be made, based on the susceptibility of those exposed and the infectiousness of the source case, as to how extensive the contact investigation should be. All members of the patient's household and close contact shall be examined in all cases:

Once those persons who may be considered contacts to a case of current disease have been identified, they shall be examined within fourteen days of being identified. The required examinations are as follows:

— 9.1.1. Tuberculin skin test using five TU's of standardized PPD by the Mantoux technique, for all identified contacts. Five m.m. and larger reactions shall be considered significant in close contacts and children under six years of age:

— 9.1.2. Chest x-ray for all those whose tuberculin tests are significant:

— 9.1.3. Sputum examinations for all those with any chest x-ray findings suggestive of tuberculosis:

— 9.1.4. Repeat tuberculin skin test in eight to 12 weeks for all those whose tuberculin tests are not significant, less than five m.m. induration, on initial examination:

— 9.1.5. Follow-up on all those whose tuberculin tests convert from not significant to significant as above:

— 10. Treatment for Contacts:

— 10.1. Isoniazid (INH), in a single daily dose of 10 mg per kg of body weight per day for children, not to exceed 300 mg daily, and 300 mg per day for adults, is the recommended drug. Pyridoxine (Vitamin B-6) in a dose of 50 mg per day, to prevent peripheral neuropathy due to INH, should be given to patients with neurologic disorders or propensity toward neuropathy, such as diabetics and alcoholics. This is usually unnecessary for children and healthy adults. Preventive treatment is strongly recommended for the following:

— 10.1.1. All household and other close contacts under 35 years of age, with either a significant or not significant tuberculin test, to a case of tuberculosis, current disease. Isoniazid may be discontinued if, after three months, the tuberculin skin test is not significant:

— 10.1.2. All contacts whose tuberculin test convert from not significant to significant on re-examination whether in or out of the household:

— 10.1.3. All household and nonhousehold contacts whose tuberculin tests are initially significant except for those beyond the age of 35 in which case the risk of INH toxicity must be weighed against the risk of developing tuberculosis:

— 11. Isolation of Tuberculosis Patient in General Hospital:

— 11.1. The communicability of tuberculosis is principally due to droplet nuclei which contain viable *Mycobacterium tuberculosis* arising from a cough, sneeze, or laugh. The nuclei may remain suspended in the air for hours. Isolation measures shall be established for the preventing of formation, spread, and inhalation of droplet nuclei:

— 12. Most Contagious Patients:

— 12.1. Patients with numerous acid-fast bacilli on a sputum smear, especially those patients suspected or known to have laryngeal tuberculosis, tracheal tuberculosis, or cavitary disease of the lungs are exceedingly effective at transmitting the disease:

— 12.2. Contagious patients shall be isolated in a private room with air exhausted to the outside through an individual room exhaust fan or a central exhaust system, usually by a lavatory exhaust:

— 12.3. Masks which will filter out particles as small as one micron shall be worn by the most contagious patients when out of the room; masks shall also be worn by visitors and by personnel while providing patient care until the patient has been on effective

therapy for two weeks. The mask must be a type which is effective in filtering tuberculosis organisms, and is similar to the fiberglass masks made by Johnson and Johnson and 3M:

— 12.4. No special precautions need be taken for dishes, books, linens, furniture or floors:

— 12.5. Effective therapy shall be instituted as soon as presumptive diagnosis of tuberculosis is made:

— 12.6. Isolation in the hospital shall be continued until three appropriately collected consecutive sputum smears on separate days are negative:

— 12.7. It is mandatory that predischage planning with the local health jurisdiction or Utah Department of Health shall be made to ensure adequate isolation, continuity of drug therapy, health care and public health nursing follow-up in the community:

— 12.8. Because of previously unrecognized cases of tuberculosis constitute the greatest source of infection, all hospital admissions who are suspected of having active tuberculosis shall be evaluated by a chest x-ray and other appropriate tests:

— 13. Moderately Contagious Patients:

— 13.1. The patient who has infiltrates in the lungs characteristic of tuberculosis or who has rare to few bacilli on one or more sputum smears is at moderate risk of transmitting the disease and must be isolated the same as a patient at high risk except that, if the patient is cooperative and complies with treatment recommendations and infection control guidelines, a mask need not be worn by the patient when having visitors or by individuals visiting or providing care for the patient. The uncooperative patient shall be isolated as if a highly contagious patient:

— 14. Minimally Contagious Patients:

— 14.1. The patient who has infiltrates in the lungs characteristic of tuberculosis but has three successive negative sputum smears is at minimal risk of transmitting the disease. He need not be isolated but he shall sleep in a private room with nonrecirculating air:

— 15. Elective Surgery:

— 15.1. Elective surgery should not be performed until the patient with current disease has responded to chemotherapy by having three negative smears. For emergency surgery in patients with a positive sputum, use a disposable unit in a closed anesthesia system or sterilize the inner parts of the equipment which were in contact with the patient's breath:

— 16. Retreatment:

— 16.1. Patients admitted for retreatment of pulmonary tuberculosis frequently have drug resistant organisms and shall be isolated as a highly contagious patient:

— 17. Extrapulmonary Tuberculosis:

— 17.1. Patients with extrapulmonary tuberculosis with no evidence of a pulmonary component need have no special precautions taken:

**KEY: communicable diseases, tuberculosis\*, rules and procedures**

**1992**

**26-6-3**

**Notice of Continuation September 9, 1997]**

**R388-804. Special Measures for the Control of Tuberculosis.**

**R388-804-1. Authority and Purpose.**

(1) This rule establishes standards for the control and prevention of tuberculosis as required by Section 26-6-4, Section 26-6-6, Section 26-6-7, Section 26-6-8, and Section 26-6-9 of the Utah Communicable Disease Control Act and Title 26, Chapter 6b,

Communicable Diseases-Treatment, Isolation and Quarantine Procedures.

(2) The purpose of this rule is to focus the efforts of tuberculosis control on disease elimination. The standards outlined in this rule constitute the minimum expectations in the care and treatment of individuals diagnosed with, suspected to have, or exposed to tuberculosis.

**R388-804-2. Definitions.**

(1) The definitions described in Section 26-6b apply to this rule, and in addition:

(a) Tuberculosis. A disease caused by Mycobacterium tuberculosis complex, i.e., Mycobacterium tuberculosis, Mycobacterium bovis, or Mycobacterium africanum.

(b) Case of tuberculosis. An episode of tuberculosis disease meeting the clinical or laboratory criteria for tuberculosis as defined in the document entitled "Case Definitions for Infectious Conditions Under Public Health Surveillance." The Department incorporates by reference the Centers for Disease Control and Prevention "Case Definitions for Infectious Conditions under Public Health Surveillance," MMWR:46(no. RR-10):40-41, 1997.

(c) Tuberculosis infection. The presence of M. tuberculosis in the body but the absence of clinical or radiographic evidence of active disease as documented by a significant tuberculin skin test, a negative chest radiograph and the absence of clinical signs and symptoms.

(d) Tuberculosis disease. A state of infectious or communicable tuberculosis, pulmonary or extra-pulmonary, as determined by a chest radiograph, the bacteriologic examination of body tissues or secretions, other diagnostic procedures or physician diagnosis.

(e) Directly observed therapy. A method of treatment in which health-care providers or other designated individuals physically observe the individual ingesting anti-tuberculosis medications.

(f) Drug resistant tuberculosis. Tuberculosis bacteria which is resistant to one or more anti-tuberculosis drug.

(g) Multi-drug resistant tuberculosis. Tuberculosis bacteria which is resistant to at least isoniazid and rifampin.

(h) Suspect case. An individual who is suspected to have tuberculosis disease, e.g., a known contact to an active tuberculosis case or a person with signs and symptoms consistent with tuberculosis.

(i) Program. Utah Department of Health: Bureau of HIV/AIDS, Tuberculosis Control and Refugee Health: Tuberculosis Control/Refugee Health Program.

(j) Department. Utah Department of Health.

**R388-804-3. Required Reporting.**

(1) Tuberculosis is a reportable disease. Individuals shall immediately notify the Department by telephone of all suspect and confirmed cases of pulmonary and extra-pulmonary tuberculosis as required by R386-702-2, R386-702-3.

(2) The report may also be made to the local health department, who shall notify the Department of all suspect and confirmed cases within 72 hours of report.

**R388-804-4. Screening Priorities and Procedures.**

(1) Private physicians and local health departments shall screen individuals considered to be at high risk for tuberculosis

disease and infection before screening is conducted in the general population. Priorities shall be established based on those at greatest risk for disease and in consideration of the resources available.

(2) Individuals considered at high risk for tuberculosis include the following:

(a) Close contacts of those with infectious tuberculosis;

(b) Persons infected with human immunodeficiency virus;

(c) Individuals who inject illicit drugs;

(d) Inmates of adult and youth correctional facilities;

(e) Residents of nursing homes, mental institutions, other long term residential facilities and homeless shelters;

(f) Recently arrived foreign-born individuals, within five years, from countries that have a high tuberculosis incidence or prevalence;

(g) Low income or traditionally under-served groups with poor access to health care, e.g., migrant farm workers and homeless persons;

(h) Individuals who are substance abusers and members of traditionally under-served groups;

(i) Individuals with certain medical conditions that may predispose them to tuberculosis infection and disease, e.g., diabetes, cancer, silicosis, and immune-suppressive disorders;

(j) Individuals who have traveled for extended periods of time in countries that have a high tuberculosis incidence or prevalence;

(k) Other groups may be identified by order of the Department, as needed to protect public health.

(3) Employers who are required to follow Occupational Safety and Health Administration guidelines for the prevention of tuberculosis transmission disease shall develop and implement an employee screening program.

(4) Tuberculosis screening by skin test shall be completed using the Mantoux tuberculin skin test method.

(a) Screening for tuberculosis with chest radiographs or sputum smears to identify individuals with tuberculosis disease is acceptable in places where the risk of transmission is high and the time required to give the skin test makes the method impractical.

(b) If the skin test yields results indicating tuberculosis exposure, the individual shall be referred for further medical evaluation.

**R388-804-5. Diagnostic Criteria.**

(1) The Department incorporates by reference the American Thoracic Society (ATS/CDC diagnostic and classification standards as described in "Diagnostic Standards and Classification of Tuberculosis," American Review of Respiratory Disease, Vol. 142, No. 3, pp. 725-735, September 1990. In diagnosing tuberculosis, health care providers shall adhere to these guidelines.

**R388-804-6. Treatment and Control.**

(1) The Department incorporates by reference the ATS/CDC treatment standards as describe in "Treatment of Tuberculosis and Tuberculosis Infection in Adults and Children," American Journal of Respiratory and Critical Care Medicine, Vol 149, pp. 1359-1374, 1994. In tuberculosis, health care providers shall adhere to these guidelines.

(2) A health-care provider who treats an individual with tuberculosis disease shall use the ATS/CDC treatment standards as a reference for the development of a comprehensive treatment and follow-up plan for each individual. The plan shall be developed in

cooperation with the individual and approved by the local health department or the Program. Health-care providers shall routinely document an individuals' adherence to prescribed therapy for tuberculosis infection and disease. If isolation is indicated, the plan for isolation shall be approved by the local health department or the Program.

(3) A health-care provider who treats an individual with tuberculosis disease shall provide for directly observed therapy for individuals who do not adhere to self-administered therapy, have drug-resistant tuberculosis or have multi-drug resistant tuberculosis.

(4) Individuals with infectious tuberculosis disease shall wear a mask approved by the local health department or the Program when outside the isolation area.

**R388-804-7. Epidemiologic Investigations.**

(1) The local health department shall conduct a contact investigation immediately upon report of a suspected or confirmed case of tuberculosis disease.

(2) The contact investigation shall include interviewing, counseling, educating, examining and obtaining comprehensive information about those who have been in contact with individuals who have infectious tuberculosis. The investigation shall begin within three days of notification and be completed within fourteen days of notification.

**R388-804-8. Payment for Isolation and Quarantine.**

(1) Individuals who are quarantined at the expense of the Department shall provide the Department with information to determine if any other payment source for the costs associated with quarantine are available.

**R388-804-9. Penalty for Violation.**

(1) Any person who violates any provision of this rule may be assessed a civil money penalty not to exceed the sum of \$5000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

**KEY: tuberculosis, screening, communicable disease 1999**

**Notice of Continuation September 9, 1997**

26-6-4  
26-6-6  
26-6-7  
26-6-8  
26-6-9  
26-6b

◆ ————— ◆  
**Health, Health Systems Improvements,  
Health Facility Licensure  
R432-35-4  
Bureau of Criminal Investigation**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 22177

FILED: 07/12/1999, 12:03

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: A review by the Department of Health legal counsel recommends that we delete wording that may cause confusion to the public reading the rule. The passage of S.B. 194 makes minor changes to the rule.

**(DAR Note:** S.B. 194 is found at 1999 Utah Laws 276, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Delete the words "within the past five years", which may be confusing to the applicant since "all convictions" are reviewed, not just those within the past five years. Change "lived in" to "residency"; sets a time frame requiring the submission of information within ten days of initial hire.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: It is not anticipated that there will be any additional cost to the Department, except for the publishing of the rule amendment, which can be absorbed by current operating expenses.

❖LOCAL GOVERNMENTS: This filing poses no increased cost or savings to local governments as enforcement of this rule does not apply to local governments.

❖OTHER PERSONS: This filing poses no increased cost or savings since the proposed change reflects the current practice of reviewing all convictions for individuals employed at covered health care facilities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This filing imposes no cost to an affected person, since the rule change only reflects current practice and eliminates wording that was confusing to the provider community. See explanation under "aggregate anticipated cost or savings."

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This clarification makes no change on the impact this rule has on businesses--Rod Betit

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

Health  
Health Systems Improvements,  
Health Facility Licensure  
Cannon Health Building  
288 North 1460 West  
PO Box 142003  
Salt Lake City, UT 84114-2003, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop-Green at the above address, by phone at (801) 538-6152, by FAX at (801) 538-6325, or by Internet E-mail at dwynkoop@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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Rod L. Betit, Executive Director

**R432. Health, Health Systems Improvement, Health Facility Licensure.**

**R432-35. Background Screening.**

**R432-35-4. Bureau of Criminal Identification.**

(1) The Utah Code, Section 26-21.9.5, requires that a BCI be conducted on covered individuals requesting to be licensed, to renew a license, or to be employed or volunteer in a covered health care facility.

(a) ~~Immediately upon or prior to employing or licensing a covered individual, t~~The health care facility shall submit applicant information within ten days of initially hiring an individual, include fees and releases to the Department to allow the Department to perform a criminal background screening.

(b) If the BCI indicates that the covered individual has a criminal record that indicates there is a conviction for a felony or misdemeanor, the covered individual shall submit a fingerprint card, waiver and fee upon request by the Department. The Department shall submit them to the Criminal Investigations and Technical Services Division for additional screening.

(c) The fingerprint card that the covered individual submits shall be prepared either by the local law enforcement agency or an agency approved by local law enforcement.

(d) The Criminal Investigations and Technical Services Division, shall report the background screening and forward the fingerprint card to the Department. The Department shall review the criminal convictions~~within the past five years~~ to determine whether to approve the covered individual for licensing or employment.

(e) If a covered individual applicant has ~~lived~~not had residency in Utah [less than]for the last five years, the covered individual shall submit fingerprints for an FBI national criminal history record check.

(f) If based upon the BCI screening, the Department denies the covered individual a license, volunteer position or employment, the Department shall send a Notice of Agency Action to the health care provider or covered individual stating that the application is denied.

(2) The Department shall make the following determination if a covered individual has a criminal history record:

(a) If the covered individual was convicted of a felony, the covered individual may not provide direct services to a patient or volunteer in a program licensed by the Department.

(b) If the covered individual was convicted of a misdemeanor within the past five years, the covered individual may not provide direct patient services or volunteer in a health care program licensed by the Department if the misdemeanor involves offenses identified in the Utah Criminal Code as offenses against the family, offenses against the person, pornography, prostitution, or any type of sexual offense.

(c) If the covered individual is a person with a felony or misdemeanor conviction who resides in a home where health care is provided, the Department shall not issue a license for health care in the home.

(3) The Executive Director may consider an approval for licensing or employment of a covered individual who has been convicted of a misdemeanor, but not a misdemeanor involving offenses identified in the Utah Criminal Code as offenses against the family, offenses against the person, pornography, prostitution, or any type of sexual offense, according to the following criteria:

(a) If the convictions are older than five years, the covered individual may provide direct patient care in a health care program licensed by the Department.

(b) If the convictions are within the last five years the Department shall request that the employee sign a waiver to disclose the convictions to the employer. The covered health care facility may request a variance to the rules to permit the individual to remain employed. If the covered health care facility does not submit a variance then[-] the Department shall make a comprehensive review of the individual circumstances.

(i) If the Department finds that the covered individual's conduct is not adverse to the public health, morals, welfare, and safety of children or elderly or disabled adults, the covered individual may provide direct patient care in a health care facility licensed by the Department.

(c) If the convictions demonstrate a pattern of behavior which indicates that the covered individual's conduct is adverse to the public health, morals, welfare, and safety of children or elderly or disabled adults, the covered individual may not provide direct patient care in a health care facility licensed by the Department.

(4) The Department shall rely on the BCI as conclusive evidence of the conviction and the Department may revoke or deny a license and employment based on that evidence.

(5) If the covered individual is denied a license or employment based upon the BCI and the covered individual disagrees with the BCI report, the covered individual may seek redress through the Criminal Investigations and Technical Services Division, as provided in Section 77-18-2.

(6) All covered individuals shall report all felony and misdemeanor convictions of covered individuals for offenses identified in the Utah Criminal Code as offenses against the family, offenses against the person, pornography, prostitution, or any type of sexual offense to the Department within 48 hours of conviction.

**KEY: health care facilities**

**[August 28, 1998]1999**

**26-21-9.5**





Insurance, Administration  
**R590-194**  
 Coverage of Dietary Products for  
 Inborn Errors of Amino Acid or Urea  
 Cycle Metabolism

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22188

FILED: 07/15/1999, 13:19

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: A consumer advocacy group suggested the change to provide needed coverage for those affected by this rule.

SUMMARY OF THE RULE OR CHANGE: Rule changed to provide coverage for low protein modified food products. The rule also requires that insurers give consumers access to a case manager in order to facilitate the processing of claims for these products.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201, 31A-22-614.5, and 31A-22-623

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: These changes will not create a drain on the general fund, but it may add to it in the way of filing fees for those insurers who will need to change their policy forms and file them with the department. Filing fees are \$20 per filing and there are about 700 health insurance companies doing business in Utah.

❖LOCAL GOVERNMENTS: This rule has no effect on local governments.

❖OTHER PERSONS: This rule change will provide a savings to families who utilize these products and who are covered by policies regulated by the Utah Insurance Code. The change will require insurers to provide coverage for low protein modified food products, and for those insurers not already providing this coverage, they will need to file policy form changes with the department, which will require a \$20 filing fee. Approximately 75 Utahns have Inborn Errors of Amino Acid or Urea Cycle Metabolism.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change will provide a savings to families who utilize these products and who are covered by policies regulated by the Utah Insurance Code. The change will require insurers to provide coverage for low protein modified food products and for those insurers not already providing this coverage, they will need to file policy form changes with the department which will require a \$20 filing fee. Approximately 75 Utahns have Inborn Errors of Amino Acid or Urea Cycle Metabolism.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Given the total number of people in Utah who may be affected by this rule, we feel that

the impact on insurers will be fairly minimal. Exact costs impacts are not known at this time.

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

Insurance  
 Administration  
 3110 State Office Building  
 Salt Lake City, UT 84114, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at [ldmain.jwhitby@state.ut.us](mailto:ldmain.jwhitby@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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

**R590. Insurance, Administration.**

**R590-194. Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism.**

**R590-194-1. Authority.**

This rule is promulgated pursuant to Subsections 31A-2-201(1) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce this title and to make rules to implement the provisions of this title. The authority to set minimum standards by rule for coverage of dietary products for inborn errors of amino acid or urea cycle metabolism is provided by Subsection 31A-22-623(2).

**R590-194-2. Purpose.**

The purpose of this rule is to establish minimum standards of coverage for dietary products, including formulas and low protein modified food products, used for the treatment of inborn errors of amino acid or urea cycle metabolism. This coverage will be provided at levels consistent with the major medical benefit provided under a disability insurance policy. This entails the identification of a uniform billing code standard to be used by health insurers for the processing of claims covering dietary [~~products~~]formulas in conjunction with the treatment of these specific inborn metabolic errors.

**R590-194-3. Definitions.**

For purposes of this rule the commissioner adopts the definitions as particularly set forth in Section 31A-1-301 and Subsection 31A-22-623(1).

**R590-194-4. Applicability and Scope.**

(1) This rule applies to all disability insurance policies sold in Utah.

(2) This rule does not prohibit an insurer from requesting additional information required to determine eligibility of the claim

under the terms of the policy, certificate or both, as issued to the claimant.

**R590-194-5. Minimum Standards and General Provisions.**

(1) ~~[Each claim for coverage of dietary]~~ Dietary products used for the treatment of inborn errors of amino acid or urea cycle metabolism [requires a prescription by a physician that specifies the quantity prescribed and duration of the prescription.] must be administered under the direction of a physician.

~~[(2) The products prescribed must be the major source of nutrition for the patient.~~

~~—(3)]~~ (2) Preauthorization for dietary products may be required if the preauthorization requirement is stated in the policy.

(3) Each insurer will provide access to a case manager in order to facilitate the processing of claims for low protein modified food products.

(4) The uniform billing code Standard Number 27-4010, "Coverage for Metabolic Dietary Products," published by the Utah Health Information Network, implemented February 12, 1999, is incorporated in this rule by reference. This uniform billing standard is adopted under 31A-22-614.5, and shall be accepted and utilized for the billing and processing of claims for ~~[dietary products]~~ medical foods coverage. This standard is available at the Utah Insurance Department upon request.

(5) Low protein modified food products will not utilize the uniform billing code standard Number 27-4010, but will be subject to separate billing codes as determined by the insurers case manager.

**R590-194-6. Severability.**

If any provision or clause of this rule or its application to any person or situation is held invalid, such validity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declare to be severable.

**KEY: insurance law**  
~~[March 23,] 1999~~

31A-2-201  
 31A-22-614.5  
 31A-22-623



Natural Resources, Wildlife Resources

**R657-14**

Commercial Harvesting of Protected Aquatic Wildlife

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 22183  
 FILED: 07/14/1999, 14:57  
 RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is being amended to provide procedures, standards, and requirements for better efficiency and accuracy of reporting the harvest of brine shrimp and brine shrimp eggs, and the marking of harvesting locations and equipment. These amendments are a result of the best available biological data and information collected thus far, the brine shrimp harvesting industry and Regional Advisory Council recommendations made to the Wildlife Board at meetings conducted for taking input from the public and the brine shrimp industry on the harvesting of brine shrimp and brine shrimp eggs on the Great Salt Lake.

**SUMMARY OF THE RULE OR CHANGE:** This amendment provides procedures, standards, and requirements for reporting the number of containers and weight of brine shrimp and brine shrimp eggs harvested from the Great Salt Lake or from the shoreline of the lake. Harvesting hours are being extended to 24 hours-a-day, unless the harvest season is suspended or closed, in which case all harvest activity must cease at official sunset. The opening of the harvest season may be delayed up to ten days provided the harvesting companies are notified seven days in advance of the delay. Once the harvesting season is open, harvesting may be suspended two times during the season, in the interest of wildlife resources, provided the harvesting companies are notified at least 24 hours in advance. This amendment also provides requirements for identifying harvesting equipment, boats, and booms by marking with the company name, company initials, or certificate of registration (COR) number. In addition, the harvesting location must be marked with a certificate of registration marker corresponding to each certificate of registration number. Other changes are made for consistency.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 23-14-3, 23-14-18, and 23-14-19

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** Allowing harvest 24 hours-a-day during the brine shrimp season may necessitate more law enforcement personnel and equipment costs to monitor harvest and conduct law enforcement within a seven-day week. Harvesting may be limited by weather conditions, therefore it is difficult to predict law enforcement costs because if the weather is stormy and harvest cannot be done, the state activity costs would not exist during that time frame. In addition, the length of the season is predicated on the amount of product available for harvest, which varies from year to year. Any harvest delay or suspension period could lengthen, or shorten, the harvest season, if either are imposed. Biological sampling of brine shrimp and law enforcement efforts on the lake may increase or decrease due to the length of the season. If the harvest season is shortened, in numbers of days, there may be a cost savings for personnel and equipment.

❖LOCAL GOVERNMENTS: This filing does not create any direct cost or saving impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖OTHER PERSONS: Brine shrimp companies will incur extra costs for the marking of boats, marking of brine shrimp containers, and supplying the certificate of registration marker. If the season is lengthened by initially delaying the opening and utilizing the suspensions, there may be fixed costs that increase, such as equipment rental or personnel costs. The dollar amount is difficult to predict because the business practices of the 32 companies are different; some may be more efficient at cost containment than others. Allowing the companies to harvest during a 24-hour period, instead of approximately half of the day, will create an opportunity for cost savings on fixed costs, such as rentals and staffing because the days needed to harvest the available product would be fewer.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The brine shrimp companies will incur compliance costs associated with the following items: 1) The boats must now be marked with reflective white tape against a black background; the tape, paint, and labor will be the sum of this cost; 2) Lakeshore harvest brine shrimp containers must be marked with stencils or tags; the paint, tags, and labor will be the sum of this cost; 3) Each piece of equipment in a camp is no longer required to be marked, only one piece of equipment must be marked now, which will result in a cost savings of not having to mark each piece of equipment; and 4) Construction of the certificate of registration marker device will cost about \$175.00 each, as projected by the brine shrimp companies. The Division of Wildlife Resources will have compliance costs associated with the following items: 1) 79 decals for the COR marker device will need to be custom made; 2) A facsimile machine and phone lines will need to be made available for receiving the brine shrimp harvest reports; and 3) Reporting forms will be provided to the brine shrimp companies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Brine shrimp companies were consulted during the decision-making process. Some of the changes are being made to allow them to be more efficient and reduce conflicts on the lake, principally the 24-hour harvest. The value of these changes is sufficient to offset the additional costs imposed. It is recognized by the companies that additional reporting and marking requirements are necessary to allow the Division of Wildlife to enforce laws at night and monitor the probable increase in harvest rate and tracking of the amount harvested.

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 nrdwr.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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: John Kimball, Director

### **R657. Natural Resources, Wildlife Resources.**

#### **R657-14. Commercial Harvesting of Protected Aquatic Wildlife.**

##### **R657-14-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-3, 23-14-18, and 23-14-19, and Sections 23-15-7 through 23-15-9, this rule provides the procedures, standards, and requirements for:

- (a) harvesting protected aquatic wildlife for use as fish bait;
- (b) commercially harvesting brine shrimp and brine shrimp eggs; and
- (c) seining protected aquatic wildlife.

(2) To the extent that this rule applies to the commercial harvest of brine shrimp and brine shrimp eggs, the objective of this rule is to protect, manage, and conserve the brine shrimp resource based upon the best available data and information and adequately preserve the Great Salt Lake ecosystem while recognizing the economic value of allowing the harvest of brine shrimp and brine shrimp eggs and maintaining a sustainable brine shrimp population.

##### **R657-14-2. Definitions.**

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
  - (a) "Alternate seiner" means the person in charge of and responsible for supervising a crew of helpers harvesting authorized species of protected aquatic wildlife in the absence of the primary seiner.
  - (b) "Certified bait dealer" means a person who has obtained a certificate of registration authorizing the harvest, possession, or sale of protected aquatic wildlife for use as live or dead fish bait.
  - (c) "Harvest" means to seine, or gather in protected aquatic wildlife and reduce it to possession.
  - (d) "Harvest location" means the location where the gathering or harvesting of protected wildlife takes place. For purposes of harvesting brine shrimp, a harvest location is a 300 yard radius from the location of the ~~fluorescent orange flag~~ Certificate of Registration marker as required under Subsection R657-14-16(2).
  - (e) "Helper" means a person aiding a certificate of registration holder in the harvesting, transporting, or selling of protected aquatic wildlife, including any employee, agent, family member, or donated labor.
  - (f) "Helper card" means a card authorizing a person to act as a helper.
  - (g) "Nongame fish" means all species of fish, except:

(i) any species or hybrid species of trout, including albino, brook, brown, cutthroat, golden, grayling, kokanee salmon, lake or mackinaw, rainbow, splake, and tiger;

- (ii) Bonneville cisco;
- (iii) bluegill;
- (iv) bullhead;
- (v) catfish;
- (vi) crappie;
- (vii) green sunfish;
- (viii) northern pike;
- (ix) largemouth bass;
- (x) Sacramento perch;
- (xi) smallmouth bass;
- (xii) striped bass;
- (xiii) tiger muskellunge;
- (xiv) walleye;
- (xv) white bass;
- (xvi) whitefish;
- (xvii) wiper; and
- (xviii) yellow perch.

(h) "Primary seiner" means the person in charge of and responsible for supervising a crew of helpers harvesting protected aquatic wildlife.

(i) "Purchase" means to buy, acquire, or obtain from sale, exchange, barter, or trade protected aquatic wildlife for pecuniary consideration or advantage.

(j) "Seining" means to harvest protected aquatic wildlife with the use of a net or other similar device.

(k) "Wildlife registration office" means the division office in Salt Lake responsible for processing applications and issuing certificates of registration.

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**R657-14-6. Records -- Report of Activities.**

(1) Each person who has been issued a certificate of registration authorizing the harvest or sale of protected aquatic wildlife shall keep accurate records of the number or weight harvested and to whom the products were sold.

(2) The records required under Subsection (1) shall be retained for at least five years and must be available for inspection upon division request.

(3)(a) A person who has been issued a certificate of registration for seining or harvesting protected aquatic wildlife for use as fish bait shall include the following information, broken down by month, in an annual report to the division:

- (i) the species of protected aquatic wildlife harvested;
- (ii) the water from which the protected aquatic wildlife were harvested; and
- (iii) the total number or weight of protected aquatic wildlife harvested.

(b) A person who has been issued a certificate of registration for the retail sale of protected aquatic wildlife shall include the following information, broken down by month, in an annual report to the division:

- (i) the name and address of each person from which protected aquatic wildlife was purchased or sold;
  - (ii) the species of protected aquatic wildlife purchased or sold;
- and

(iii) the weight and number of protected aquatic wildlife purchased or sold.

(c)(i) A person who has been issued a certificate of registration for harvesting brine shrimp and brine shrimp eggs must submit a weekly harvest report to the ~~[wildlife registration]~~Great Salt Lake Ecosystem Project office. The report shall include the total amount of brine shrimp and brine shrimp eggs, by raw weight, harvested each day. The reports must be prepared by a person working for the reporting company. The reports must be received or postmarked by Monday ~~[each week.]~~of each week.

(ii) A daily harvest report must be filed with the Great Salt Lake Ecosystem Project office. The report must be filed not later than 12 hours after the end of the previous calendar day. The report may be filed utilizing a voicemail system linked to a dedicated phone number provided or the report may be filed by fax to a dedicated phone number. The report shall include the total amount of brine shrimp and brine shrimp eggs, by raw weight, harvested each day. The report must be prepared or given by a person working for the reporting company.

(iii) When brine shrimp and brine shrimp eggs are being transported away from the lakeshore to a processing plant, a landing receipt form must be prepared and in possession of the transport driver before leaving the loading site. The form shall include the certificate of registration numbers, certificate of registration holders, harvest dates, harvest areas, landing dates, container numbers and weights as determined by certified scales for lake harvested brine shrimp and brine shrimp eggs, container numbers and weight estimates for shore harvested brine shrimp and brine shrimp eggs and names of individuals who landed and weighed the product. The reports must be received or postmarked by Monday of each week.

(iv) Report forms are provided by the division.

**R657-14-7. Species of Protected Aquatic Wildlife That May Be Harvested.**

(1)(a) The division may authorize a person to harvest or sell nongame fish, salamanders, leeches, crayfish, brine shrimp or brine shrimp eggs, or overabundant nuisance game species as determined by the division.

(b) The certificate of registration shall identify those species of protected aquatic wildlife that may be harvested or sold.

(2) Any species of protected aquatic wildlife caught that is not authorized for harvest must be immediately returned alive and unharmed to the water from which it was harvested.

**R657-14-8. Prohibited Nongame Species.**

The following species of protected aquatic wildlife may not be harvested, and if caught must be immediately returned alive and unharmed to the water from which it was taken:

- (1) bonytail chub (*Gila elegans*);
- (2) Colorado squawfish (*Ptychocheilus lucius*);
- (3) flannelmouth sucker (*Catostomus latipinnis*);
- (4) gizzard shad (*Dorosoma cepedianum*);
- (5) grass carp (*Ctenopharyngodon idella*);
- (6) humpback chub (*Gila cypha*);
- (7) June sucker (*Chasmistes liorus*);
- (8) least chub (*Iotichthys phlegothontis*);
- (9) leatherside chub (*Gila cypha*);
- (10) razorback sucker (*Xyrauchen texanus*);

- (11) roundtail chub (*Gila robusta*);
- (12) Virgin River chub (*Gila robusta seminuda*);
- (13) Virgin spinedace (*Lepidomeda mollispinis*); and
- (14) woundfin (*Plagopterus argentissimus*).

**R657-14-9. Harvest Hours.**

(1)~~[(a)]~~ Protected aquatic wildlife, except brine shrimp and brine shrimp eggs, may be harvested from 5 a.m. to 10 p.m. year-round, unless otherwise specified on the certificate of registration.

~~[(b)]~~(2) Brine shrimp and brine shrimp eggs may be harvested ~~[one hour before official sunrise through official sunset.]~~24 hours during the calendar day.

~~[(2)]~~ Harvesting equipment may not be left in the water after legal harvest hours, except as provided in Subsection R657-14-17(1)(b);

~~[(3)]~~ When the harvest season is suspended or closed, all harvest activity shall cease at official sunset.

.....

**R657-14-14. Harvesting Brine Shrimp and Brine Shrimp Eggs --Certificate of Registration -- Helper Cards.**

(1)(a) The division may issue a certificate of registration authorizing a person to harvest brine shrimp and brine shrimp eggs.

(b) A separate certificate of registration ~~[(s)]~~and the corresponding certificate of registration marker are required for each harvest location.

(c)(i) The provisions of this rule do not apply:

(A) to the harvest of 200 pounds or less of brine shrimp or brine shrimp eggs, during a single calendar year, for culturing ornamental fish, provided the brine shrimp eggs are not sold, bartered, or traded; or

(B) for the retail sale of brine shrimp or brine shrimp eggs.

(ii) A certificate of registration is required for the activities described in Subsection (i) as provided in Rule R657-3-18.

(2) Except as provided in Subsections R657-14-19(4) and (5), the certificate of registration is valid for harvesting brine shrimp and brine shrimp eggs only during the harvest season beginning October 1 and ending January 31. If October 1 falls on a Sunday, the harvest season shall begin on the following Monday. In the interest of the wildlife resources of the Great Salt Lake, the harvest season may be delayed up to 10 days provided the harvesting companies are notified seven days in advance of the delay. After the season has opened, harvesting may be suspended two times during the season, for up to seven days each time, in the interest of the wildlife resources of the Great Salt Lake, provided the harvesting companies are notified at least 24 hours in advance of the suspension date.

(3) The Wildlife Board, after considering the best available biological data and other information received from the division and the public, has determined that:

(a) a limitation on the number of certificates of registration issued by the division to harvest brine shrimp and brine shrimp eggs, is currently necessary to protect the brine shrimp resource and the Great Salt Lake ecosystem;

(b) additional research and scientific data is necessary to adequately understand the dynamics of the brine shrimp populations, the Great Salt Lake ecosystem, and the impact harvesting has on the sustainability of the resource;

(c) given the current number of certificates of registration, the need for additional scientific data, and the increasing efficiency in

the industry's ability to harvest large quantities of brine shrimp and brine shrimp eggs in short periods, the issuance of additional certificates at this point in time may compromise the division's ability to effectively regulate the harvest to avoid jeopardizing resource sustainability; and

(d) given these factors and the harvest restrictions adopted in this rule, a total of 79 certificates of registration may be issued.

(4) Certificates of registration that may become available for issuance through revocation, expiration, nonrenewal, or surrender may either be retired by the division or reallocated to eligible persons and entities through random drawings conducted at the Division of Wildlife Resources, Salt Lake City office.

(5) All persons or entities applying for a certificate of registration to harvest brine shrimp and brine shrimp eggs made available for issuance through Subsection (4) shall satisfy the following requirements:

(a) submit a certificate of registration application to the wildlife registration office consistent with the requirements set forth in R657-14-4; and

(b) submit a cashiers check to the division in the amount of \$10,000 for each certificate of registration applied for.

(6)(a) One certificate of registration is required for each harvest location.

(b) The original certificate of registration must be in possession at the harvest location and available for inspection by the division or any peace officer upon demand.

(7)(a) Three individual helper cards are issued with the certificate of registration and are transferable.

(b) Additional helper cards may be obtained from the division.

(c) Any crew member harvesting or transporting brine shrimp or brine shrimp eggs from the harvest location must have a helper card in possession. A primary or alternate seiner does not have to be present while transporting brine shrimp or brine shrimp eggs from the harvest location.

(d) An employee directing harvest operations from a plane does not have to have a helper card.

(e) The driver of a truck transporting brine shrimp or brine shrimp eggs from the lake to a storage or processing plant does not have to have a helper card. Any crew member loading brine shrimp and brine shrimp eggs into a truck must have a helper card in possession.

(8)(a) A primary seiner and an alternate seiner card are issued with the certificate of registration and are transferable within the entity holding the certificate of registration.

(b) A primary seiner or an alternate seiner must be present and directly supervise the harvest activity.

(c) The primary or alternate seiner must have a primary or alternate seiner card in possession at the harvest location.

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**R657-14-16. Harvesting Brine Shrimp and Brine Shrimp Eggs --Identification of Equipment.**

(1)(a) Any boat~~[-boom, vehicle except an OHV, camper, house-trailer, or motor home]~~ used for harvesting operations must be identifiable from the air, water and land with either the company name, company initials or certificate of registration number. A camp or base of operations located on or near the shoreline must be marked so it is visible from the air and land with either the company

name, company initials, or certificate of registration number. Boat markings denoting the company name, company initials or certificate of registration number, must be visible from a distance of 500 yards when on the lake.

(b) The letters or numbers shall be visible at all times, written clearly and shall meet the following requirements:

(i) letters or numbers on the top of a boat~~[-vehicle, camper, house trailer, or motor home]~~ shall be at least 36 inches in height;

(ii) letters or numbers used on the sides of a boat~~[-vehicle, camper, house trailer, or motor home]~~ shall be at least 24 inches in height, except that boats with inflatable hulls may use[-and

~~---(iii)-] letters and numbers [used on booms shall be at least three inches in height;]that are 12 inches in height;~~

(iii) letters or numbers used on a camp or base of operations sign shall be at least 24 inches in height; and

(iv) all letters and numbers used for identification purposes shall be of reflective white tape with a solid black background.

(c) Identification may be done with a magnetic sign placed on top of and the sides of the vehicle or boat.

(d) A boom shall be marked with letters and numbers at least three inches in height and marked once on each continuous segment of boom that may be coupled together.

(e) All containers filled or partially filled with brine shrimp or brine shrimp eggs and left unattended on the shore or in a vehicle parked on the shore shall be individually marked with either the company name, company initials or certificate of registration number under which the product was harvested. Each container shall be marked as follows:

(i) the company name, company initials or the certificate of registration number shall be permanently and legibly marked at a visible location on the exterior surface of the container; or

(ii) the company name, company initials or the certificate of registration number shall be permanently and legibly marked on a durable, waterproof tag securely and visibly attached to the exterior surface of the container.

(f) "Shore" for purposes of this section, shall include all lands within one mile of the body of water where the product was harvested. "Shore" does not include permanent structures affixed to the land and operated for purposes of storing or processing brine shrimp and brine shrimp eggs, provided the name of the structure's current owner or tenant is visibly marked on the exterior of the structure.

(2)(a) Only one certificate of registration marker corresponding to each certificate of registration[(2)(a) Only one fluorescent orange flag for each Certificate of Registration] will be displayed at each harvest location as follows:

(i) on the boat with the certificate of registration on board;

(ii) on the harvest boat or attached to the boom; [or]

(iii) in the water at the harvest location; or

[(iii)](iv) on the shore while harvesting brine shrimp or brine shrimp eggs from shore.

(b) [The last three numbers of the]A certificate of registration [must be written legibly on the fluorescent orange flag and those numbers shall be at least 6 inches in height.]marker shall consist of a piece of equipment, furnished by the harvesters, with the specifications as provided in Subsection (b)(i) through Subsection (b)(v).

[(c) The fluorescent orange flag](i) A six foot long piece of tubing with a weight at one end.

(ii) This piece of tubing shall have a fluorescent orange ball that is a minimum of eighteen inches in diameter, mounted in the approximate center of this length of tubing. This fluorescent orange ball shall be marked in two places with indelible black paint, the COR number that is being operated and matches the decal as provided for in Subsection R657-14-16 (2)(b)(iii). These painted COR numbers shall be a minimum of twelve inches in height.

(iii) Mounted above the orange ball towards the un-weighted end of this tubing shall be a decal issued by the division which denotes the certificate of registration in use and corresponding to the certificate of registration marker device.

(iv) Mounted on this tubing between the orange ball and the un-weighted end of this tubing, shall be an aluminum radar reflector that is a minimum of fifteen inches square.

(v) Mounted above the radar reflector shall be a three-inch wide band of silver reflective tape.

(vi) Mounted on the un-weighted end of this tubing shall be an amber light that at night is visible for up to one-half mile and flashes 30 times per minute, minimum.

(c) The COR marker must be displayed in a manner that is[ visible from a distance of at least 300 yards];

(i) visible in all directions at a distance of 500 yards; or

(ii) displayed above the superstructure of any vessel that a certificate of registration is being used from; and

(iii) the amber light must be operating at all times between sunset and until sunrise.

(d) A brine shrimp harvester shall not display an amber light at night, or an orange ball or other device which simulates the certificate of registration marker device, without having the original certificate of registration at the harvest location.

(e) Brine shrimp or brine shrimp eggs may not be harvested in any manner, nor may a harvest location be claimed unless and until an original copy of the certificate of registration is at the harvest location and the corresponding certificate of registration marker is properly deployed as required in R657-14-16(2).

(f) The certificate of registration and corresponding certificate of registration marker shall not be transported to the harvest location by aircraft.

(i) "Aircraft" for purposes of this section, means any contrivance now known or in the future invented, used, or designed for navigation of or flight in the air.

#### **R657-14-17. Harvesting Brine Shrimp and Brine Shrimp Eggs -- Use of Booms.**

(1)(a) A primary seiner, alternate seiner, or helper must remain within one mile of any boom attached to the shore, whether open or closed, 24 hours a day so that an officer may easily locate the person tending the boom.

(b) A boom may be left unattended in the open water [after]during the [end of]legal harvest [hours]season if:

(i) the boom is properly identified as provided in Subsection R657-14-16[-and](1)(b)(iii);

(ii) the boom is closed[-];

(iii) the boom is marked with a certificate of registration marker as described in Subsection R657-14-16(2)(b); and

(iv) the boom is lighted as described in Subsection R657-14-16(2)(c)(iii).

(2) On a causeway or dike where camping is not allowed, a primary seiner, alternate seiner, or helper must be stationed at the

closest possible camping site, not more than 10 miles away, and that location must be clearly identified on a tag securely attached to the shore end of the boom.

(3)(a) A person may not harvest any brine shrimp or brine shrimp eggs within 300 yards of any [~~fluorescent orange flag~~]certificate of registration marker displayed at a harvest location as provided in Subsection R657-14-16(2)(a) without permission from the company that first began harvesting in that location.

(b) The certificate of registration marker must be deployed as provided in Subsection R657-14-16(2) and accompanied by an individual at the harvest location to receive the 300 yard encroachment protection.

(4) Brine shrimp and brine shrimp eggs may be removed from another person's boom only with written permission from the person who owns the boom.

(5) A person may not deploy more than one continuous length of boom for each certificate of registration.

**R657-14-18. Harvesting Brine Shrimp and Brine Shrimp Eggs --Unlawful Method -- Use of Equipment.**

(1) A person may not intentionally drive a boat through, or create a wake through, a streak of brine shrimp eggs that another person is harvesting.

(2)(a) A person may test the equipment to be used in harvesting brine shrimp from March 1 through September 30.

(b) At least 48 hours before testing the equipment, the person must notify the division's Northern Regional Office.

(c) Any brine shrimp or brine shrimp eggs collected while testing the equipment must be immediately returned within 1/4 mile of the location in which they were collected.

(3) Brine shrimp and brine shrimp eggs may not be taken to a storage facility, test site located greater than 1/4 mile from the location in which they were collected, or to the shore, except as provided in Section R657-14-19(4).

**R657-14-19. Harvesting Brine Shrimp and Brine Shrimp Eggs -- Areas of Harvest and Season Dates.**

(1) The division may authorize the harvest of brine shrimp and brine shrimp eggs from:

(a) the Great Salt Lake and surrounding areas, including ponds operated in a normal manner for mineral extraction; and

(b) the Sevier River.

(2) The area east of the north-south line from the tip of Promontory Point south along the east shore of Fremont and Antelope Islands and along the dike extending from the south end of Antelope Island to the south shore of the Great Salt Lake is closed to the commercial harvesting of brine shrimp and brine shrimp eggs.

(3) Except as provided in Subsections (4) and (5), brine shrimp and brine shrimp eggs may be harvested only [~~from October 1 through January 31. If October 1 falls on a Sunday, the harvest season shall begin on the following Monday.~~]during the harvest season as described in Subsection R657-14-14(2).

(4)(a) Any person who has a valid certificate of registration may cumulatively collect up to 25 pounds of brine shrimp eggs between March 1 and September 30 for the purpose of conducting research.

(b) For the purpose of conducting research, a person may not collect more than one pound of brine shrimp eggs during a single day regardless of the number of certificates of registration issued to that person.

(c) Brine shrimp and brine shrimp eggs collected for research under the authority of this section may not be sold, traded, or bartered.

(5)(a) Brine shrimp and brine shrimp eggs may be harvested from mineral extraction ponds located along the shores of the Great Salt Lake any time during the year.

(b) A pond may not be built solely for the purpose of raising [or]of harvesting brine shrimp or brine shrimp eggs.

(c) Brine shrimp or brine shrimp eggs may not be introduced into the Great Salt Lake or any pond. Brine shrimp and brine shrimp eggs must enter into the pond during normal mineral extraction processes.

(6) All brine shrimp and brine shrimp eggs which have been harvested and placed in containers shall be transported from the lake or lakeshore not later than 21 days after the close of the harvest season. No brine shrimp or brine shrimp eggs may be removed from the surface of the beach and placed in a container after the season has closed.

**R657-14-20. Violations.**

(1) The penalty for any violation of this rule is a class C misdemeanor as provided in Section 23-13-11(2).

(2) Any violation of, or failure to comply with the provisions of this rule, any requirement contained in a certificate of registration issued pursuant to this rule, any Wildlife Board Order, or any statute related to the harvesting, possession or transfer of brine shrimp or brine shrimp eggs may be grounds for revocation, suspension or denial of future certificates of registration as determined by a division hearing officer.

**KEY: game laws, bait dealers, commercialization of aquatic wildlife**

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|--------------------------------------|----------|
| <del>May 18, 1999</del>              | 23-14-18 |
| Notice of Continuation July 14, 1997 | 23-14-19 |
|                                      | 23-13-13 |
|                                      | 23-15-7  |
|                                      | 23-15-8  |
|                                      | 23-15-9  |
|                                      | 23-14-3  |



Public Safety, Fire Marshal  
**R710-9**  
Rules Pursuant to the Utah Fire Prevention Law

**NOTICE OF PROPOSED RULE**  
(Amendment)

DAR FILE NO.: 22184  
FILED: 07/15/1999, 09:00  
RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Utah Fire Prevention Board proposes to amend the currently enacted Rule R710-9 by making some minor procedural changes to the currently adopted structure of the Fire Service Standards and Training Council: to create the Utah Fire Service Certification Council; add the Utah Fire and Rescue Academy Strategic Plan to the plan; add several requirements to provide numerical comparisons of fire academy programs to the Board; and further define the duties of the Fire Academy Liaison.

**SUMMARY OF THE RULE OR CHANGE:** On June 29, 1999, the Utah Fire Prevention Board met and addressed the following proposed changes: 1) In Section R710-9-2, the currently enacted definitions section is proposed to have two new definitions added, one modified, and one definition removed. 2) In Section R710-9-10, the Board proposes to redefine some of the Fire Service Standards and Training Council members requirements and further define the procedural requirements of the council. 3) In Section R710-9-12, a new section is proposed to establish the Utah Fire Service Certification Council whose duties will be to oversee fire service certification in the State of Utah. This council has been in existence for many years at the Utah Fire and Rescue Academy and Utah Valley State College. It will now also be overseen by the Fire Prevention Board. 4) In Section R710-9-13, the Board proposes to add the Utah Fire and Rescue Academy Strategic Plan to the rule requirements. The Strategic Plan is the master plan for the structured and directed growth of the Fire Academy. 5) In Section R710-9-13, it is proposed that the Utah Fire and Rescue Academy provide to the Board by October 1 of each year various numerical summaries of training programs to further allow the Board the analysis necessary to gauge the training programs offered. 6) In Section R710-9-13, the Board further defines the duties of the Fire Academy Liaison.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53-7-204

**ANTICIPATED COST OR SAVINGS TO:**

❖**THE STATE BUDGET:** There will be a very minimal cost to the state to reprint the changed Rule R710-9 and redistribute this rule to those who are affected by the rule change. There might also be a minimal increase in cost in printing to the Utah Fire and Rescue Academy (Utah Valley State College) to provide the numerical summaries requested by the Fire Prevention Board. The aggregate cost would be estimated at approximately \$400.

❖**LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government because these proposed amendments are procedural in nature and only affect the Fire Prevention Board, newly created councils and liaison, and the Utah Fire and Rescue Academy.

❖**OTHER PERSONS:** There is no anticipated cost or savings to other persons because these proposed changes are procedural in nature and only affect the Fire Prevention Board, newly created councils and the liaison, and the Utah Fire and Rescue Academy.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There will be a minimal cost to the state and to the Utah Fire and Rescue Academy to print the newly changed rule and to compile the numerical summaries requested by the Fire Prevention Board.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no fiscal impact to business that will result from this rule amendment.

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

Public Safety  
Fire Marshal  
Suite 302  
5272 South College Drive  
Murray, UT 84123-2611, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at bhallada@dps.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 08/31/1999.**

**THIS RULE MAY BECOME EFFECTIVE ON:** 09/01/1999

**AUTHORIZED BY:** Brent R. Halladay, Chief Deputy

**R710. Public Safety, Fire Marshal.****R710-9. Rules Pursuant to the Utah Fire Prevention Law.****R710-9-1. Title and Authority.**

1.1 These rules shall be known as the "Rules Pursuant to the Utah Fire Prevention Law", and may be cited as such, and will be hereafter referred to as "these rules".

1.2 These rules are promulgated in accordance with Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, as amended.

**R710-9-2. Definitions.**

2.1 "Academy" means Utah Fire and Rescue Academy.

2.2 "Academy Director" means the Director of the Utah Fire and Rescue Academy.

~~[2-2]~~2.3 "Board" means Utah Fire Prevention Board.

~~[2-3]~~2.4 "Certification Council" means Utah Fire Service [Standards and Training] Certification Council.

~~2.4 "Director" means the Director of the Utah Fire and Rescue Academy.]~~

2.5 "Division" means State Fire Marshal.

2.6 "Institutional occupancy" means asylums, mental hospitals, hospitals, sanitariums, homes for the aged, residential health care facilities, children's homes or institutions, or any similar institutional occupancy.

2.7 "LFA" means Local Fire Authority.

2.8 "Liaison" means Fire Academy Liaison.

2.9 "NFPA" means National Fire Protection Association.



2.10 "Place of assembly" means where 50 or more people gather together in a building, structure, tent, or room for the purpose of amusement, entertainment, instruction, or education.

2.11 "Plan" means Fire Academy Strategic Plan.

2.12 "SFM" means State Fire Marshal.

2.13 "Standards Council" means Fire Service Standards and Training Council.

~~2.13~~ 2.14 "Sub-Committee" means Fire Prevention Board Budget Sub-Committee.

~~2.14~~ 2.15 "UCA" means Utah Code Annotated, 1953.

~~2.15~~ 2.16 "UFC" means Uniform Fire Code.

~~2.16~~ 2.17 "UFCS" means Uniform Fire Code Standards.

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**R710-9-10. Fire Service Standards and Training Council.**

10.1 There is created by the Board, the Fire Service Standards and Training Council, whose duties are to provide direction to the Board and Academy in matters relating to fire service standards, training, and certification. ~~[whose members shall be appointed by the Board for three year terms.]~~

10.2 This Council shall serve in an advisory position to the Board, ~~[Utah Fire and Rescue Academy, and the Utah Valley State College, on matters relating to fire service standards, training, and certification.]~~ members shall be appointed by the Board, shall serve three year terms, and shall consist of the following members:

- (a) a member of the Utah State Fire Chiefs Association.
- (b) a member of the Utah State Firemen's Association.
- (c) a member of the Utah Fire Marshal's Association.
- (d) a specialist in hazardous materials representing the Hazardous Materials Institute.
- (e) a fire/arson investigator representing the Utah Chapter of the International Association of Arson Investigators.
- (f) a specialist in wildland fire suppression and prevention from the Utah State Division of Forestry, Fire and State Lands.
- (g) a representative from the International Association of Firefighters.
- (h) a representative from the Utah Fire ~~[and Rescue Academy;]~~ Service Certification Council.
- (i) a representative from the fire service that sits on the Utah State Emergency Medical Services Committee.
- (j) a representative from the training officers association or a training officer recommended by the Fire Academy.

10.3 The Council shall meet quarterly and may hold other meetings as necessary for proper transaction of business. The majority of the Council shall be present to constitute a quorum.

10.4 The Council shall select one of its members to act in the position of chair, and another member to act as vice chair. The chair and vice chair shall serve one year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of the calendar year. If voted upon by the council, the vice chair will become the chair the next succeeding calendar year.

10.5 ~~[A Council members standing on the Council shall come under review after two unexcused absences in one year from regularly scheduled Council meetings. The Council members name~~

~~shall be submitted to the Board for status review.]~~ If a council member has two or more unexcused absences during a 12 month period, from regularly scheduled Council meetings, it is considered grounds for dismissal pending review by the Board. The Liaison shall submit the name of the Council member to the Board for status review.

10.6 A member of the Council may have a representative of their respective organization sit in proxy of that member, if submitted in writing and approved by the Liaison prior to the meeting.

10.7 The Chair or Vice Chair of the Council shall report to the Board the activities of the Council at regularly scheduled Board meetings. The Liaison may report to the Board the activities of the Council in the absence of the Chair or Vice Chair.

10.8 The Council shall consider all subjects presented to them, subjects assigned to them by the Board, and shall report their recommendations to the Board at regularly scheduled Board meetings.

**R710-9-11. Fire Prevention Board Budget Sub-Committee.**

11.1 There is created a Fire Prevention Board Budget Sub-Committee whose makeup shall be appointed from members of the Utah Fire Prevention Board.

11.2 Membership on the Sub-Committee shall be by appointment of the Fire Prevention Board Chair or as volunteered by Board members. Membership on the Sub-Committee shall be limited to four Board members.

11.3 The Sub-Committee shall meet as necessary and shall vote and appoint a chair to represent the Sub-Committee at regularly scheduled Board meetings.

11.4 The Sub-Committee shall review the Academy's budget to insure that the budget is being properly dispersed according to the contract, shall review the proposed budget for the next contract year, and report their findings to the Board.

**R710-9-12. Utah Fire Service Certification Council.**

12.1 There is created by the Board, the Utah Fire Service Certification Council, whose duties are to oversee fire service certification in the State of Utah.

12.2 The Certification Council shall be made up of 12 members, appointed by the Academy Director, approved by the Board, and each member shall serve three year terms.

12.3 The Certification Council shall be made up of users of the certification system and comprise both paid and volunteer fire personnel, members with special expertise, and members from various geographical locations in the state.

12.4 The purpose of the Certification Council is to provide direction on all aspects of certification, and shall report the activities of the Certification Council to the Fire Service Standards and Training Council.

12.5 Functioning of the Certification Council with regard to certification, re-certification, testing, meeting procedures, examinations, suspension, denial, annulment, revocation, appeals, and reciprocity, shall be conducted as specified in the Utah Fire Service Voluntary Certification Program, Policy and Procedures Manual.

12.6 A copy of the Utah Fire Service Voluntary Certification Program, Policy and Procedures Manual, shall be kept on file at the State Fire Marshal's Office and the Utah Fire and Rescue Academy.

**R710-9-~~(12)~~13. Utah Fire and Rescue Academy Strategic Plan, Utah Fire and Rescue Academy and Fire Academy Liaison.**

13.1 The Utah Fire and Rescue Academy Strategic Plan shall be the document used each year by the Board to analyze the continuing mission, short and long range goals, and overall objectives of the Utah Fire and Rescue Academy.

13.2 The proposed Academy contract shall be developed using accepted budgetary practices and shall parallel the established overall objectives of the Plan.

13.3 The Board shall direct the Liaison to coordinate with all interested fire officials, fire organizations, and the Academy, the updating of the Plan every two years beginning in the year 2000.

13.4 The Board shall review each new edition of the Plan to insure that the Plan is acceptable and satisfies the changing training needs of the fire service.

13.5 A copy of the Plan shall be kept on file at the State Fire Marshal's Office and the Utah Fire and Rescue Academy.

~~(12.1)~~13.6 The fire service training school shall be known as the Utah Fire and Rescue Academy.

~~(12.2)~~13.7 The Director of the Utah Fire and Rescue Academy shall report to the Board the activities of the Academy at regularly scheduled Board meetings.

~~(12.3)~~13.8 The Academy Director may recommend to the Board new or expanded standards regarding fire suppression, fire prevention, fire education, safety, certification, and any other items of necessary interest to the Board about the Academy.

13.9 The Academy shall receive approval from the Board, after being presented to the Standards Council, any substantial changes in Academy training programs that vary from the Academy contract.

13.10 The Academy Director shall provide to the Board by October 1st of each year, a numerical summary of those students attending the Academy in the following categories:

(a) Those participating in the certification process and those who have received certification during the previous contract period.

(b) Those working towards and those who have received an Associate in Fire Science in the previous contract period.

(c) Those who have completed other Academy classes during the previous contract period.

13.11 The Academy Director shall provide to the Board by October 1st of each year, a numerical comparison of the categories required in Section 13.10, comparing attendance in the previous contract period.

13.12 The Academy Director shall provide to the Board by October 1st of each year, in accepted budgeting practices, a cost analysis of classes provided by the Academy, and the cost per student to the Academy to provide those classes.

13.13 The Academy Director shall provide to the Board by October 1st of each year, a numerical summary of those students attending Academy courses in the following categories:

(a) Non-fire service personnel enrolled in college courses.

(b) Volunteer or career fire service personnel enrolled in college credit courses.

(c) Volunteer or career fire service personnel enrolled in non-credit continuing education courses.

13.14 The Academy Director shall present to the Fire Academy Liaison by January of each year, proposals to be incorporated in the Academy contract for the next fiscal year.

13.15 The Liaison shall act as staff support for the Utah Fire Prevention Board in matters relating to the Academy contract.

13.16 The Liaison shall conduct Academy budget reviews, Academy performance audits, and review the activities of the Academy to determine effectiveness of the Academy.

~~(12.4)~~13.17 The [Fire Academy] Liaison shall report to the Board completion of the training agreements covered in the contract, non-completion of those training agreements, budgetary items, audits, and any other items of necessary interest or concern to the Board about the Academy.

~~(12.5)~~13.18 The [Director, in cooperation with the Fire Academy] Liaison, in cooperation with the representative from the Attorney General's Office, shall present to the Board by [February] March of each year, the proposed Academy contract for the next fiscal year.

~~(12.6)~~13.19 The proposed Academy contract shall be reviewed by the Liaison for its compliance with the Utah Fire and Rescue Academy Strategic Plan and accepted budgeting practices. The Liaison shall report to the Sub-Committee and the Board the findings of this review.

~~12.7 The Board shall direct the Fire Academy Liaison to coordinate with all interested fire officials, fire organizations, and the Academy, the updating of the Plan every two years beginning in year 2000.~~

~~12.8 The Board shall review each new edition of the Plan to insure that the Plan is applicable and satisfies the training needs of the fire service.~~

**R710-9-~~(13)~~14. Deputizing Persons to Act as Special Deputy State Fire Marshals.**

~~(13.1)~~14.1 Special deputy state fire marshals may be appointed by the SFM to positions of expertise within the regular scope of the Fire Marshal's Office.

~~(13.2)~~14.2 Special deputy state fire marshals may also be appointed to assist the Fire Marshal's Office in establishing and maintaining minimum fire prevention standards in those occupancies listed in the Fire Prevention Law.

~~(13.3)~~14.3 Special deputy state fire marshals shall be appointed after review by the State Fire Marshal in regard to their qualifications and the overall benefit to the Office of the State Fire Marshal.

~~(13.4)~~14.4 Special deputy state fire marshals shall be appointed by completing an oath and shall be appointed for a specific period of time.

~~(13.5)~~14.5 Special deputy state fire marshals shall have a picture identification card and shall carry that card when performing their assigned duties.

**R710-9-~~(14)~~15. Repeal of Conflicting Board Actions.**

All former Board actions, or parts thereof, conflicting or inconsistent with the provisions of this Board action or of the codes hereby adopted, are hereby repealed.

**R710-9-~~(15)~~16. Validity.**

The Utah Fire Prevention Board hereby declares that should any section, paragraph, sentence, or word of this Board action, or of the codes hereby adopted, be declared invalid, it is the intent of the Utah Fire Prevention Board that it would have passed all other

portions of this action, independent of the elimination of any portion as may be declared invalid.

**R710-9-[16-1]17. Adjudicative Proceedings.**

[16-1]17.1 All adjudicative proceedings performed by the agency shall proceed informally as set forth herein and as authorized by UCA, Sections 63-46b-4 and 63-46b-5.

[16-2]17.2 If a city, county, or fire protection district refuses to establish a method of appeal regarding a portion of the UFC, the appealing party may petition the Board to act as the board of appeals.

[16-3]17.3 A person may request a hearing on a decision made by the SFM, his authorized deputies, or the LFA, by filing an appeal to the Board within 20 days after receiving final decision.

[16-4]17.4 All adjudicative proceedings, other than criminal prosecution, taken by the SFM, his authorized deputies, or the LFA, to enforce the Utah Fire Prevention and Safety Act and these rules, shall commence in accordance with UCA, Section 63-46b-3.

[16-5]17.5 The Board shall act as the hearing authority, and shall convene as an appeals board after timely notice to all parties involved.

[16-6]17.6 The Board shall direct the SFM to issue a signed order to the parties involved giving the decision of the Board within a reasonable time of the hearing pursuant to UCA, Section 63-46b-5(i).

[16-7]17.7 Reconsideration of the Board's decision may be requested in writing within 20 days of the date of the decision pursuant to UCA, Section 63-46b-13.

[16-8]17.8 Judicial review of all final Board actions resulting from informal adjudicative proceedings is available pursuant to UCA, Section 63-46b-15.

**KEY: fire prevention, law**

**[April 15, 1999]September 1, 1999**

**53-7-204**

**Notice of Continuation June 19, 1997**



**Public Service Commission,  
Administration  
R746-409-1  
General Provisions**

**NOTICE OF PROPOSED RULE  
(Amendment)**

DAR FILE NO.: 22178

FILED: 07/21/1999, 16:45

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To update Code of Federal Regulations (CFR) reference.

SUMMARY OF THE RULE OR CHANGE: The references to 49 CFR Parts 190, 191, 192, 193, and 199, are being updated from March 10, 1998, to March 11, 1999.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-13-5

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR Parts 190, 191, 192, 193, and 199, March 11, 1999

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No additional costs anticipated to state budget. Pipeline safety inspectors will check compliance with this federal amendment when they check for other things. The additional time required is so small that the affect on their work would be negligible. Certainly no additional staff would be required as a result of this requirement.

❖LOCAL GOVERNMENTS: Those local governments owning municipal natural gas systems (Blanding, Nephi, Levan, Mona, Santaquin, and Eagle Mountain) are required by the federal amendment to notify their new hookup gas customers of the availability of excess flow valve devices only one time. The additional costs to the municipality would be for preparation and distribution of such notices. Note that only new customers are involved, not existing customers.

❖OTHER PERSONS: Local natural gas distribution companies, of which there are only two - Questar Gas Co. and Utah Gas Service Co. - are required by the federal amendment to notify their new hookup gas customers of the availability of excess flow valve devices only one time. The additional costs to the company would be for preparation and distribution of such notices. Again, only new customers are involved, not existing customers. Gas service customers are only involved from a cost standpoint if they voluntarily decide to have excess flow valves installed by the gas service organization. If they decide to do so, the installation costs are of the order of \$800, totally paid by the customer. If a customer decides not to have such a device installed there is no cost directly to the customer.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Cost of compliance with the federal amendment for the gas companies and municipals is the cost of preparing and distribution of notices that excess flow valves are available.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes proposed result from changes in federal regulations. Federal funding for state pipeline safety operations is contingent upon the state incorporating current federal regulations. The notice requirements are required by federal regulations and will be applicable only to new customers. The customers themselves elect whether to install the optional equipment.

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

Public Service Commission  
Administration  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
Salt Lake City, UT 84111, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Barbara Stroud (designee), Paralegal

**R746. Public Service Commission, Administration.  
 R746-409. Pipeline Safety.  
 R746-409-1. General Provisions.**

A. Scope and Applicability -- To enable the Commission to carry out its duties regarding pipeline safety under Chapter 13, Title 54, the following rules shall apply to persons owning or operating an intrastate pipeline facility as defined ~~[thereunder]~~in that chapter, or a segment ~~[there]~~of that chapter including, but not limited to, master meter systems, as well as persons engaged in the transportation of gas.

B. Adoption of Parts 190, 191, 192, 193, and 199 -- The Commission hereby adopts, and incorporates herein by this reference, CFR Title 49, Parts 190, 191, 192, 193, and 199, as amended, March ~~[10, 1998]~~11, 1999. Persons owning or operating an intrastate pipeline facility in Utah, or a segment thereof, as well as persons engaged in the transportation of gas, shall comply with the minimum safety standards specified ~~[therein]~~in those Parts of CFR Title 49.

**KEY: rules and procedure, safety, pipeline**  
~~[May 2, 1997]~~1999 54-13-3  
 Notice of Continuation December 23, 1996 54-13-5  
 54-13-6



Regents (Board of), Administration  
**R765-685**  
 Utah Educational Savings Plan Trust

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 22174  
 FILED: 07/07/1999, 09:25  
 RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To make amendments necessary by passage of H.B. 261 and IRS regulations, and to provide additional investment options.  
**(DAR Note:** H.B. 261 is found at 1999 Utah Laws 240, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Sets maximum allowable contribution as authorized by statutory change, adds penalty exemptions, provides for three additional investment options and related fees, and makes nonsubstantive changes

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 53B, Chapter 8a

FEDERAL REQUIREMENT FOR THIS RULE: Proposed regulations to Section 529, Internal Revenue Code

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No fiscal impact on the state budget. The proposed amendments implement changes required by enactment of H.B. 261 and federal regulations, and provide for additional investment options. Hence, the state will incur no additional costs.

❖LOCAL GOVERNMENTS: None--these are amendments to an existing program which have no new fiscal impact. Local governments are not affected by the changes or the program itself.

❖OTHER PERSONS: None--these are amendments to an existing program which have no new fiscal impact. The additional investment options are not mandatory. Since participation is optional, a person can choose the current investment option at no cost or choose not to participate at all.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--these are amendments to an existing program which have no new fiscal impact. The changes can be implemented with existing program personnel.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendments are primarily to allow greater voluntary contributions by participants into Utah Educational Savings Plan (UESP) accounts and to provide for additional investment options and therefore should have no fiscal impact on businesses.

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

Regents (Board of)  
 Administration  
 Suite 550, 3 Triad Center  
 355 West North Temple  
 Salt Lake City, UT 84180-1205, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 Dale Hatch at the above address, by phone at (801) 321-7251, by FAX at (801) 321-7299, or by Internet E-mail at dhatch@utahsbr.edu.

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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Dale Hatch, Deputy Executive Director

**R765. Regents (Board of), Administration.**

**R765-685. Utah Educational Savings Plan Trust.**

**R765-685-3. Definitions.**

Many terms used in this rule are defined in Section 53B-8a-102. In addition, the following terms are defined by this rule.

3.1. The term "academic period" shall mean one semester or one quarter or an equivalent period for a vocational technical institution.

3.2. The word "account" shall denote the account in the program fund established and maintained under the trust for a beneficiary.

3.3. The term "account balance" shall mean the fair market value of an account as of the accounting date.

3.4. The term "accounting date" shall mean the date, not later than the last business day of each quarter as determined by the program administrator.

3.5. The term "administrative fee or charge" shall mean a fee charged by the trust authorized by 53B-8a-103(k), consisting of the following: (i) an enrollment fee of up to \$75 for initial enrollment in the trust charged to participants selecting investment options 2, 3, or 4 (but not charged to participants selecting option 1), which may be waived if the participant selects direct deposit or annual payment of contributions; (ii) an annual account maintenance fee payable to the administrative fund, deducted from the account assets held under the participation agreements of participants selecting investment options 2, 3, or 4 (but not deducted from the account assets of participants selecting option 1), not to exceed \$50 annually; (iii) a daily charge deducted from the assets of participants selecting investment options 2, 3, or 4 in the program fund at a rate equivalent to an annual effective rate of not more than 0.50% ,no more than 0.25% of which shall be payable to the administrative fund, and no more than 0.25% of which shall be payable to the investment advisor for the trust; or (iv) the fee charged by the trust on cancellation specified in Section 8.2.2. and required by federal law[or for multiple substitution of beneficiaries].

3.6. The term "dependent person" shall mean a person who is unable to meet all of the criteria listed in subsection 3.8 of this rule.

3.7. The term "domicile" shall mean a person's true, fixed and permanent home. It is the place where the person intends to remain, and to which the person expects to return without intending to establish a new domicile elsewhere.

3.8. The term "independent person" shall mean a person who meets all of the following criteria. An independent person is one:

3.8.1. whose parent has not claimed such person as a dependent on federal or state income tax returns for the tax year preceding the date of a request to establish a vested participation agreement;

3.8.2. who demonstrates no financial dependence upon parent(s); and

3.8.3. whose parents' income is not taken into account by any private or governmental agency furnishing educational financial assistance to the person, including scholarships, loans, and other assistance.

3.9. "Investment options" shall mean the four investment options available for selection by a participant at the time of

enrollment. Investment risk under the four options ranges from conservative to most aggressive. There are no guarantees regarding moneys invested under any option, either as to earnings or as to return of principal. The value of each participant account depends on the performance of the investments selected by the trust. Each participant assumes the investment risks associated with the investment option selected. Once an investment option is selected, a participant may not change to another investment option unless authorized by the Internal Revenue Service or Treasury as being in compliance with Section 529 of the Internal Revenue Code. Under Option 1, the most conservative, all contributions are invested in the pooled Public Treasurer's Investment Fund (safe and short-term). Under Options 2 and 3, the account portfolio mix will be automatically adjusted according to a beneficiary's age. When the child is ten or more years away from college age, the portfolio is heavily invested in equity mutual funds for growth of capital. As a child nears college age, the portfolio gradually shifts emphasis to bond and short-term funds to potentially preserve capital that will be readily available for college expenses. Under Option 4, the most aggressive, the account portfolio will be totally invested in equity mutual funds (stocks) for potential equity growth.

3.[9]10. "Notice to Delay Trust Benefits" shall mean the form which a participant submits to the program administrator of the trust to delay benefits under a participation agreement.

3.[+0]11. "Notice to Adjust Payments" shall mean the form which a participant submits to the program administrator of the trust to change the payment amount or payment schedule of the participation agreement.

3.[+1]12. "Request to Substitute Beneficiary" shall mean the form which a participant submits to the program administrator of the trust to request the substitution of a beneficiary.

3.[+2]13. "Notice to Terminate Agreement" shall mean the form which a participant submits to the program administrator of the trust to terminate a participation agreement under the trust.

3.[+3]14. "Notice to Use Trust Benefits" shall mean the form which a participant submits to the program administrator of the trust to notify the trust of the date benefits are to begin and level of benefits to be paid.

3.[+4]15. The term "parent" shall mean one of the following:

3.[+4]15.1. A person's father or mother; or

3.[+4]15.2. A court-appointed legal guardian. The term "parent" shall not apply if the guardianship has been established primarily for the purpose of conferring the status of resident on a person.

3.[+5]16. The word "payments" shall denote the money paid by the participant to the trust under the participation agreement.

3.[+6]17. The term "public treasurer" shall mean the Assistant Commissioner for Student Loan Finance who has the responsibility for the safekeeping and investment of all trust funds.

3.[+7]18. The term "qualified proprietary school approved by the board" shall mean a proprietary school which is fully accredited by a regional accrediting association or commission, the Accrediting Commission for Career Schools and Colleges of Technology, or the Accrediting Council for Independent Colleges and Schools, for which the student loan cohort default rate most recently published by the U.S. Department of Education is less than 20 percent, and which has not been placed on a reimbursement basis for financial aid programs by the U.S. Department of Education or under any limitation, suspension, or termination action

or letter of credit requirement from the U.S. Department of Education or a guaranty agency under the Federal Family Education Loan Program.

**R765-685-5. Beneficiary Eligibility.**

Purpose - Section 53B-8a-106 provides that a beneficiary of a participation agreement may be designated from date of birth through age 16. This rule establishes the eligibility criteria for a beneficiary.

5.1. Beneficiary Eligibility - A beneficiary may be a resident of any state, who, on the day the participation agreement is executed, is younger than 17 years of age.

5.2. Proof of Age - A participant shall, on signing a participation agreement, provide the program administrator with proof of the beneficiary's age, in the form of a birth certificate or such other form as the program administrator may require~~[find acceptable]~~.

5.3. Valid Social Security Number - A participant shall, on signing a participation agreement, provide the program administrator a valid social security number of the beneficiary.

**R765-685-6. Payments and Payment Schedules.**

Purpose - Section 53B-8a-106 states that participant agreements shall require participants to agree to invest a specific amount of money in the trust for a specific period of time for the benefit of a specific beneficiary, not to exceed ~~[\$1,200 per beneficiary per year, adjusted annually to reflect increases in the Consumer Price Index]~~ an amount determined by the board and not to exceed total estimated higher education costs as determined by the board. This rule provides for implementation of this provision.

6.1. Payment Schedule - A participant must specify a schedule for making payments according to a participation agreement. Acceptable payment schedules are, 1) weekly, 2) bi-weekly, 3) monthly, 4) annually, and 5) other.

6.2. Payment - A participant must specify a payment amount to be paid according to the payment schedule chosen by the participant. For participants who select a weekly, bi-weekly or monthly payment schedule, the specified payment amount must be at least twenty-five dollars. For participants who select an annual payment schedule, the specified payment amount must be at least three hundred dollars. For participants who select other payment schedule, the specified payment amount must equate to at least three hundred dollars per year. A payment of less than twenty-five dollars shall be returned to the participant.

6.3. Maximum ~~[Annual]~~ Payments - The total of all payments made on behalf of a beneficiary ~~[in one calendar year may not exceed \$1,200, adjusted annually for inflation]~~ into this trust and the supplemental trust enacted in Section 53B-8b may not exceed the cost of qualified higher education expenses for five years of undergraduate enrollment at the highest cost public or private Utah institution. Payments in excess of this maximum shall be returned to the participant. The maximum amount of investments that may be subtracted from federal taxable income under Subsection 59-10-114(2)(j) shall be \$1,200 for each individual beneficiary for the 1996 calendar year and an amount adjusted annually thereafter to reflect increases in the Consumer Price Index.

6.4. Annual Adjustments - Annual adjustments to the maximum amount of payments allowable under a participation

agreement in a given calendar year shall be published by the Trust program administrator prior to the beginning of that year.

6.5. Amendments - Payment amounts and payment schedules may be adjusted by submitting to the program administrator notice to adjust payments. No administrative fee may~~[will]~~ be charged to participants for such adjustments.

**R765-685-7. Substitution of Beneficiary.**

Purpose - Section 53B-8a-106 provides that beneficiaries may be changed subject to the rules and regulations of the board. This rule establishes the criteria for substituting one beneficiary for another.

7.1. Substitution - A participant may substitute a beneficiary at any time prior to the date of admission of any beneficiary of a participation agreement to an institution of higher education and may transfer funds to another beneficiary account at any time. The substitute beneficiary must be eligible for participation pursuant to section 5 of this rule, and be a member of the family of the beneficiary being substituted as defined in subsection 7.1.1 of this rule.

7.1.1. Member of Family - An individual shall be considered a member of a beneficiary's family only if such individual is:

7.1.1.1. an ancestor of such beneficiary

7.1.1.2. a spouse of such beneficiary

7.1.1.3. a lineal descendant of such beneficiary, of such beneficiary's spouse, or of a parent or grandparent of such beneficiary, or

7.1.1.4. the spouse of any lineal descendant described in subsection 7.1.1.3.

7.1.1.5. For purposes of the preceding sentence, a legal adoption shall be considered as though it establishes a blood relationship between an adopted child and parent.

7.2. Request - A participant may request that a beneficiary be substituted by submitting to the program administrator a request to substitute beneficiary. The request shall accompany evidence, as specified by the program administrator, that the proposed substitute beneficiary is a member of the family of the beneficiary. ~~[~~

~~7.4. Administrative Fee - No administrative fee shall be charged for the first two substitutions of beneficiary. If a participant substitutes a beneficiary under a participation agreement more than twice, the trust shall require the participant to pay an administrative fee of twenty-five dollars for each subsequent substitution.]~~

**R765-685-8. Cancellation and Payment of Refunds.**

Purpose - Section 53B-8a-108 provides that any participant may cancel a participation agreement at will. This rule establishes the criteria for canceling participation agreements and providing refunds.

8.1. Cancellation - A participant may at any time cancel a participation agreement, without cause, by submitting to the program administrator notice to terminate agreement.

8.2. Payment of Refund - If the participation agreement is canceled, the participant is entitled to a refund. The refund shall be mailed or otherwise sent to the participant within sixty days after receipt by the program administrator of notice to terminate the participation agreement. The amount of the refund shall be determined according to the following criteria.

8.2.1. If the participation agreement was in effect for less than two years the participant shall receive one-hundred percent of all payments made under the participation agreement less any amount paid by the trust for educational expenses of the beneficiary. Investment income credited to the participant's account shall be forfeited.

8.2.2. If the participation agreement was in effect for two or more years the participant shall receive one-hundred percent of all payments made under the participation agreement, up to the current account balance, less an administrative fee of ten percent of any investment income credited to the participant's account~~[plus all investment income which has been credited to the participant's account less any amount paid by the trust for educational expenses of the beneficiary and less an administrative fee equal to the lesser of, 1) fifty dollars, or 2) one-half of the investment income credited to the participant's account].~~

8.3. Death or Disability of the Beneficiary, Receipt of a Scholarship, or Rollover Distribution - The participant is entitled to a refund of one-hundred percent of all payments made under the participation agreement plus all investment income which has been credited to the participant's account less any amount paid by the trust for educational expenses of the beneficiary ~~[U]pon the occurrence of, 1) death of the beneficiary, [or] 2) permanent disability or mental incapacity of the beneficiary, 3) receipt of a scholarship (or allowance or payment described in section 135(d)(1)(B) or (C) of the Internal Revenue Code) by the designated beneficiary to the extent the amount of the distribution does not exceed the amount of the scholarship, allowance, or payment, or 4) a rollover distribution to another program or account qualifying under Section 529 of the Internal Revenue Code.~~ ~~[the participant is entitled to a refund of one-hundred percent of all payments made under the participation agreement plus all investment income which has been credited to the participant's account less any amount paid by the trust for educational expenses of the beneficiary.]~~ Under such circumstances, no administrative fee shall be charged.

8.3.1. Before a cancellation and refund due to the death of a beneficiary is made, a participant must provide the trust a copy of the beneficiary's death certificate or other proof of death acceptable under state law.

8.3.2. Before a cancellation and refund due to the disability or mental incapacity of a beneficiary is made, a participant must provide to the trust written certification from a qualified and licensed physician that the beneficiary cannot reasonably attend school.

8.3.3. Before a cancellation and refund due to the receipt of a scholarship, allowance or payment, a participant must provide to the trust written proof of the receipt by the beneficiary of a scholarship, allowance or payment and the amount thereof.

8.4. Refunds Reported - Funds that are refunded to a participant pursuant to this section shall be reported to the appropriate taxing authorities for the tax year in which such refund is made.

#### **R765-685-14. Earnings in Endowment Fund.**

Purpose - Section 53B-8a-107 provides that each beneficiary for whom funds are saved under a participation agreement shall receive an interest in a portion of the investment income of the

endowment fund of the Trust. This rule provides for implementation of this provision.

14.1. Transfers to Administrative Fund - Upon approval of the board, up to two percentage points of interest earned annually in the endowment fund may be transferred to the administrative fund for administrative purposes.

14.2. Earmarking of Endowment Interest - A portion of the interest earned by the endowment fund that is not transferred to the administrative fund shall be earmarked for use by the beneficiary of each participation agreement.

14.3. Pro-rata Share - Each quarter, a pro-rata amount of endowment fund interest shall be earmarked to each participant account eligible under any restrictions imposed by a donor on contributions to the Endowment Fund. The pro-rata amount shall be based on the average daily balance of the eligible account held on behalf of a beneficiary in the program fund compared to the average daily balance of all eligible accounts in the entire program fund during the quarter, up to an amount equal to .25 percent of the amount saved on behalf of the beneficiary in such account.

14.4. The earmarking of endowment interest for use by a beneficiary shall not constitute ownership of such interest on the part of any beneficiary or participant. Upon cancellation of a participation agreement, endowment interest earmarked to an account shall revert back to the endowment fund.

14.5. Reinvestment of Endowment Interest - Endowment Interest that is not either transferred to the administrative fund or earmarked for use by a beneficiary under a program agreement shall be reinvested in the endowment fund.

14.6. Quarterly Disclosure - The quarterly statement provided to each participant by the Trust shall disclose both the quarterly and cumulative amounts of endowment interest that have been earmarked for use by a beneficiary under a participation agreement.

14.7. Payment of Benefits - When payment of benefits for the beneficiary begin under a participation agreement, interest from the endowment fund that has been earmarked for use by the beneficiary shall be made available for higher education costs, and shall be disbursed with the principal and interest held on behalf of the beneficiary in the program fund according to section 10 of this rule.

**KEY: higher education, educational savings trust**  
**[January 4, 1999]**

**53B-8a**



## Tax Commission, Property Tax **R884-24P-27** Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5

### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 22185  
FILED: 07/15/1999, 09:13  
RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Section 59-2-704 requires the Tax Commission to order, each year, each county to adjust or factor its assessment rates using the most current studies so that the assessment rate in each county is assessed and taxed at a uniform and equal rate on the basis of its fair market value.

**SUMMARY OF THE RULE OR CHANGE:** Proposed amendments make technical changes; clarify what appeal rights a county may exercise with regards to a compliance audit conducted to determine whether a county has complied with a Tax Commission ordered factor order.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-2-704.5

**ANTICIPATED COST OR SAVINGS TO:**

❖**THE STATE BUDGET:** None--the rule deals with locally assessed property taxes.

❖**LOCAL GOVERNMENTS:** None--the rule clarifies that a county may appeal only the analysis of the compliance audit, and not the data used to arrive at the underlying factor order. This concept, although embodied in the previous amendment to this rule, is clarified in this amendment in response to public comment.

❖**OTHER PERSONS:** None--the rule clarifies that a county may appeal only the analysis of the compliance audit, and not the data used to arrive at the underlying factor order. This concept, although embodied in the previous amendment to this rule, is clarified in this amendment in response to public comment.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--the amendment clarifies county appeal rights with respect to a compliance audit conducted to determine whether a county has complied with a Tax Commission ordered factor order.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** None--the amendment clarifies what is appealable in a compliance audit.

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

Tax Commission  
Property Tax  
Tax Commission Building  
210 North 1950 West  
Salt Lake City, UT 84134, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 8/31/1999.**

**THIS RULE MAY BECOME EFFECTIVE ON:** 09/01/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

**R884. Tax Commission, Property Tax.****R884-24P. Property Tax.****R884-24P-27. Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5.****A. Definitions.**

1. "Coefficient of dispersion (COD)" means the average deviation of a group of assessment ratios taken around the median and expressed as a percent of that measure.

2. "Coefficient of variation (COV)" means the standard deviation expressed as a percentage of the mean.

3. "Division" means the Property Tax Division of the State Tax Commission.

4. "Nonparametric" means data samples that are not normally distributed.

5. "Parametric" means data samples that are normally distributed.

6. "Urban counties" means counties classified as first or second class counties pursuant to Section 17-16-13.

**B. The Tax Commission adopts the following standards of assessment performance regarding assessment level and uniformity:**

1. Upon completion by the Division of the annual Assessment/Sales Taxation Study, the Division shall issue a corrective action order for a property class or subclass if the measure of central tendency is not within 10 percent of the legal level of assessment or the 95 percent confidence interval of the measure of central tendency does not contain the legal level of assessment.

a) The measure of central tendency shall be the mean for parametric samples and the median for nonparametric samples.

b) The adjustment shall be calculated by dividing the legal level of assessment by the measure of central tendency when uniformity meets the standards in B.2., or by the 95 percent confidence interval limit nearest the legal level of assessment when the standards in B.2. are not met.

2. Corrective action for the property being appraised under the cyclical appraisal plan for a given year shall be ordered by the Division if the measure of dispersion is outside the following limits for the coefficient of dispersion (COD), or for the coefficient of variation (COV) when data are normally distributed:

a) In urban counties, the limit for the COD is 15 percent or less for primary residential and commercial property, and 20 percent or less for vacant land and secondary residential property.

b) In rural counties, the limit for the COD is 20 percent or less for primary residential and commercial property, and 25 percent or less for vacant land and secondary residential property.

c) The limit for the COV is 1.25 times the COD.

d) Corrective action may contain language requiring a county to create or follow its cyclical appraisal plan.

e) If the sample size does not meet the requirements of B.3., or if there is reason to question the reliability of statistical data achieved under B.3., an alternate performance evaluation shall be conducted, which may result in corrective action. The alternate performance evaluation shall include review and analysis of the following:



(1) the county's procedures for use and collection of market data, including sales, income, rental, expense, vacancy rates, and capitalization rates;

(2) the county-wide land, residential, and commercial valuation guidelines and their associated procedures for maintaining current market values;

(3) the accuracy and uniformity of the county's individual property data through a field audit of randomly selected properties;

(4) the county's level of personnel training, ratio of appraisers to parcels, level of funding, and other workload and resource considerations.

3. To achieve statistical accuracy in determining assessment level under B.1. and uniformity under B.2. for any property class or subclass, the acceptable sample size shall consist of 10 or more ratios.

a) To meet the minimum sample size, the study period may be extended.

b) A smaller sample size may be used if:

(1) that sample size is at least 10 percent of the class or subclass population; or

(2) both the Division and the county agree that the sample may produce statistics that infer corrective action appropriate to the class or subclass of property.

c) If the Division, after consultation with the counties, determines that the sample size does not produce reliable statistical data, an alternate performance evaluation may be conducted, which may result in corrective action. The alternate performance evaluation shall include review and analysis of the following:

(1) the county's procedures for collection and use of market data, including sales, income, rental, expense, vacancy rates, and capitalization rates;

(2) the county-wide land, residential, and commercial valuation guidelines and their associated procedures for maintaining current market values;

(3) the accuracy and uniformity of the county's individual property data through a field audit of randomly selected properties; and

(4) the county's level of personnel training, ratio of appraisers to parcels, level of funding, and other workload and resource considerations.

4. All input to the sample used to measure performance shall be completed by September first of each study cycle.

5. Corrective action may contain language requiring a county to create or follow its cyclical appraisal plan.

C. The Tax Commission adopts the following procedures to insure compliance and facilitate implementation of ordered corrective action:

1. The Division shall retain authority to correct errors and, with agreement of the affected county, issue amended orders without Tax Commission approval. The Division may ~~not~~ agree to any stipulation subsequent to an appeal ~~without~~ subject to Tax Commission approval.

2. A county receiving a corrective action order resulting from this rule may file and appeal with the Tax Commission pursuant to Tax Commission rule R861-1A-11.

3. A corrective action order will become the final Tax Commission order if the county does not appeal in a timely manner, or does not prevail in the appeals process.

4. The Division may assist local jurisdictions to ensure implementation of any corrective action orders by the May 22 deadline.

5. The Division shall complete audits to determine compliance with corrective action orders as soon after the assessment roll closes on May 22 as practical. The Division shall ~~discuss~~ review the results of the compliance audit with the county and make any necessary adjustments to the compliance audit by July 1 of each assessment cycle. These adjustments shall be limited to the analysis performed during the compliance audit and may not include review of the data used to arrive at the underlying factor order. ~~The~~ After any adjustments, the compliance audit will then be given to the Tax Commission for any necessary action. ~~Except for mathematical errors, compliance audits are not subject to appeal.~~

6. The county shall be informed of any adjustment required as a result of the compliance audit. Any required adjustment shall appear on the notice required under Section 59-2-919 (4) and Tax Commission rule R884-24P-24 for the current year. This notice shall not be mailed to taxpayers until required adjustments are implemented.

**KEY: taxation, personal property, property tax, appraisal**  
~~January 12,~~ **1999** **Art. XIII, Sec 2**  
**Notice of Continuation May 8, 1997** **59-2-704.5**



**Tax Commission, Property Tax**  
**R884-24P-32**  
**Leasehold Improvements Pursuant to**  
**Utah Code Ann. Section 59-2-303**

**NOTICE OF PROPOSED RULE**  
 (Amendment)

DAR FILE NO.: 22186  
 FILED: 07/15/1999, 09:13  
 RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Section 59-2-103 mandates that taxable property be assessed and taxed on the basis of its fair market value.

**SUMMARY OF THE RULE OR CHANGE:** Proposed amendment clarifies that when leasehold improvements are included in the value of the underlying real property, as required by rule, the combined valuation of leasehold improvements and underlying real property may not exceed the fair market value of the property.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 69-2-303

**ANTICIPATED COST OR SAVINGS TO:**  
 ♦THE STATE BUDGET: None--the rule deals with locally assessed real property.

❖LOCAL GOVERNMENTS: None--the amendment clarifies that a property may not be valued above its fair market value.  
 ❖OTHER PERSONS: None--the amendment clarifies that a property may not be valued above its fair market value.  
 COMPLIANCE COSTS FOR AFFECTED PERSONS: None--the amendment makes clear that the taxable value of property may not exceed its fair market value.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--the amendment clarifies that property valuation cannot exceed fair market value.

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

Tax Commission  
 Property Tax  
 Tax Commission Building  
 210 North 1950 West  
 Salt Lake City, UT 84134, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

**R884. Tax Commission, Property Tax.**  
**R884-24P. Property Tax.**  
**R884-24P-32. Leasehold Improvements Pursuant to Utah Code Ann. Section 59-2-303.**

A. The value of leasehold improvements shall be included in the value of the underlying real property and assessed to the owner of the underlying real property.

B. The combined valuation of leasehold improvements and underlying real property required in A. shall satisfy the requirements of Section 59-2-103(1).

~~B. C.~~ The provisions of this rule shall not apply if the underlying real property is owned by an entity exempt from tax under Section 59-2-1101.

~~C. D.~~ The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, 2000.

**KEY: taxation, personal property, property tax, appraisal**  
**[January 12, 1999] Art. XIII, Sec 2**  
**Notice of Continuation May 8, 1997 59-2-303**

Transportation, Motor Carrier, Ports of  
 Entry  
**R912-14**  
 Changes in Utah's  
 Oversize/Overweight Permit Program -  
 Semitrailer Exceeding 48 Feet Length

**NOTICE OF PROPOSED RULE**

(Amendment)  
 DAR FILE No.: 22172  
 FILED: 07/06/1999, 09:45  
 RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To eliminate outdated material, to update codification changes, and to clarify existing requirements.

SUMMARY OF THE RULE OR CHANGE: UCA statutory citations have been updated to reflect current law: The old codes under Title 27, Chapter 12 were moved to Title 72, Chapter 7, per H.B. 233. Individual designated routes have been eliminated and U.S. highways inserted in their place to clarify routes not needing permits. Requirements for permits prior to July 15, 1994, have been deleted.

**(DAR Note:** H.B. 233 is found at 1999 Utah Laws 21, and was effective May 3, 1999.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 72-1-201 and 72-7-406

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--the changes being made are clarification in nature. Since this rule does require additional documents, the agent's time spent checking compliance will be the same.

❖LOCAL GOVERNMENTS: None--this rule does not regulate local government agencies. Local agencies reviewing compliance with oversize/overweight permits will not have to review any additional documents, so the time will be the same.

❖OTHER PERSONS: None--the changes being made are clarification in nature, i.e., instead of listing individual routes where a semi-trailer exceeding 48 feet and up to 53 feet do not require an oversize permit, we have listed it as all state and U.S. highways. Obsolete requirements have been deleted and codes have been updated to reflect current law.  
 COMPLIANCE COSTS FOR AFFECTED PERSONS: None--the changes being made are clarification in nature, i.e., instead of listing individual routes where a semi-trailer exceeding 48 feet and up to 53 feet do not require an oversize permit, we have listed it as all state and U.S. highways. Obsolete requirements have been deleted and codes have been updated to reflect current law.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed change is not imposing any new requirements, but rather clarifying existing routes where trailers exceeding 48 feet and up to 53 feet do not need an oversize permit. This rule will also delete obsolete materials and update codification changes.

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

Transportation  
Motor Carrier, Ports of Entry  
Calvin Rampton Building  
4501 South 2700 West  
PO Box 148240  
Salt Lake City, UT 84114-8240, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Tamy L. Scott at the above address, by phone at (801) 965-4752, by FAX at (801) 965-4847, or by Internet E-mail at tscott@dot.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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Tamy L. Scott, Safety Investigator

**R912. Transportation, Motor Carrier, Ports of Entry.**  
**R912-14. Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length.**  
**R912-14-1. Purpose.**

Semi-trailers exceeding 48 feet, and up to 53 feet in length will no longer require oversize permits when operating on or within one mile of routes designated by the Utah Department of Transportation.

**R912-14-2. Authority.**

Section ~~[27-12-155]~~ 72-7-402.

**R912-14-3. Provisions.**

1. Designated routes include: All State and US Highways.  
~~a. All of Utah's Interstate Highways.~~  
~~b. State Route 138 from State Route 36 to I-80.~~  
~~c. State Route 36 from I-80 to State Route 6.~~  
~~d. Highway 30 from the Nevada border to I-84.~~  
~~e. Highway 50 from the Nevada border to I-70.~~  
~~f. Highway 50\6 from the Nevada border to I-15.~~  
~~g. State Route 28 from I-15 to I-70.~~  
~~h. State Route 56 from the Nevada border to I-15.~~  
~~i. Highway 89 from the Arizona line to I-70.~~  
~~j. State Route 11 (Highway 89A) from Kanab to Arizona border.~~  
~~k. State Route 191 from the Arizona border to I-70.~~  
~~l. State Route 666 from the Colorado border to State Route 191.~~  
~~m. State Route 40 from the Colorado border to I-80.~~

- ~~n. State Route 6\214 from I-70 to I-15.~~
- ~~o. State Route 10 from I-70 to State Route 6.~~
- ~~p. State Route 201 from Salt Lake City to I-80.~~
- ~~q. Highway 89 from I-15 to I-84 (Weber and Davis Counties).~~
- ~~r. Highway 89\91 from I-15 to Logan, Highway 91 to Idaho border.]~~

2. ~~[After July 15, 1994, v]~~ Vehicles operating more than one mile from the routes listed above will require an oversize permit. These permits will be available on a single trip, semi-annual or annual basis.

~~[3. Until July 15, 1994, permits will be required on all Utah highways as presently required. Single trip, quarterly, or annual permits may be purchased according to user requirements and preferences.~~

~~4]3.~~ The following restrictions will continue to apply to trailers exceeding 48 feet in length on all highways in Utah.

a. A Maximum 41 kingpin setting, measured from the kingpin to the center of a tandem axle, or to the center of the center axle on a tridem group.

b. Dual tires are required on all trailer axles.

c. Rear under ride protection is required.

d. The maximum gross vehicle weight will be determined by Bridge Table B Extended, Section ~~[27-12-151(2)]~~ 72-7-404.

~~[5]4.~~ Trailers exceeding 53 feet will require a single trip permit. Trailers exceeding 57 feet will require a special approval prior to entering the state. All of the restrictions in the preceding paragraphs apply also to these trailers.

**KEY: trucks, permits**

~~[1994]~~ 1999

72-7-402 ~~[27-12-155]~~



**End of the Notices of Proposed Rules Section**

## NOTICES OF CHANGES IN PROPOSED RULES

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

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

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 August 31, 1999. At its option, the agency may hold public hearings.

From the end of the waiting period through November 29, 1999, 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.

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**The Changes in Proposed Rules Begin on the Following Page.**

Administrative Services, Finance
R25-7
Travel-Related Reimbursements for
State Employees

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 22050
FILED: 07/15/1999, 08:39
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After a public hearing, the rule is being revised to allow the reimbursement rate for private vehicle usage to remain at 31 cents per mile until the division makes a final determination concerning the mileage reimbursement rate.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to allow the reimbursement rate for private vehicle usage to remain at 31 cents per mile until the division makes a final determination concerning the mileage reimbursement rate.

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the June 1, 1999, Utah State Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-3-107

ANTICIPATED COST OR SAVINGS TO:

THE STATE BUDGET: Since the change to the rule will allow the reimbursement rate for private vehicle usage to remain at the current rate for the time being, there are no anticipated costs or savings.

LOCAL GOVERNMENTS: This rule applies only to state employees and therefore will have no impact on local government.

OTHER PERSONS: This applies only to state employees and therefore will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the change to the rule will allow the reimbursement rate for private vehicle usage to remain at the current rate for the time being, there are no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Amendments to Rule R25-7 apply only to state employees and have no impact on businesses.

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

Administrative Services
Finance
2110 State Office Building
PO Box 141031
Salt Lake City, UT 84114-1031, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Teddy Cramer at the above address, by phone at (801) 538-3450, by FAX at (801) 538-3244, or by Internet E-mail at tcramer@fi.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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Kim S. Thorne, Director

R25. Administrative Services, Finance.
R25-7. Travel-Related Reimbursements for State Employees.

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R25-7-10. Reimbursement for Transportation.

State employees who travel on state business may be eligible for a transportation reimbursement.

(1) Air transportation is limited to Air Coach or Excursion class.

(a) All reservations (in-state and out-of-state) should be made through the State Travel Office for the least expensive air fare available at the time reservations are made.

(b) Only one change fee per trip will be reimbursed.

(c) The explanation for the change and any other exception to this rule must be given and approved by the Department Director or designee.

(d) In order to preserve insurance coverage, travelers must fly on tickets in their names only.

(2) Travelers may be reimbursed for mileage to and from the airport and long-term parking or away-from-the-airport parking.

(a) The maximum reimbursement for parking, whether travelers park at the airport or away from the airport, is the airport long-term parking rate.

(b) The parking receipt must be included with the Travel Reimbursement Request, form FI 51A or FI 51.

(c) Travelers may be reimbursed for mileage to and from the airport to allow someone to drop them off and to pick them up.

(3) Travelers may use private vehicles with prior approval from the Department Director or designee.

(a) Only one person in a vehicle may receive the reimbursement, regardless of the number of people in the vehicle.

(b) Reimbursement for private vehicle use is reimbursed at the rate of [25]31 cents per mile[,-except board and commission members who are not state employees are reimbursed at the rate of 31 cents per mile].

(c) Agencies may establish a rate that is more restrictive than the rate established in this section.

(d) Exceptions must be approved in writing by the Director of Finance.

(e) Mileage will be computed from the latest official state road map and will be limited to the most economical, usually traveled routes.

([f]e) The mileage rate is all-inclusive, and additional expenses such as parking and storage will not be allowed unless approved in writing by the Department Director.

([g]f) An approved Private Vehicle Usage Report, form FI 40, should be included with the department's payroll documentation reporting miles driven on state business during the payroll period.

([h]g) Departments may allow mileage reimbursement on an approved Travel Reimbursement Request, form FI 51A or FI 51, if other costs associated with the trip are to be reimbursed at the same time.

(4) A traveler may choose to drive instead of flying if approved by the Department Director.

(a) If the traveler drives a state-owned vehicle, allowable reimbursement will include allowable expenses for the same period of time that would have occurred had the employee flown, plus incidental expenses such as toll fees and parking fees.

(b) If the traveler drives a privately-owned vehicle, reimbursement will be at the approved mileage rate or the airplane fare, whichever is less, unless otherwise approved by the Department Director.

(i) The airline ticket cost in effect between 15 and 30 days prior to the departure date will be used when calculating the cost of travel for comparison to private vehicle cost.

(ii) An itinerary printout which is available through the State Travel Office is required when the traveler is taking a private vehicle.

(c) The traveler may be reimbursed for meals and lodging for a reasonable amount of travel time; however, the total cost of the trip must not exceed the equivalent cost of an airline trip.

(d) These reimbursements are all-inclusive, and additional expenses such as parking and toll fees will not be allowed unless approved in writing by the Department Director.

(e) When submitting the reimbursement form, attach a schedule comparing the cost of driving with the cost of flying. The schedule should show that the total cost of the trip driving was less than or equal to the total cost of the trip flying.

(f) If the travel time taken for driving during the employee's normal work week is greater than that which would have occurred had the employee flown, the excess time used will be taken as annual leave and deducted on the Time and Attendance System.

(5) Use of rental vehicles must be approved in writing in advance by the Department Director.

(a) An exception to advance approval of the use of rental vehicles shall be fully explained in writing with the request for reimbursement and approved by the Department Director.

(b) Detailed explanation is required if a rental vehicle is requested for a traveler staying at a conference hotel.

(c) When making rental car arrangements through the State Travel Agency, reserve the vehicle you need. Upgrades in size or model made when picking up the rental vehicle will not be reimbursed.

(i) State employees should rent vehicles to be used for state business in their own names, using the state contract so they will have full coverage under the state's liability insurance.

(ii) Rental vehicle reservations not made through the travel agency must be approved in advance by the Department Director.

(iii) The traveler will be reimbursed the actual rate charged by the rental agency.

(iv) The traveler must have approval for a rental car in order to be reimbursed for rental car parking.

(6) Travel by private airplane must be approved in advance by the Department Director or designee.

(a) The pilot must certify to the Department Director that he is certified to fly the plane being used for state business.

(b) If the plane is owned by the pilot/employee, he must certify the existence of at least \$500,000 of liability insurance coverage.

(c) If the plane is a rental, the pilot must provide written certification from the rental agency that his insurance covers the traveler and the state as insured. The insurance must be adequate to cover any physical damage to the plane and at least \$500,000 for liability coverage.

(d) Reimbursement will be made at 50 cents per mile.

(e) Mileage calculation is based on road mileage computed from the latest official state road map and is limited to the most economical, usually-traveled route.

(f) An employee may be reimbursed for rental of the aircraft and purchase of gasoline and oil instead of the amount per mile, with prior approval from the Department Director, when it is cost effective for the state.

(7) Travel by private motorcycle must be approved prior to the trip by the Department Director or designee. Travel will be reimbursed at 16 cents per mile.

(8) A car allowance may be allowed in lieu of mileage reimbursement in certain cases. Prior written approval from the Department Director, the Department of Administrative Services, and the Governor is required.

**KEY: air travel, per diem allowance, state employees, transportation**

~~July 2, 1999~~ **September 1, 1999**

**63A-3-107**

**Notice of Continuation October 30, 1998**

**63A-3-106**



**Insurance, Administration**  
**R590-146**  
**Medicare Supplement Insurance**  
**Minimum Standards**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 21999

FILED: 07/15/1999, 13:19

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change makes sure that everyone who reaches 65 years of age will have an open enrollment period to obtain Medicare supplement insurance.

SUMMARY OF THE RULE OR CHANGE: The change in Subsection 590-146-11(A) enables those individuals that did not have an open enrollment option for Medicare supplement insurance

prior to the effective date of this rule to still have an open enrollment upon reaching age 65.

**(DAR Note:** The original proposed amendment upon which this change in proposed rule is based was published in the May 15, 1999, *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-22-620

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This change will not increase or decrease the fees coming into the department nor require a change in personnel.

❖LOCAL GOVERNMENTS: This rule should not affect local government. The rule is regulated by a state government agency, to which all fees are paid by its licensees.

❖OTHER PERSONS: The change noted will not change things as they are now for the insurance companies. It just makes sure that no one gets cut out of the open enrollment period because of changes in the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The change noted will not change things as they are now for the insurance companies. It just makes sure that no one gets cut out of the open enrollment period because of changes in the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The single change noted will not create a fiscal impact on state or local government, or the insurance industry, but will allow for continued fair access in the marketplace.

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

Insurance  
Administration  
3110 State Office Building  
Salt Lake City, UT 84114, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at [jdmain.jwhitby@state.ut.us](mailto:jdmain.jwhitby@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 08/31/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

**R590. Insurance, Administration.**

**R590-146. Medicare Supplement Insurance Minimum Standards.**

**R590-146-11. Open Enrollment.**

A. An issuer shall not deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this state, nor discriminate in the pricing of a

policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant in the case of an application for a policy or certificate that is submitted prior to or during the six month period beginning with the first day of the first month in which an individual is enrolled for benefits under Medicare Part B. If an individual is enrolled for benefits under Medicare Part B prior to September 9, 1999, the open enrollment period shall begin with the first day of the first month in which the individual turns 65 years of age and continues to be enrolled under Medicare Part B. Each Medicare supplement policy and certificate currently available from an insurer shall be made available to all applicants who qualify under this section without regard to age.

B. Except as provided in Section 23, Subsection A shall not be construed as preventing the exclusion of benefits under a policy, during the first six months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the six months before the coverage became effective.

**KEY: insurance  
1999**

**31A-22-620**

**Notice of Continuation May 7, 1997**



**End of the Notices of Changes in  
Proposed Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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Within five years of an administrative rule's original enactment or last five-year review, the 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).

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Education, Administration

## R277-105

### Recognizing Constitutional Freedoms in the Schools

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

DAR FILE NO.: 22173  
FILED: 07/06/1999, 13:03  
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 enacted under various provisions of the United States and Utah Constitutions and under Subsection 53A-13-101(4), which directs that respect for the Constitution be taught in conjunction with regular school work.

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: This rule is necessary because statutory and Constitutional provisions protecting freedom of religion and conscience, and directing that respect for the Constitution be taught in conjunction with regular school work, have not changed.

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

Education  
Administration  
250 East 500 South  
Salt Lake City, UT 84111, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 07/06/1999



Transportation, Motor Carrier, Ports of  
Entry

## R912-14

### Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length

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

DAR FILE NO.: 22171  
FILED: 07/06/1999, 09:35  
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: The current law, Subsection 72-7-402(7), still requires the Department of Transportation to establish rules designating routes where a semitrailer that exceeds a length of 48 feet but that does not exceed a length of 53 feet may operate.



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: This rule is still required by law.

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

Transportation  
Motor Carrier, Ports of Entry  
Calvin Rampton Building  
4501 South 2700 West  
PO Box 148240  
Salt Lake City, UT 84114-8240, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Tamy L. Scott at the above address, by phone at (801) 965-4752, by FAX at (801) 965-4847, or Internet E-mail at tscott@dot.state.ut.us.

AUTHORIZED BY: Tamy L. Scott, Safety Investigator

EFFECTIVE: 07/06/1999



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

## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Abbreviations

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

### Administrative Services

#### Finance

No. 22049 (AMD): R25-5. Payment of Per Diem to Boards.  
Published: June 1, 1999  
Effective: July 13, 1999

### Agriculture and Food

#### Regulatory Services

No. 22057 (AMD): R70-630. Water Vending Machine.  
Published: June 1, 1999  
Effective: July 6, 1999

### Environmental Quality

#### Air Quality

No. 22043 (AMD): R307-202-5. Permissible Burning - With Permit.  
Published: June 1, 1999  
Effective: July 15, 1999

No. 22044 (AMD): R307-210-1. Standards of Performance for New Stationary Sources (NSPS).  
Published: June 1, 1999  
Effective: July 15, 1999

No. 21949 (AMD): R307-328. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage.  
Published: May 1, 1999  
Effective: July 15, 1999

No. 21950 (AMD): R307-342. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Qualification of Contractors, Test Procedures for Testing of Vapor Recovery Systems for Gasoline Delivery Tanks.  
Published: May 1, 1999  
Effective: July 15, 1999

No. 22045 (AMD): R307-415. Permits: Operating Permit Requirements.  
Published: June 1, 1999  
Effective: July 15, 1999

#### Solid and Hazardous Waste

No. 22046 (AMD): R315-4-2. The Manifest.  
Published: June 1, 1999  
Effective: July 15, 1999

### Health

Health Systems Improvement, Health Facility Licensure  
No. 21981 (AMD): R432-3. General Health Care Facility Rules Inspection and Enforcement.  
Published: May 15, 1999  
Effective: July 6, 1999

No. 21918 (AMD): R432-152. Mental Retardation Facility.  
Published: April 1, 1999  
Effective: July 6, 1999

### Human Services

#### Mental Health

No. 22048 (AMD): R523-1-19. Prohibited Items and Devices on the Grounds of Public Mental Health Facilities.  
Published: June 1, 1999  
Effective: July 2, 1999

### Labor Commission

#### Antidiscrimination and Labor, Labor

No. 22040 (NEW): R610-4. Employment Agency Licensing.  
Published: June 1, 1999  
Effective: July 2, 1999

#### Occupational Safety and Health

No. 22038 (AMD): R614-1-4. Incorporation of Federal Standards.  
Published: June 1, 1999  
Effective: July 2, 1999

No. 22039 (AMD): R614-1-7. Inspections, Citations, and Proposed Penalties.  
Published: June 1, 1999  
Effective: July 2, 1999

Safety

No. 22036 (AMD): R616-2. Boiler and Pressure Vessel Rules.

Published: June 1, 1999

Effective: July 2, 1999

No. 22037 (AMD): R616-3. Elevator Rules.

Published: June 1, 1999

Effective: July 2, 1999

Natural Resources

Energy and Resource Planning

No. 22029 (AMD): R637-1. Utah Energy Savings Systems Tax Credit (ESSTC) Rules.

Published: June 1, 1999

Effective: July 30, 1999

**End of the Notices of Rule Effective Dates Section**

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

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 1999, including notices of effective date received through July 15, 1999, the effective dates of which are no later than August 1, 1999. 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).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

## 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<br>repealed text not printed in <i>Bulletin</i> |
| 5YR = Five-Year Review         |  |
| EXD = Expired                  |  |

| CODE<br>REFERENCE                             | TITLE   | FILE<br>NUMBER | ACTION | EFFECTIVE<br>DATE | BULLETIN<br>ISSUE/PAGE |
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| <b>ADMINISTRATIVE SERVICES</b>                |   |                |        |                   |                        |
| <u>Facilities Construction and Management</u> |   |                |        |                   |                        |
| R23-29  | Across the Board Delegation                       | 22041          | 5YR    | 05/11/99          | 99-11/75               |
| <u>Finance</u>                                |   |                |        |                   |                        |
| R25-5   | Payment of Per Diem to Boards                     | 21887          | NSC    | 03/05/99          | Not Printed            |
| R25-5   | Payment of Per Diem to Boards                     | 22049          | AMD    | 07/13/99          | 99-11/14               |
| R25-7   | Travel-Related Reimbursements for State Employees | 21888          | NSC    | 03/05/99          | Not Printed            |
| R25-8   | Meal Allowance                                    | 21889          | NSC    | 03/05/99          | Not Printed            |
| <u>Records Committee</u>                      |   |                |        |                   |                        |
| R35-1   | State Records Committee Appeal Hearing Procedures | 21751          | NEW    | 03/18/99          | 99-2/2                 |
| <b>AGRICULTURE AND FOOD</b>                   |   |                |        |                   |                        |
| <u>Administration</u>                         |   |                |        |                   |                        |
| R51-5   | Grazing Advisory Boards                           | 21884          | 5YR    | 02/22/99          | 99-6/27                |

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| R68-15   | Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)  | 21701       | AMD    | 01/15/99       | 98-24/8             |
| R68-15   | Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)  | 21808       | AMD    | 03/18/99       | 99-4/7              |
| <u>Regulatory Services</u>                     |  |             |        |                |                     |
| R70-630  | Water Vending Machine  | 22057       | AMD    | 07/06/99       | 99-11/19            |
| <b>COMMERCE</b>                                |  |             |        |                |                     |
| <u>Occupational and Professional Licensing</u> |  |             |        |                |                     |
| R156-5a  | Podiatric Physician Licensing Act Rules  | 21907       | 5YR    | 03/02/99       | 99-7/54             |
| R156-24a                                       | Physical Therapist Practice Act Rules  | 21716       | AMD    | see CPR        | 98-24/11            |
| R156-24a                                       | Physical Therapist Practice Act Rules  | 21716       | CPR    | 03/09/99       | 99-3/56             |
| R156-28  | Veterinary Practice Act Rules  | 21753       | AMD    | 02/18/99       | 99-2/3              |
| R156-31b                                       | Nurse Practice Act Rules   | 21903       | AMD    | 04/15/99       | 99-6/4              |
| R156-37c                                       | Utah Controlled Substance Precursor Act Rules  | 21908       | 5YR    | 03/02/99       | 99-7/54             |
| R156-39a                                       | Alternative Dispute Resolution Providers Certification Act Rules   | 21905       | 5YR    | 03/01/99       | 99-6/27             |
| R156-50  | Private Probation Provider Licensing Act Rules   | 21822       | AMD    | 03/18/99       | 99-4/9              |
| R156-50-502                                    | Unprofessional Conduct   | 21927       | NSC    | 03/29/99       | Not Printed         |
| R156-56  | Utah Uniform Building Standard Act Rules   | 22008       | AMD    | 07/01/99       | 99-10/5             |
| R156-62-302                                    | Qualifications for Registration  | 21899       | AMD    | 04/15/99       | 99-6/6              |
| R156-62-302                                    | Qualifications for Registration  | 21971       | NSC    | 05/01/99       | Not Printed         |
| R156-63  | Security Personnel Licensing Act Rules   | 21855       | AMD    | 04/01/99       | 99-5/7              |
| R156-74  | Certified Shorthand Reporters Licensing Act Rules  | 21812       | NEW    | 03/18/99       | 99-4/12             |
| R156-78  | Rules of the Certified Shorthand Reporters Licensing Board   | 21813       | REP    | 03/18/99       | 99-4/13             |
| <u>Real Estate</u>                             |  |             |        |                |                     |
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| R162-6   | Licensee Conduct   | 21968       | AMD    | 06/03/99       | 99-9/4              |
| R162-9   | Continuing Education   | 21969       | AMD    | 06/03/99       | 99-9/10             |
| R162-101                                       | Authority and Definitions  | 22000       | EMR    | 05/03/99       | 99-10/90            |
| R162-102                                       | Licensing Procedures   | 22001       | EMR    | 05/03/99       | 99-10/91            |
| R162-102                                       | Licensing Procedures   | 21915       | AMD    | 06/10/99       | 99-7/5              |
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| R162-104                                       | Experience Requirement   | 22003       | EMR    | 05/03/99       | 99-10/98            |
| R162-105                                       | Scope of Authority   | 22004       | EMR    | 05/03/99       | 99-10/100           |
| R162-106                                       | Professional Conduct   | 22005       | EMR    | 05/03/99       | 99-10/102           |
| R162-107                                       | Unprofessional Conduct   | 22006       | EMR    | 05/03/99       | 99-10/104           |
| R162-109                                       | Administrative Proceedings   | 22007       | EMR    | 05/03/99       | 99-10/105           |

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| R251-105                        | Applicant Qualifications for Employment with Department of Corrections  | 21828       | 5YR    | 02/01/99       | 99-4/65             |
| R251-105                        | Applicant Qualifications for Employment with Department of Corrections  | 21829       | AMD    | 03/29/99       | 99-4/15             |
| R251-105                        | Applicant Qualifications for Employment with Department of Corrections  | 21925       | NSC    | 03/29/99       | Not Printed         |
| <b>CRIME VICTIM REPARATIONS</b> |   |             |        |                |                     |
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| <u>Administration</u>           |   |             |        |                |                     |
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| R277-105                        | Recognizing Constitutional Freedoms in the Schools  | 22173       | 5YR    | 07/06/99       | 99-15/58            |
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| R277-425                        | Budgeting, Accounting, and Auditing for Utah School Districts   | 21894       | 5YR    | 02/26/99       | 99-6/28             |
| R277-436                        | Gang Prevention and Intervention Programs in the Schools  | 21902       | AMD    | 04/15/99       | 99-6/12             |
| R277-437                        | Student Enrollment Options  | 21677       | NEW    | 01/05/99       | 98-23/4             |
| R277-438                        | Dual Enrollment   | 22105       | 5YR    | 06/08/99       | 99-13/37            |
| R277-455                        | Standards and Procedures for Building Plan Review   | 21895       | 5YR    | 02/26/99       | 99-6/29             |
| R277-458                        | 70% Utilization of School Buildings   | 22024       | EMR    | 04/30/99       | 99-10/107           |
| R277-458                        | 70% Utilization of School Buildings   | 22025       | REP    | 06/15/99       | 99-10/30            |
| R277-470                        | Distribution of Funds for Charter Schools   | 21773       | NSC    | 01/27/99       | Not Printed         |
| R277-503                        | An Alternative Preparation for Teaching Program   | 21972       | AMD    | 06/03/99       | 99-9/13             |
| R277-519                        | Educator In-service Procedures and Credit   | 21824       | AMD    | 03/22/99       | 99-4/19             |
| R277-601                        | Standards for Utah School Buses and Operations  | 21896       | 5YR    | 02/26/99       | 99-6/29             |
| R277-702                        | Procedures for the Utah General Educational Development Certificate   | 21825       | AMD    | 03/22/99       | 99-4/20             |
| R277-712                        | Advanced Placement Programs   | 21897       | 5YR    | 02/26/99       | 99-6/30             |
| R277-716                        | Alternative Language Services (ALS)   | 21973       | AMD    | 06/03/99       | 99-9/15             |
| R277-733                        | Adult Basic Skills and Adult High School Programs   | 21826       | AMD    | 03/22/99       | 99-4/22             |
| R277-734                        | Standards and Procedures for Adult Education Section 353 Funds  | 21898       | 5YR    | 02/26/99       | 99-6/30             |
| R277-735                        | Standards and Procedures for Corrections Education Programs Serving Inmates of the Utah Department of Corrections | 21678       | NEW    | 01/05/99       | 98-23/6             |

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| <u>Applied Technology Education (Board for), Rehabilitation</u> |   |             |        |                |                     |
| R280-201  | USOR ADA Complaint Procedure  | 21679       | NEW    | 01/05/99       | 98-23/8             |
| R280-202  | USOR Procedures for Individuals with the Most Severe Disabilities   | 21680       | NEW    | 01/05/99       | 98-23/10            |
| <b>ENVIRONMENTAL QUALITY</b>                                    |   |             |        |                |                     |
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| R307-12<br>(Changed to R307-205)                                | Fugitive Emissions and Fugitive Dust  | 21697       | AMD    | see CPR        | 98-24/12            |
| R307-12<br>(Changed to R307-205)                                | Emission Standards: Fugitive Emissions and Fugitive Dust  | 21697       | CPR    | 05/04/99       | 99-7/44             |
| R307-101-2  | Definitions   | 21588       | AMD    | 01/07/99       | 98-22/49            |
| R307-101-2  | Definitions   | 21782       | AMD    | 04/08/99       | 99-3/4              |
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| R307-150  | Periodic Inventories  | 21590       | REP    | 03/04/99       | 98-22/55            |
| R307-150  | Emission Inventories  | 21591       | NEW    | see CPR        | 98-22/56            |
| R307-150  | Emission Inventories  | 21591       | CPR    | 03/04/99       | 99-3/57             |
| R307-155  | Emission Inventories  | 21592       | REP    | 03/04/99       | 99-22/60            |
| R307-155  | Hazardous Air Pollutant Inventory   | 21593       | NEW    | see CPR        | 98-22/62            |
| R307-155  | Hazardous Air Pollutant Inventory   | 21593       | CPR    | 03/04/99       | 99-3/59             |
| R307-158  | Emission Statement Inventory  | 21594       | NEW    | see CPR        | 98-22/64            |
| R307-158  | Emission Statement Inventory  | 21594       | CPR    | 03/04/99       | 99-3/60             |
| R307-170  | Continuous Emission Monitoring Program  | 21504       | R&R    | see CPR        | 98-20/5             |
| R307-170  | Continuous Emission Monitoring Program  | 21504       | CPR    | 04/01/99       | 99-5/51             |
| R307-202-5  | Permissible Burning - With Permit   | 22043       | AMD    | 07/15/99       | 99-11/24            |
| R307-210-1  | Standards of Performance for New Stationary Sources (NSPS)  | 22044       | AMD    | 07/15/99       | 99-11/25            |
| R307-214  | National Emission Standards for Hazardous Air Pollutants  | 21844       | 5YR    | 02/03/99       | 99-5/57             |
| R307-221  | Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills  | 21595       | AMD    | 01/07/99       | 98-22/66            |
| R307-221  | Emission Controls for Existing Municipal Solid Waste Landfills  | 21850       | NSC    | 02/27/99       | Not Printed         |
| R307-302-2  | No-Burn Periods for PM10  | 21570       | AMD    | 01/07/99       | 98-22/67            |
| R307-309  | Davis, Salt Lake, and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust   | 21698       | NEW    | see CPR        | 98-24/15            |
| R307-309  | Davis, Salt Lake, and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust   | 21698       | CPR    | 05/04/99       | 99-7/46             |
| R307-328  | Davis and Salt Lake Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage   | 21949       | AMD    | 07/15/99       | 99-9/18             |
| R307-342  | Davis and Salt Lake Counties and Ozone Nonattainment Areas: Qualification of Contractors, Test Procedures for Testing of Vapor Recovery Systems for Gasoline Delivery Tanks | 21950       | AMD    | 07/15/99       | 99-9/21             |

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| CODE REFERENCE                                | TITLE  | FILE NUMBER | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
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| R307-343                                      | Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emission Standards for Wood Furniture Manufacturing Operations | 21727       | NEW    | see CPR        | 98-24/18            |
| R307-343                                      | Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emission Standards for Wood Furniture Manufacturing Operations | 21727       | CPR    | 06/02/99       | 99-9/95             |
| R307-403                                      | Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas   | 21852       | AMD    | 05/06/99       | 99-5/16             |
| R307-415                                      | Permits: Operating Permit Requirements   | 21900       | 5YR    | 03/01/99       | 99-6/31             |
| R307-415                                      | Permits: Operating Permit Requirements   | 22045       | AMD    | 07/15/99       | 99-11/26            |
| R307-415-3                                    | Definitions  | 21589       | AMD    | 01/07/99       | 98-22/68            |
| R307-417                                      | Permits: Acid Rain Sources   | 21735       | AMD    | 03/05/99       | 99-1/3              |
| R307-417                                      | Permits: Acid Rain Sources   | 21910       | 5YR    | 03/05/99       | 99-7/55             |
| R307-420                                      | Permits: Ozone Offset Requirements in Davis and Salt Lake Counties   | 21853       | NEW    | 05/06/99       | 99-5/18             |
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| R309-104                                      | Monitoring, Reporting and Public Notification  | 21553       | AMD    | 01/15/99       | 98-21/16            |
| R309-113                                      | Drinking Water Source Protection   | 21554       | AMD    | 01/15/99       | 98-21/20            |
| <u>Environmental Response and Remediation</u> |  |             |        |                |                     |
| R311-201                                      | Underground Storage Tanks: Certification Program   | 21854       | NSC    | 02/27/99       | Not Printed         |
| <u>Radiation Control</u>                      |  |             |        |                |                     |
| R313-12-3                                     | Definitions  | 21684       | AMD    | 03/12/99       | 98-24/26            |
| R313-15-906                                   | Procedures for Receiving and Opening Packages  | 21685       | AMD    | 03/12/99       | 98-24/32            |
| R313-16                                       | General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines               | 21535       | AMD    | 01/15/99       | 98-21/27            |
| R313-18-12                                    | Instructions to Workers  | 21947       | AMD    | 06/11/99       | 99-9/29             |
| R313-19                                       | Requirements of General Applicability to Licensing of Radioactive Material   | 21686       | AMD    | 03/12/99       | 98-24/33            |
| R313-19-30                                    | Reciprocal Recognition of Licenses   | 21948       | AMD    | 06/11/99       | 99-9/30             |
| R313-21                                       | General Licenses   | 21805       | 5YR    | 01/25/99       | 99-4/65             |
| R313-28                                       | Use of X-rays in the Healing Arts  | 21682       | AMD    | 03/12/99       | 98-24/46            |
| R313-30                                       | Therapeutic Radiation Machines   | 21806       | 5YR    | 01/25/99       | 99-4/66             |
| R313-38                                       | Radiation Safety Requirements for Wireline Service Operation and Subsurface Tracer Studies                                 | 21807       | 5YR    | 01/25/99       | 99-4/66             |
| <u>Solid and Hazardous Waste</u>              |  |             |        |                |                     |
| R315-2  | General Requirements - Identification and Listing of Hazardous Waste   | 21459       | AMD    | see CPR        | 98-19/10            |
| R315-2  | General Requirements - Identification and Listing of Hazardous Waste   | 21459       | CPR    | 02/15/99       | 99-1/28             |
| R315-2  | General Requirements - Identification and Listing of Hazardous Waste   | 21953       | AMD    | 06/15/99       | 99-9/33             |
| R315-2-2                                      | Definition of Solid Waste  | 21856       | AMD    | 04/15/99       | 99-5/20             |



| CODE REFERENCE | TITLE   | FILE NUMBER | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
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| R315-3         | Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities              | 21954       | AMD    | 06/15/99       | 99-9/44             |
| R315-4-2       | The Manifest  | 22046       | AMD    | 07/15/99       | 99-11/30            |
| R315-5-10      | Accumulation Time   | 21955       | AMD    | 06/15/99       | 99-9/55             |
| R315-7         | Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities                           | 21956       | AMD    | 06/15/99       | 99-9/56             |
| R315-8         | Standards for Owners and Operators of Hazardous Treatment, Storage, and Disposal Facilities                           | 21957       | AMD    | 06/15/99       | 99-9/61             |
| R315-12        | Administrative Procedures   | 21958       | AMD    | 06/15/99       | 99-9/70             |
| R315-13-1      | Land Disposal Restrictions  | 21959       | AMD    | 06/15/99       | 99-9/71             |
| R315-14        | Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities | 21960       | AMD    | 06/15/99       | 99-9/72             |
| R315-16-1      | General   | 21961       | AMD    | 06/15/99       | 99-9/73             |
| R315-50-9      | Basis for Listing Hazardous Wastes  | 21962       | AMD    | 06/15/99       | 99-9/76             |
| R315-301-2     | Definitions   | 21783       | AMD    | 03/15/99       | 99-3/10             |
| R315-303       | Landfilling Standards   | 21784       | AMD    | see CPR        | 99-3/14             |
| R315-303       | Landfilling Standards   | 21784       | CPR    | 05/05/99       | 99-7/78             |
| R315-304       | Industrial Solid Waste Landfill Requirements  | 21439       | AMD    | see CPR        | 98-19/50            |
| R315-304       | Industrial Solid Waste Landfill Requirements  | 21439       | CPR    | 01/05/99       | 98-23/45            |
| R315-304-1     | Applicability   | 21772       | NSC    | 01/05/99       | Not Printed         |
| R315-305-5     | Requirements for Operation  | 21785       | AMD    | 03/15/99       | 99-3/18             |
| R315-315-6     | PCB Containing Waste  | 21786       | AMD    | 03/15/99       | 99-3/19             |
| R315-315-6     | PCB Containing Waste  | 21919       | NSC    | 03/15/99       | Not Printed         |
| R315-317       | Other Processes, Variances, and Violations  | 21787       | AMD    | 03/15/99       | 99-3/20             |
| R315-318       | Permit by Rule  | 21788       | AMD    | see CPR        | 99-3/22             |
| R315-318       | Permit by Rule  | 21788       | CPR    | 05/05/99       | 99-7/50             |
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Water Quality

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**FAIR CORPORATION (UTAH STATE)**

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**LABOR COMMISSION**

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| R657-38                               | Dedicated Hunter Program                                   | 21719       | AMD    | 01/15/99       | 98-24/107           |

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| R686-103  | Professional Practices and Conduct for Utah Educators   | 21922       | NEW    | 05/06/99       | 99-7/40             |
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| R708-2  | Commercial Driver Training Schools  | 21579       | R&R    | see CPR        | 98-22/115           |
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| R708-30   | Motorcycle Rider Training Schools   | 21881       | 5YR    | 02/17/99       | 99-6/32             |
| R708-30   | Motorcycle Rider Training Schools   | 21933       | R&R    | 05/18/99       | 99-8/48             |
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| R710-3  | Assisted Living Facilities  | 21709       | AMD    | 01/15/99       | 98-24/116           |
| R710-4  | Buildings Under the Jurisdiction of the State Fire Prevention Board                                   | 21710       | AMD    | 01/15/99       | 98-24/117           |
| R710-6  | Liquefied Petroleum Gas Rules   | 21733       | AMD    | 02/02/99       | 99-1/17             |
| R710-8  | Day Care Rules  | 21712       | AMD    | see CPR        | 98-24/120           |
| R710-8  | Day Care Rules  | 21712       | CPR    | 02/23/99       | 99-2/88             |
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| R714-500  | Chemical Analysis Standards and Training  | 21945       | NSC    | 05/01/99       | Not Printed         |
| R714-600  | Performance Standards for Tow-Truck Motor Carriers  | 21882       | NEW    | 04/15/99       | 99-6/25             |
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| R746-320   | Uniform Rules Governing Natural Gas Service by Gas Utilities  | 21798       | AMD    | 06/05/99       | 99-4/52             |
| R746-365   | Intercarrier Service Quality  | 20997       | NEW    | see CPR        | 98-9/50             |
| R746-365   | Intercarrier Service Quality  | 20997       | CPR    | 01/13/99       | 98-18/39            |
| R746-365   | Intercarrier Service Quality  | 21774       | NSC    | 01/15/99       | Not Printed         |
| R746-365-4   | Service Quality Guidelines  | 21879       | AMD    | 06/01/99       | 99-5/42             |
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| R765-607   | Utah Higher Education Tuition Assistance Program  | 21771       | NSC    | 01/27/99       | Not Printed         |
| R765-685   | Utah Educational Savings Plan Trust   | 21674       | AMD    | 01/04/99       | 98-23/40            |
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| R784-1   | Government Records Access and Management Act Rules  | 21820       | NEW    | 03/18/99       | 99-4/57             |
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| R850-40-1600   | Easement Assignments  | 21932       | AMD    | 05/18/99       | 99-8/58             |
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| R865-6F-35   | S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703  | 21761       | AMD    | 03/16/99       | 99-2/59             |
| <b>DAR Note:</b> The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee." |   |             |        |                |                     |
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| R865-7H-2  | Environmental Assurance Fee on Packaged Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5  | 21738       | NEW    | 03/16/99       | 99-1/24             |

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| R884-24P-27           | Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5   | 21930       | AMD    | 06/21/99       | 99-8/59             |
| R884-24P-32           | Leasehold Improvements Pursuant to Utah Code Ann. Section 59-2-303   | 21931       | AMD    | 06/21/99       | 99-8/61             |
| R884-24P-52           | Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103   | 21326       | AMD    | see CPR        | 98-16/58            |
| R884-24P-52           | Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103   | 21326       | CPR    | 01/12/99       | 98-23/46            |
| R884-24P-53           | 1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515   | 21777       | EMR    | 01/12/99       | 99-3/64             |
| R884-24P-53           | 1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515   | 21789       | AMD    | 03/16/99       | 99-3/46             |
| R884-24P-61           | 1.5 Percent Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Sections 41-1a-202, 59-2-104, 59-2-401, 59-2-402, and 59-2-405 | 21762       | AMD    | 03/16/99       | 99-2/60             |
| R884-24P-63           | Performance Standards and Training Requirements Pursuant to Utah Code Ann. Section 59-2-406  | 21676       | AMD    | 03/16/99       | 98-23/42            |
| R884-24P-64           | Determination and Application of Taxable Value for Purposes of the Property Tax Exemption for Disabled Veterans and the Blind Pursuant to Utah Code Ann. Section 59-2-1104 and 59-2-1106 | 21998       | AMD    | 06/21/99       | 99-10/89            |
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| R907-64               | Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities   | 22124       | EMR    | 06/28/99       | 99-14/76            |
| <u>Motor Carrier</u>  |  |             |        |                |                     |
| R909-1                | Safety Regulations for Motor Carriers  | 21756       | AMD    | 03/15/99       | 99-2/62             |
| R909-75               | Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes   | 21780       | AMD    | 05/04/99       | 99-3/49             |

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| R912-4  | Limitation of Special Permit Vehicles in Provo Canyon. Legal and Permitted Vehicles   | 21819       | REP    | 06/01/99       | 99-4/58             |
| R912-8  | Minimum Tire, Axle and Suspension Ratings for Heavy Vehicles and the Use of Retractable or Variable Load Suspension Axles in Utah | 21800       | NSC    | 01/27/99       | Not Printed         |
| R912-14   | Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length                                       | 22171       | 5YR    | 07/06/99       | 99-15/58            |
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| R986-413  | Program Standards   | 21705       | AMD    | 01/20/99       | 98-24/122           |
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| R986-417  | Documentation   | 21582       | AMD    | 01/20/99       | 98-22/134           |
| R986-419  | Income Limits   | 21706       | AMD    | 01/20/99       | 98-24/124           |
| R986-420  | Maximum Allotments  | 21707       | AMD    | 01/20/99       | 98-24/125           |
| R986-421  | Demonstration Programs  | 21585       | AMD    | 01/20/99       | 98-22/136           |
| R986-501  | Displaced Homemaker Program   | 21883       | 5YR    | 02/19/99       | 99-6/32             |
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| R994-405  | Ineligibility for Benefits  | 21745       | AMD    | 02/17/99       | 99-2/65             |
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| R994-405  | Ineligibility for Benefits  | 21748       | AMD    | 02/17/99       | 99-2/77             |
| R994-405  | Ineligibility for Benefits  | 21749       | AMD    | 02/17/99       | 99-2/83             |
| R994-405  | Ineligibility for Benefits  | 21747       | NSC    | 02/20/99       | Not Printed         |
| R994-600  | Dislocated Workers  | 21770       | AMD    | 03/05/99       | 99-3/51             |

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**ABBREVIATIONS**

AMD = Amendment  
 CPR = Change in proposed rule  
 EMR = Emergency rule (120 day)  
 NEW = New rule  
 5YR = Five-Year Review  
 EXD = Expired  
 NSC = Nonsubstantive rule change  
 REP = Repeal  
 R&R = Repeal and reenact  
 \* = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

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| Education, Administration                               | 21823          | R277-413                         | NEW    | 03/22/99          | 99-4/16                |
| <b><u>ACID RAIN</u></b>                                 |                |                                  |        |                   |                        |
| Environmental Quality, Air Quality                      | 21735          | R307-417                         | AMD    | 03/05/99          | 99-1/3                 |
|   | 21910          | R307-417                         | 5YR    | 03/05/99          | 99-7/55                |
| <b><u>ADMINISTRATIVE LAW</u></b>                        |                |                                  |        |                   |                        |
| Human Services, Recovery Services                       | 21675          | R527-200                         | AMD    | 01/04/99          | 98-23/33               |
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| Education, Administration                               | 21893          | R277-102                         | 5YR    | 02/26/99          | 99-6/28                |
| Environmental Quality, Drinking Water                   | 21553          | R309-104                         | AMD    | 01/15/99          | 98-21/16               |
| Human Resources Management,<br>Administration           | 22013          | R477-4                           | AMD    | 06/26/99          | 99-10/47               |
|   | 22021          | R477-12                          | AMD    | 06/26/99          | 99-10/66               |
|   | 22023          | R477-15                          | AMD    | 06/26/99          | 99-10/71               |
| Labor Commission, Adjudication                          | 21845          | R602-2-1                         | AMD    | 04/05/99          | 99-5/38                |
|   | 21846          | R602-2-4                         | AMD    | 04/05/99          | 99-5/40                |
| Natural Resources; Forestry, Fire and<br>State Lands    | 21672          | R652-70-2300                     | AMD    | 01/14/99          | 98-23/36               |
| School and Institutional Trust Lands,<br>Administration | 21909          | R850-20-175                      | EXP    | 03/03/99          | 99-7/52                |
|   | 21932          | R850-40-1600                     | AMD    | 05/18/99          | 99-8/58                |
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| Education, Administration                               | 21825          | R277-702                         | AMD    | 03/22/99          | 99-4/20                |
|   | 21826          | R277-733                         | AMD    | 03/22/99          | 99-4/22                |
|   | 21898          | R277-734                         | 5YR    | 02/26/99          | 99-6/30                |
| Workforce Services, Employment<br>Development           | 21883          | R986-501                         | 5YR    | 02/19/99          | 99-6/32                |
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|   | 21886          | R510-111                         | NSC    | 02/27/99          | Not Printed            |
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| Agriculture and Food, Administration                    | 21884          | R51-5                            | 5YR    | 02/22/99          | 99-6/27                |
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|   | 21697          | R307-12 (Changed<br>to R307-205) | CPR    | 05/04/99          | 99-7/44                |

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|   | 21851          | R307-101-2        | AMD    | 05/06/99          | 99-5/9                 |
|   | 21591          | R307-150          | NEW    | see CPR           | 98-22/56               |
|   | 21591          | R307-150          | CPR    | 03/04/99          | 99-3/57                |
|   | 21592          | R307-155          | REP    | 03/04/99          | 98-22/60               |
|   | 21593          | R307-155          | NEW    | see CPR           | 98-22/62               |
|   | 21593          | R307-155          | CPR    | 03/04/99          | 99-3/59                |
|   | 21594          | R307-158          | NEW    | see CPR           | 98-22/64               |
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|   | 21504          | R307-170          | CPR    | 04/01/99          | 99-5/51                |
|   | 22043          | R307-202-5        | AMD    | 07/15/99          | 99-11/24               |
|   | 22044          | R307-210-1        | AMD    | 07/15/99          | 99-11/25               |
|   | 21844          | R307-214          | 5YR    | 02/03/99          | 99-5/57                |
|   | 21595          | R307-221          | AMD    | 01/07/99          | 98-22/66               |
|   | 21850          | R307-221          | NSC    | 02/27/99          | Not Printed            |
|   | 21570          | R307-302-2        | AMD    | 01/07/99          | 98-22/67               |
|   | 21698          | R307-309          | NEW    | see CPR           | 98-24/15               |
|   | 21698          | R307-309          | CPR    | 05/04/99          | 99-7/46                |
|   | 21949          | R307-328          | AMD    | 07/15/99          | 99-9/18                |
|   | 21950          | R307-342          | AMD    | 07/15/99          | 99-9/21                |
|   | 21727          | R307-343          | NEW    | see CPR           | 98-24/18               |
|   | 21727          | R307-343          | CPR    | 06/02/99          | 99-9/95                |
|   | 21852          | R307-403          | AMD    | 05/06/99          | 99-5/16                |
|   | 21900          | R307-415          | 5YR    | 03/01/99          | 99-6/31                |
|   | 22045          | R307-415          | AMD    | 07/15/99          | 99-11/26               |
|   | 21589          | R307-415-3        | AMD    | 01/07/99          | 98-22/68               |
|   | 21853          | R307-420          | NEW    | 05/06/99          | 99-5/18                |
| <b><u>AIR QUALITY</u></b>                         |                |                   |        |                   |                        |
| Environmental Quality, Air Quality                | 21735          | R307-417          | AMD    | 03/05/99          | 99-1/3                 |
|   | 21910          | R307-417          | 5YR    | 03/05/99          | 99-7/55                |
| <b><u>AIR TRAVEL</u></b>                          |                |                   |        |                   |                        |
| Administrative Services, Finance                  | 21888          | R25-7             | NSC    | 03/05/99          | Not Printed            |
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| Public Safety, Highway Patrol                     | 21945          | R714-500          | NSC    | 05/01/99          | Not Printed            |
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| Administrative Services, Finance                  | 21889          | R25-8             | NSC    | 03/05/99          | Not Printed            |
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|   | 21931          | R884-24P-32       | AMD    | 06/21/99          | 99-8/61                |
|   | 21777          | R884-24P-53       | EMR    | 01/12/99          | 99-3/64                |
|   | 21789          | R884-24P-53       | AMD    | 03/16/99          | 99-3/46                |
|   | 21762          | R884-24P-61       | AMD    | 03/16/99          | 99-2/60                |
|   | 21676          | R884-24P-63       | AMD    | 03/16/99          | 98-23/42               |
|   | 21998          | R884-24P-64       | AMD    | 06/21/99          | 99-10/89               |
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| <b><u>ARCHAEOLOGICAL RESOURCES</u></b>                                      |                |                   |        |                   |                        |
| Regents (Board of), University of Utah,<br>Museum of Natural History (Utah) | 21966          | R807-1            | NEW    | 06/03/99          | 99-9/86                |
| <b><u>ASSISTED LIVING FACILITIES</u></b>                                    |                |                   |        |                   |                        |
| Public Safety, Fire Marshal   | 21709          | R710-3            | AMD    | 01/15/99          | 98-24/116              |
| <b><u>AUTHORITY</u></b>   |                |                   |        |                   |                        |
| Environmental Quality, Air Quality  | 21590          | R307-150          | REP    | 03/04/99          | 98-22/55               |
| <b><u>BAIT DEALERS</u></b>  |                |                   |        |                   |                        |
| Natural Resources, Wildlife Resources                                       | 21937          | R657-14           | AMD    | 05/18/99          | 99-8/25                |
| <b><u>BEAM LIMITATION</u></b>   |                |                   |        |                   |                        |
| Environmental Quality, Radiation Control                                    | 21682          | R313-28           | AMD    | 03/12/99          | 98-24/46               |
| <b><u>BEAR</u></b>  |                |                   |        |                   |                        |
| Natural Resources, Wildlife Resources                                       | 21938          | R657-33           | AMD    | 05/18/99          | 99-8/33                |
| <b><u>BED ALLOCATION</u></b>  |                |                   |        |                   |                        |
| Human Services, Mental Health   | 22048          | R523-1-19         | AMD    | 07/02/99          | 99-11/42               |
| <b><u>BENEFITS</u></b>  |                |                   |        |                   |                        |
| Health, Health Care Financing,<br>Coverage and Reimbursement Policy         | 21986          | R414-302          | AMD    | 06/28/99          | 99-10/33               |
| Workforce Services, Employment<br>Development                               | 21582          | R986-417          | AMD    | 01/20/99          | 98-22/134              |
| <b><u>BIG GAME SEASONS</u></b>  |                |                   |        |                   |                        |
| Natural Resources, Wildlife Resources                                       | 21717          | R657-5            | AMD    | 01/15/99          | 98-24/96               |
|   | 21721          | R657-43           | AMD    | 01/15/99          | 98-24/110              |
| <b><u>BOARDS</u></b>  |                |                   |        |                   |                        |
| Administrative Services, Finance  | 21887          | R25-5             | NSC    | 03/05/99          | Not Printed            |
|   | 22049          | R25-5             | AMD    | 07/13/99          | 99-11/14               |
| <b><u>BOATING</u></b>   |                |                   |        |                   |                        |
| Natural Resources, Parks and<br>Recreation                                  | 21924          | R651-206          | AMD    | 05/18/99          | 99-8/23                |
| <b><u>BOILERS</u></b>   |                |                   |        |                   |                        |
| Labor Commission, Safety  | 22036          | R616-2            | AMD    | 07/02/99          | 99-11/53               |

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| <b><u>BREATH TESTING</u></b>  |                |                   |        |                   |                        |
| Public Safety, Highway Patrol                                       | 21945          | R714-500          | NSC    | 05/01/99          | Not Printed            |
| <b><u>BUDGETING</u></b>   |                |                   |        |                   |                        |
| Health, Health Care Financing,<br>Coverage and Reimbursement Policy | 21764          | R414-304          | AMD    | 02/25/99          | 99-2/4                 |
| <b><u>BUILDING CODES</u></b>  |                |                   |        |                   |                        |
| Commerce, Occupational and<br>Professional Licensing                | 22008          | R156-56           | AMD    | 07/01/99          | 99-10/5                |
| <b><u>BUILDING INSPECTION</u></b>                                   |                |                   |        |                   |                        |
| Commerce, Occupational and<br>Professional Licensing                | 22008          | R156-56           | AMD    | 07/01/99          | 99-10/5                |
| <b><u>BUILDINGS</u></b>   |                |                   |        |                   |                        |
| Administrative Services, Facilities<br>Construction and Management  | 22041          | R23-29            | 5YR    | 05/11/99          | 99-11/75               |
| <b><u>BUSES</u></b>   |                |                   |        |                   |                        |
| Education, Administration   | 21896          | R277-601          | 5YR    | 02/26/99          | 99-6/29                |
| <b><u>CERTIFICATION</u></b>   |                |                   |        |                   |                        |
| Labor Commission, Safety  | 22036          | R616-2            | AMD    | 07/02/99          | 99-11/53               |
|   | 21454          | R616-3            | AMD    | 01/28/99          | 98-19/84               |
|   | 22037          | R616-3            | AMD    | 07/02/99          | 99-11/56               |
|   | 21944          | R616-3-18         | NSC    | 05/01/99          | Not Printed            |
| <b><u>CHARTER SCHOOLS</u></b>                                       |                |                   |        |                   |                        |
| Education, Administration   | 21773          | R277-470          | NSC    | 01/27/99          | Not Printed            |
| <b><u>CHILD ABUSE</u></b>   |                |                   |        |                   |                        |
| Human Services, Child and Family<br>Services                        | 21465          | R512-25           | AMD    | 01/21/99          | 98-19/78               |
| <b><u>CHILD CARE FACILITIES</u></b>                                 |                |                   |        |                   |                        |
| Health, Health Systems Improvement,<br>Child Care Licensing         | 21769          | R430-100-13       | AMD    | 02/25/99          | 99-2/13                |
| <b><u>CHILDREN'S HEALTH BENEFITS</u></b>                            |                |                   |        |                   |                        |
| Health, Children's Health Insurance<br>Program                      | 21669          | R382-10           | AMD    | 01/07/99          | 98-23/12               |
|   | 21843          | R382-10           | NSC    | 02/27/99          | Not Printed            |
| <b><u>CHILD SUPPORT</u></b>   |                |                   |        |                   |                        |
| Human Services, Administration                                      | 21916          | R495-879          | 5YR    | 03/11/99          | 99-7/56                |
|   | 21917          | R495-879          | AMD    | 05/10/99          | 99-7/28                |
| Human Services, Recovery Services                                   | 21870          | R527-39           | AMD    | 04/05/99          | 99-5/33                |
|   | 21871          | R527-56           | AMD    | 04/05/99          | 99-5/35                |
|   | 21675          | R527-200          | AMD    | 01/04/99          | 98-23/33               |
|   | 21809          | R527-210          | 5YR    | 01/26/99          | 99-4/70                |
|   | 21810          | R527-210          | NSC    | 01/27/99          | Not Printed            |
|   | 21726          | R527-378          | AMD    | 01/15/99          | 98-24/90               |
|   | 21811          | R527-430          | AMD    | 03/18/99          | 99-4/49                |
| <b><u>CHILD WELFARE</u></b>   |                |                   |        |                   |                        |
| Human Services, Child and Family<br>Services                        | 21465          | R512-25           | AMD    | 01/21/99          | 98-19/78               |

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| <b><u>COAL</u></b>   |                |                   |        |                   |                        |
| School and Institutional Trust Lands,<br>Administration                | 21909          | R850-20-175       | EXP    | 03/03/99          | 99-7/52                |
| <b><u>COAL MINES</u></b>   |                |                   |        |                   |                        |
| Natural Resources; Oil, Gas and Mining;<br>Coal                        | 21976          | R645-101          | 5YR    | 04/19/99          | 99-10/110              |
|  | 21977          | R645-104          | 5YR    | 04/19/99          | 99-10/110              |
|  | 21978          | R645-401          | 5YR    | 04/19/99          | 99-10/111              |
| <b><u>COATINGS</u></b>   |                |                   |        |                   |                        |
| Environmental Quality, Air Quality                                     | 21727          | R307-343          | NEW    | see CPR           | 98-24/18               |
|  | 21727          | R307-343          | CPR    | 06/02/99          | 99-9/95                |
| <b><u>COLLEGES</u></b>   |                |                   |        |                   |                        |
| Public Safety, Administration  | 21779          | R698-4            | NEW    | 03/05/99          | 99-3/33                |
|  | 21913          | R698-4            | NSC    | 04/01/99          | Not Printed            |
| <b><u>COMMERCIALIZATION OF AQUATIC WILDLIFE</u></b>                    |                |                   |        |                   |                        |
| Natural Resources, Wildlife Resources                                  | 21937          | R657-14           | AMD    | 05/18/99          | 99-8/25                |
| <b><u>COMPENSATORY TIME</u></b>  |                |                   |        |                   |                        |
| Human Resource Management,<br>Administration                           | 21803          | R477-8            | AMD    | 05/04/99          | 99-4/42                |
|  | 22017          | R477-8            | AMD    | 06/26/99          | 99-10/55               |
| <b><u>COMPLAINTS</u></b>   |                |                   |        |                   |                        |
| Education, Applied Technology<br>Education (Board for), Rehabilitation | 21679          | R280-201          | NEW    | 01/05/99          | 98-23/8                |
| <b><u>CONDUCT</u></b>  |                |                   |        |                   |                        |
| Commerce, Real Estate  | 22005          | R162-106          | EMR    | 05/03/99          | 99-10/102              |
|  | 22006          | R162-107          | EMR    | 05/03/99          | 99-10/104              |
| Professional Practices Advisory<br>Commission, Administration          | 21921          | R686-100          | AMD    | 05/06/99          | 99-7/31                |
| <b><u>CONFIDENTIALITY OF INFORMATION</u></b>                           |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                          | 22012          | R477-2            | AMD    | 06/26/99          | 99-10/44               |
| <b><u>CONFLICT OF INTEREST</u></b>                                     |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                          | 22018          | R477-9            | AMD    | 06/26/99          | 99-10/61               |
| <b><u>CONTAMINATION</u></b>  |                |                   |        |                   |                        |
| Environmental Quality, Radiation Control                               | 21685          | R313-15-906       | AMD    | 03/12/99          | 98-24/32               |
| <b><u>CONTINUING EDUCATION</u></b>                                     |                |                   |        |                   |                        |
| Commerce, Real Estate  | 21969          | R162-9            | AMD    | 06/03/99          | 99-03/10               |
| <b><u>CONTINUOUS MONITORING</u></b>                                    |                |                   |        |                   |                        |
| Environmental Quality, Air Quality                                     | 21504          | R307-170          | R&R    | see CPR           | 98-20/5                |
|  | 21504          | R307-170          | CPR    | 04/01/99          | 99-5/51                |
| <b><u>CONTROLLED SUBSTANCES</u></b>                                    |                |                   |        |                   |                        |
| Commerce, Occupational and<br>Professional Licensing                   | 21908          | R156-37c          | 5YR    | 03/02/99          | 99-7/54                |
| <b><u>COOPERATIVE WILDLIFE MANAGEMENT UNIT</u></b>                     |                |                   |        |                   |                        |
| Natural Resources, Wildlife Resources                                  | 22027          | R657-37           | 5YR    | 05/03/99          | 99-11/75               |
|  | 21939          | R657-37           | AMD    | 05/18/99          | 99-8/39                |



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| <b><u>CONTRACTORS</u></b>   |                |                   |        |                   |                        |
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| <b><u>CORRECTIONS</u></b>   |                |                   |        |                   |                        |
| Corrections, Administration   | 21858          | R251-103          | 5YR    | 02/12/99          | 99-5/57                |
|   | 21828          | R251-105          | 5YR    | 02/01/99          | 99-4/65                |
|   | 21829          | R251-105          | AMD    | 03/29/99          | 99-4/15                |
|   | 21925          | R251-105          | NSC    | 03/29/99          | Not Printed            |
| <b><u>COURT REPORTING</u></b>   |                |                   |        |                   |                        |
| Commerce, Occupational and Professional Licensing                           | 21812          | R156-74           | NEW    | 03/18/99          | 99-4/12                |
|   | 21813          | R156-78           | REP    | 03/18/99          | 99-4/13                |
| <b><u>COVERAGE GROUPS</u></b>   |                |                   |        |                   |                        |
| Health, Health Care Financing, Coverage and Reimbursement Policy            | 21529          | R414-303          | AMD    | 01/05/99          | 98-21/31               |
| <b><u>CRIMINAL INVESTIGATION</u></b>  |                |                   |        |                   |                        |
| Public Safety, Law Enforcement and Technical Services, Regulatory Licensing | 21929          | R724-7            | R&R    | 06/14/99          | 99-8/54                |
| <b><u>CURATION</u></b>  |                |                   |        |                   |                        |
| Regents (Board of), University of Utah, Museum of Natural History (Utah)    | 21966          | R807-1            | NEW    | 06/03/99          | 99-9/86                |
| <b><u>CUSTODY</u></b>   |                |                   |        |                   |                        |
| Education, Administration   | 21678          | R277-735          | NEW    | 01/05/99          | 98-23/6                |
| <b><u>CUSTODY OF CHILDREN</u></b>   |                |                   |        |                   |                        |
| Human Services, Administration  | 21916          | R495-879          | 5YR    | 03/11/99          | 99-7/56                |
|   | 21917          | R495-879          | AMD    | 05/10/99          | 99-7/28                |
| <b><u>DAY CARE</u></b>  |                |                   |        |                   |                        |
| Public Safety, Fire Marshal   | 21712          | R710-8            | AMD    | see CPR           | 98-24/120              |
|   | 21712          | R710-8            | CPR    | 02/23/99          | 99-2/88                |
| <b><u>DEFINITIONS</u></b>   |                |                   |        |                   |                        |
| Commerce, Real Estate   | 22000          | R162-101          | EMR    | 05/03/99          | 99-10/90               |
| Environmental Quality, Air Quality  | 21588          | R307-101-2        | AMD    | 01/07/99          | 98-22/49               |
|   | 21782          | R307-101-2        | AMD    | 04/08/99          | 99-3/4                 |
|   | 21851          | R307-101-2        | AMD    | 05/06/99          | 99-5/9                 |
| Environmental Quality, Radiation Control                                    | 21684          | R313-12-3         | AMD    | 03/12/99          | 98-24/26               |
| <b><u>DELEGATION</u></b>  |                |                   |        |                   |                        |
| Administrative Services, Facilities Construction and Management             | 22041          | R23-29            | 5YR    | 05/11/99          | 99-11/75               |
| <b><u>DEMONSTRATION</u></b>   |                |                   |        |                   |                        |
| Workforce Services, Employment Development                                  | 21585          | R986-421          | AMD    | 01/20/99          | 98-22/136              |
| <b><u>DENTAL</u></b>  |                |                   |        |                   |                        |
| Environmental Quality, Radiation Control                                    | 21682          | R313-28           | AMD    | 03/12/99          | 98-24/46               |

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|  | 22017          | R477-8            | AMD    | 06/26/99          | 99-10/55               |
| <b><u>DISABLED PERSONS</u></b>   |                |                   |        |                   |                        |
| Education, Applied Technology<br>Education (Board for), Rehabilitation | 21679          | R280-201          | NEW    | 01/05/99          | 98-23/8                |
|  | 21680          | R280-202          | NEW    | 01/05/99          | 98-23/10               |
| <b><u>DISCIPLINARY ACTIONS</u></b>                                     |                |                   |        |                   |                        |
| Professional Practices Advisory<br>Commission, Administration          | 21922          | R686-103          | NEW    | 05/06/99          | 99-7/40                |
| <b><u>DISCIPLINARY PROBLEMS</u></b>                                    |                |                   |        |                   |                        |
| Education, Administration  | 21902          | R277-436          | AMD    | 04/15/99          | 99-6/12                |
| <b><u>DISCIPLINE OF EMPLOYEES</u></b>                                  |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                          | 22020          | R477-11           | AMD    | 06/26/99          | 99-10/65               |
|  | 22022          | R477-12           | AMD    | 06/26/99          | 99-10/69               |
| <b><u>DISMISSAL OF EMPLOYEES</u></b>                                   |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                          | 22020          | R477-11           | AMD    | 06/26/99          | 99-10/65               |
| <b><u>DISPLACED HOMEMAKERS</u></b>                                     |                |                   |        |                   |                        |
| Workforce Services, Employment<br>Development                          | 21883          | R986-501          | 5YR    | 02/19/99          | 99-6/32                |
| <b><u>DRINKING WATER</u></b>   |                |                   |        |                   |                        |
| Environmental Quality, Drinking Water                                  | 21553          | R309-104          | AMD    | 01/15/99          | 98-21/16               |
|  | 21554          | R309-113          | AMD    | 01/15/99          | 98-21/20               |
| <b><u>DRIVER EDUCATION</u></b>   |                |                   |        |                   |                        |
| Public Safety, Driver License  | 21579          | R708-2            | R&R    | see CPR           | 98-22/115              |
|  | 21579          | R708-2            | CPR    | 03/18/99          | 99-4/61                |
| <b><u>DRUG ABUSE</u></b>   |                |                   |        |                   |                        |
| Human Resource Management,<br>Administration                           | 22022          | R477-12           | AMD    | 06/26/99          | 99-10/69               |
| <b><u>DRUG/ALCOHOL ABUSE</u></b>                                       |                |                   |        |                   |                        |
| Human Resource Management,<br>Administration                           | 22022          | R477-12           | AMD    | 06/26/99          | 99-10/69               |
| <b><u>DUAL ENROLLMENT</u></b>  |                |                   |        |                   |                        |
| Education, Administration  | 22105          | R277-438          | 5YR    | 06/08/99          | 99-13/37               |
| <b><u>DUE PROCESS</u></b>  |                |                   |        |                   |                        |
| Human Services, Mental Health  | 22048          | R523-1-19         | AMD    | 07/02/99          | 99-11/42               |
| <b><u>DUST</u></b>   |                |                   |        |                   |                        |
| Environmental Quality, Air Quality                                     | 21698          | R307-309          | NEW    | see CPR           | 98-24/15               |
|  | 21698          | R307-309          | CPR    | 05/04/99          | 99-7/46                |
| <b><u>EDUCATION</u></b>  |                |                   |        |                   |                        |
| Commerce, Real Estate  | 22002          | R162-103          | EMR    | 05/03/99          | 99-10/94               |
| Education, Administration  | 21773          | R277-470          | NSC    | 01/27/99          | Not Printed            |

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| Education, Administration   | 21895          | R277-455          | 5YR    | 02/26/99          | 99-6/29                |
|   | 22024          | R277-458          | EMR    | 04/30/99          | 99-10/107              |
| <b><u>EDUCATION FINANCE</u></b>                                     |                |                   |        |                   |                        |
| Education, Administration   | 22025          | R277-458          | REP    | 06/15/99          | 99-10/30               |
| <b><u>EDUCATIONAL FACILITIES</u></b>                                |                |                   |        |                   |                        |
| Education, Administration   | 22025          | R277-458          | REP    | 06/15/99          | 99-10/30               |
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| Regents (Board of), Administration                                  | 21674          | R765-685          | AMD    | 01/04/99          | 98-23/40               |
| <b><u>EDUCATIONAL TESTING</u></b>                                   |                |                   |        |                   |                        |
| Education, Administration   | 21825          | R277-702          | AMD    | 03/22/99          | 99-4/20                |
|   | 21897          | R277-712          | 5YR    | 02/26/99          | 99-6/30                |
| <b><u>EDUCATIONAL TUITION</u></b>                                   |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                       | 22019          | R477-10           | AMD    | 06/26/99          | 99-10/63               |
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| Education, Administration   | 21894          | R277-425          | 5YR    | 02/26/99          | 99-6/28                |
|   | 22024          | R277-458          | EMR    | 04/30/99          | 99-10/107              |
| <b><u>ELDERLY</u></b>   |                |                   |        |                   |                        |
| Human Services, Aging and Adult<br>Services                         | 21730          | R510-103          | AMD    | 02/03/99          | 99-1/14                |
| <b><u>ELECTRONIC DATA INTERCHANGE</u></b>                           |                |                   |        |                   |                        |
| Health, Administration  | 21984          | R380-25           | NEW    | 07/01/99          | 99-10/32               |
| <b><u>ELEVATORS</u></b>   |                |                   |        |                   |                        |
| Labor Commission, Safety  | 21454          | R616-3            | AMD    | 01/28/99          | 98-19/84               |
|   | 22037          | R616-3            | AMD    | 07/02/99          | 99-11/56               |
|   | 21944          | R616-3-18         | NSC    | 05/01/99          | Not Printed            |
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| Health, Health Care Financing,<br>Coverage and Reimbursement Policy | 21892          | R414-307          | AMD    | 04/23/99          | 99-6/19                |
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| Health, Health Systems Improvement,<br>Emergency Medical Services   | 21693          | R426-1            | AMD    | 02/26/99          | 98-24/51               |
|   | 21649          | R426-1-8          | AMD    | 01/07/99          | 98-23/22               |
|   | 21688          | R426-2            | AMD    | 01/22/99          | 98-24/59               |
|   | 21694          | R426-3            | AMD    | 01/22/99          | 98-24/61               |
|   | 21695          | R426-4            | AMD    | 01/22/99          | 98-24/67               |
|   | 21657          | R426-6            | AMD    | 03/01/99          | 98-23/23               |
|   | 21906          | R426-6            | AMD    | 05/14/99          | 99-7/12                |
|   | 21906          | R426-6            | AMD    | 05/14/99          | 99-7/12                |
| <b><u>EMISSION FEE</u></b>  |                |                   |        |                   |                        |
| Environmental Quality, Air Quality                                  | 21900          | R307-415          | 5YR    | 03/01/99          | 99-6/31                |
|   | 22045          | R307-415          | AMD    | 07/15/99          | 99-11/26               |
|   | 21589          | R307-415-3        | AMD    | 01/07/99          | 98-22/68               |

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| <b><u>EMPLOYEE PERFORMANCE EVALUATION</u></b>  |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration  | 22019          | R477-10           | AMD    | 06/26/99          | 99-10/63               |
| <b><u>EMPLOYEE PRODUCTIVITY</u></b>  |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration  | 22019          | R477-10           | AMD    | 06/26/99          | 99-10/63               |
| <b><u>EMPLOYEES' RIGHTS</u></b>  |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration  | 22021          | R477-12           | AMD    | 06/26/99          | 99-10/66               |
| Workforce Services, Workforce<br>Information and Payment Services  | 21745          | R994-405          | AMD    | 02/17/99          | 99-2/65                |
|  | 21746          | R994-405          | AMD    | 02/17/99          | 99-2/72                |
|  | 21748          | R994-405          | AMD    | 02/17/99          | 99-2/77                |
|  | 21749          | R994-405          | AMD    | 02/17/99          | 99-2/83                |
|  | 21747          | R994-405          | NSC    | 02/20/99          | Not Printed            |
| <b><u>EMPLOYEE TERMINATION</u></b>   |                |                   |        |                   |                        |
| Workforce Services, Workforce<br>Information and Payment Services  | 21745          | R994-405          | AMD    | 02/17/99          | 99-2/65                |
|  | 21746          | R994-405          | AMD    | 02/17/99          | 99-2/72                |
|  | 21748          | R994-405          | AMD    | 02/17/99          | 99-2/77                |
|  | 21749          | R994-405          | AMD    | 02/17/99          | 99-2/83                |
|  | 21747          | R994-405          | NSC    | 02/20/99          | Not Printed            |
| <b><u>EMPLOYMENT</u></b>   |                |                   |        |                   |                        |
| Corrections, Administration  | 21828          | R251-105          | 5YR    | 02/01/99          | 99-4/65                |
|  | 21829          | R251-105          | AMD    | 03/29/99          | 99-4/15                |
|  | 21925          | R251-105          | NSC    | 03/29/99          | Not Printed            |
| Human Resources Management,<br>Administration  | 22014          | R477-5            | AMD    | 06/26/99          | 99-10/48               |
|  | 22015          | R477-6            | AMD    | 06/26/99          | 99-10/50               |
| Workforce Services, Workforce<br>Information and Payment Services  | 21745          | R994-405          | AMD    | 02/17/99          | 99-2/65                |
|  | 21746          | R994-405          | AMD    | 02/17/99          | 99-2/72                |
|  | 21748          | R994-405          | AMD    | 02/17/99          | 99-2/77                |
|  | 21749          | R994-405          | AMD    | 02/17/99          | 99-2/83                |
|  | 21747          | R994-405          | NSC    | 02/20/99          | Not Printed            |
|  | 21770          | R994-600          | AMD    | 03/05/99          | 99-3/51                |
| <b><u>EMPLOYMENT AGENCIES</u></b>  |                |                   |        |                   |                        |
| Labor Commission, Antidiscrimination<br>and Labor, Labor   | 22040          | R610-4            | NEW    | 07/02/99          | 99-11/43               |
| <b><u>ENROLLMENT OPTIONS</u></b>   |                |                   |        |                   |                        |
| Education, Administration  | 21677          | R277-437          | NEW    | 01/05/99          | 98-23/4                |
| <b><u>ENVIRONMENT</u></b>  |                |                   |        |                   |                        |
| <b>DAR Note:</b> The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee." |                |                   |        |                   |                        |
| Tax Commission, Auditing   | 21737          | R865-7H-1         | NEW    | 03/16/99          | 99-1/22                |

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|  | 21738          | R865-7H-2         | NEW    | 03/16/99          | 99-1/24                |
|  | 21739          | R865-7H-3         | NEW    | 03/16/99          | 99-1/24                |
|  | 21740          | R865-13G-14       | AMD    | 04/28/99          | 99-1/25                |
| <b><u>ENVIRONMENTAL HEALTH</u></b>               |                |                   |        |                   |                        |
| Environmental Quality, Drinking Water            | 21554          | R309-113          | AMD    | 01/15/99          | 98-21/20               |
| <b><u>ENVIRONMENTAL PROTECTION</u></b>           |                |                   |        |                   |                        |
| Environmental Quality, Air Quality               | 21900          | R307-415          | 5YR    | 03/01/99          | 99-6/31                |
|  | 22045          | R307-415          | AMD    | 07/15/99          | 99-11/26               |
|  | 21589          | R307-415-3        | AMD    | 01/07/99          | 98-22/68               |
| Environmental Quality, Drinking Water            | 21553          | R309-104          | AMD    | 01/15/99          | 98-21/16               |
| <b><u>ETHICS</u></b>                             |                |                   |        |                   |                        |
| Natural Resources, Wildlife Resources            | 21719          | R657-38           | AMD    | 01/15/99          | 98-24/107              |
| <b><u>EXEMPTIONS</u></b>                         |                |                   |        |                   |                        |
| Environmental Quality, Radiation Control         | 21684          | R313-12-3         | AMD    | 03/12/99          | 98-24/26               |
|  | 21686          | R313-19           | AMD    | 03/12/99          | 98-24/33               |
|  | 21948          | R313-19-30        | AMD    | 06/11/99          | 99-9/30                |
| <b><u>EXPERIENCE</u></b>                         |                |                   |        |                   |                        |
| Commerce, Real Estate                            | 22003          | R162-104          | EMR    | 05/03/99          | 99-10/98               |
| <b><u>EXTINGUISHERS</u></b>                      |                |                   |        |                   |                        |
| Public Safety, Fire Marshal                      | 21708          | R710-1            | AMD    | 01/15/99          | 98-24/112              |
| <b><u>FAIR EMPLOYMENT PRACTICES</u></b>          |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration    | 22012          | R477-2            | AMD    | 06/26/99          | 99-10/44               |
|  | 22014          | R477-5            | AMD    | 06/26/99          | 99-10/48               |
| <b><u>FAIRS</u></b>                              |                |                   |        |                   |                        |
| Fair Corporation (Utah State),<br>Administration | 21872          | R325-1            | AMD    | 04/05/99          | 99-5/22                |
|  | 21873          | R325-2            | AMD    | 04/05/99          | 99-5/23                |
|  | 21874          | R325-3            | AMD    | 04/05/99          | 99-5/24                |
|  | 21875          | R325-4            | AMD    | 04/05/99          | 99-5/25                |
|  | 21876          | R325-5            | AMD    | 04/05/99          | 99-5/26                |
| <b><u>FEES</u></b>                               |                |                   |        |                   |                        |
| Human Services, Mental Health                    | 22048          | R523-1-19         | AMD    | 07/02/99          | 99-11/42               |
| Natural Resources, Parks and<br>Recreation       | 22136          | R651-610          | 5YR    | 06/29/99          | 99-14/86               |
| <b><u>FINANCE</u></b>                            |                |                   |        |                   |                        |
| Administrative Services, Finance                 | 21889          | R25-8             | NSC    | 03/05/99          | Not Printed            |
| <b><u>FIRE PREVENTION</u></b>                    |                |                   |        |                   |                        |
| Public Safety, Fire Marshal                      | 21712          | R710-8            | AMD    | see CPR           | 98-24/120              |
|  | 21712          | R710-8            | CPR    | 02/23/99          | 99-2/88                |
|  | 21901          | R710-9            | AMD    | 04/19/99          | 99-6/21                |
| <b><u>FINANCIAL AID</u></b>                      |                |                   |        |                   |                        |
| Regents (Board of), Administration               | 21673          | R765-607          | NEW    | 01/04/99          | 98-23/38               |
|  | 21771          | R765-607          | NSC    | 01/27/99          | Not Printed            |

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| <b><u>FINANCIAL DISCLOSURE</u></b>                                  |                |                                  |        |                   |                        |
| Health, Health Care Financing,<br>Coverage and Reimbursement Policy | 21764          | R414-304                         | AMD    | 02/25/99          | 99-2/4                 |
| <b><u>FIRE MARSHAL</u></b>  |                |                                  |        |                   |                        |
| Environmental Quality, Air Quality                                  | 22043          | R307-202-5                       | AMD    | 07/15/99          | 99-11/24               |
| <b><u>FIREPLACE</u></b>   |                |                                  |        |                   |                        |
| Environmental Quality, Air Quality                                  | 21570          | R307-302-2                       | AMD    | 01/07/99          | 98-22/67               |
| <b><u>FIRE PREVENTION</u></b>                                       |                |                                  |        |                   |                        |
| Public Safety, Fire Marshal   | 21708          | R710-1                           | AMD    | 01/15/99          | 98-24/112              |
|   | 21710          | R710-4                           | AMD    | 01/15/99          | 98-24/117              |
| <b><u>FOOD INSPECTION</u></b>                                       |                |                                  |        |                   |                        |
| Agriculture and Food, Regulatory<br>Services                        | 22057          | R70-630                          | AMD    | 07/06/99          | 99-11/19               |
| <b><u>FOOD SERVICE</u></b>  |                |                                  |        |                   |                        |
| Health, Community Health Services,<br>Environmental Services        | 21912          | R392-101                         | NEW    | 06/10/99          | 99-7/8                 |
| <b><u>FOOD STAMPS</u></b>   |                |                                  |        |                   |                        |
| Workforce Services, Employment<br>Development                       | 21705          | R986-413                         | AMD    | 01/20/99          | 98-24/122              |
|   | 21582          | R986-417                         | AMD    | 01/20/99          | 98-22/134              |
|   | 21706          | R986-419                         | AMD    | 01/20/99          | 98-24/124              |
|   | 21707          | R986-420                         | AMD    | 01/20/99          | 98-24/125              |
| <b><u>FRANCHISE</u></b>   |                |                                  |        |                   |                        |
| Tax Commission, Auditing  | 21760          | R865-6F-34                       | AMD    | 03/16/99          | 99-2/58                |
|   | 21761          | R865-6F-35                       | AMD    | 03/16/99          | 99-2/59                |
| <b><u>FREEDOM OF RELIGION</u></b>                                   |                |                                  |        |                   |                        |
| Education, Administration   | 22173          | R277-105                         | 5YR    | 07/06/99          | 99-15/58               |
| <b><u>FUGITIVE EMISSIONS</u></b>                                    |                |                                  |        |                   |                        |
| Environmental Quality, Air Quality                                  | 21697          | R307-12 (Changed<br>to R307-205) | AMD    | see CPR           | 98-24/12               |
|   | 21697          | R307-12 (Changed<br>to R307-205) | CPR    | 05/04/99          | 99-7/44                |
| <b><u>GAME LAWS</u></b>   |                |                                  |        |                   |                        |
| Natural Resources, Wildlife Resources                               | 21717          | R657-5                           | AMD    | 01/15/99          | 98-24/96               |
|   | 21937          | R657-14                          | AMD    | 05/18/99          | 99-8/25                |
|   | 21938          | R657-33                          | AMD    | 05/18/99          | 99-8/33                |
| <b><u>GANGS</u></b>   |                |                                  |        |                   |                        |
| Education, Administration   | 21902          | R277-436                         | AMD    | 04/15/99          | 99-6/12                |
| <b><u>GASOLINE</u></b>  |                |                                  |        |                   |                        |
| Tax Commission, Auditing  | 21740          | R865-13G-14                      | AMD    | 04/28/99          | 99-1/25                |
| <b><u>GASOLINE TRANSPORT</u></b>                                    |                |                                  |        |                   |                        |
| Environmental Quality, Air Quality                                  | 21949          | R307-328                         | AMD    | 07/15/99          | 99-9/18                |
|   | 21950          | R307-342                         | AMD    | 07/15/99          | 99-9/21                |
| <b><u>GENERAL LICENSES</u></b>                                      |                |                                  |        |                   |                        |
| Environmental Quality, Radiation Control                            | 21805          | R313-21                          | 5YR    | 01/25/99          | 99-4/65                |

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| <b><u>GIFTED CHILDREN</u></b>  |                |                   |        |                   |                        |
| Education, Administration  | 21897          | R277-712          | 5YR    | 02/26/99          | 99-6/30                |
| <b><u>GOVERNMENT DOCUMENTS</u></b>                                   |                |                   |        |                   |                        |
| Administrative Services, Records<br>Committee                        | 21751          | R35-1             | NEW    | 03/18/99          | 99-2/2                 |
| <b><u>GOVERNMENT ETHICS</u></b>                                      |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                        | 22018          | R477-9            | AMD    | 06/26/99          | 99-10/61               |
| <b><u>GOVERNMENT HEARINGS</u></b>                                    |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                        | 22020          | R477-11           | AMD    | 06/26/99          | 99-10/65               |
| Public Service Commission,<br>Administration                         | 21793          | R746-100          | AMD    | 05/17/99          | 99-3/34                |
| <b><u>GRAMA (Government Records Access and Management Act)</u></b>   |                |                   |        |                   |                        |
| Regents (Board of), Salt Lake<br>Community College                   | 21820          | R784-1            | NEW    | 03/18/99          | 99-4/57                |
| <b><u>GRANTS</u></b>   |                |                   |        |                   |                        |
| Health, Health Systems Improvement,<br>Primary Care and Rural Health | 21802          | R434-10           | AMD    | 03/26/99          | 99-4/36                |
|  | 21666          | R434-20           | NEW    | 01/07/99          | 98-23/26               |
| <b><u>GRAZING</u></b>  |                |                   |        |                   |                        |
| Agriculture and Food, Administration                                 | 21884          | R51-5             | 5YR    | 02/22/99          | 99-6/27                |
| <b><u>GREAT SEAL</u></b>   |                |                   |        |                   |                        |
| Lieutenant Governor  | 21963          | R622-2            | NEW    | 06/26/99          | 99-9/84                |
| <b><u>GRIEVANCES</u></b>   |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                        | 22013          | R477-4            | AMD    | 06/26/99          | 99-10/47               |
|  | 22020          | R477-11           | AMD    | 06/26/99          | 99-10/65               |
|  | 22021          | R477-12           | AMD    | 06/26/99          | 99-10/66               |
| <b><u>HATCH ACT</u></b>  |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                        | 22018          | R477-9            | AMD    | 06/26/99          | 99-10/61               |
| <b><u>HAZARDOUS AIR POLLUTANT</u></b>                                |                |                   |        |                   |                        |
| Environmental Quality, Air Quality                                   | 21593          | R307-155          | NEW    | see CPR           | 98-22/62               |
|  | 21593          | R307-155          | CPR    | 03/04/99          | 99-3/59                |
|  | 21844          | R307-214          | 5YR    | 02/03/99          | 99-5/57                |
| <b><u>HAZARDOUS MATERIALS TRANSPORTATION</u></b>                     |                |                   |        |                   |                        |
| Transportation, Motor Carrier  | 21780          | R909-75           | AMD    | 05/04/99          | 99-3/49                |
| <b><u>HAZARDOUS SUBSTANCES</u></b>                                   |                |                   |        |                   |                        |
| Environmental Quality, Environmental<br>Response and Remediation     | 21854          | R311-201          | NSC    | 02/27/99          | Not Printed            |
| Transportation, Motor Carrier  | 21780          | R909-75           | AMD    | 05/04/99          | 99-3/49                |
| <b><u>HAZARDOUS WASTE</u></b>  |                |                   |        |                   |                        |
| Environmental Quality, Solid and<br>Hazardous Waste                  | 21459          | R315-2            | AMD    | see CPR           | 98-19/10               |
|  | 21459          | R315-2            | CPR    | 02/15/99          | 99-1/28                |
|  | 21953          | R315-2            | AMD    | 06/11/99          | 99-9/33                |
|  | 21856          | R315-2-2          | AMD    | 04/15/99          | 99-5/20                |

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|  | 22046          | R315-4-2          | AMD    | 07/15/99          | 99-11/30               |
|  | 21955          | R315-5-10         | AMD    | 06/15/99          | 99-9/55                |
|  | 21956          | R315-7            | AMD    | 06/15/99          | 99-9/56                |
|  | 21957          | R315-8            | AMD    | 06/15/99          | 99-9/61                |
|  | 21958          | R315-12           | AMD    | 06/15/99          | 99-9/70                |
|  | 21959          | R315-13-1         | AMD    | 06/15/99          | 99-9/71                |
|  | 21960          | R315-14           | AMD    | 06/15/99          | 99-9/72                |
|  | 21961          | R315-16-1         | AMD    | 06/15/99          | 99-9/73                |
|  | 21962          | R315-50-9         | AMD    | 06/15/99          | 99-9/76                |
| Transportation, Motor Carrier                                    | 21780          | R909-75           | AMD    | 05/04/99          | 99-3/49                |
| <b><u>HEALTH</u></b>   |                |                   |        |                   |                        |
| Health, Administration   | 21984          | R380-25           | NEW    | 07/01/99          | 99-10/32               |
| Health, Health Data Analysis                                     | 21755          | R428-10           | AMD    | 03/01/99          | 99-2/10                |
| <b><u>HEALTH CARE ASSISTANTS</u></b>                             |                |                   |        |                   |                        |
| Commerce, Occupational and<br>Professional Licensing             | 21899          | R156-62-302       | AMD    | 04/15/99          | 99-6/6                 |
|  | 21971          | R156-62-302       | NSC    | 05/01/99          | Not Printed            |
| <b><u>HEALTH FACILITIES</u></b>                                  |                |                   |        |                   |                        |
| Health, Health Systems Improvement,<br>Health Facility Licensure | 21795          | R432-1            | 5YR    | 01/20/99          | 99-4/67                |
|  | 21775          | R432-2            | 5YR    | 01/11/99          | 99-3/68                |
|  | 21859          | R432-2            | AMD    | 04/21/99          | 99-5/29                |
|  | 21776          | R432-3            | 5YR    | 01/11/99          | 99-3/68                |
|  | 21981          | R432-3            | AMD    | 07/06/99          | 99-10/35               |
|  | 21815          | R432-4            | 5YR    | 01/29/99          | 99-4/68                |
|  | 21816          | R432-5            | 5YR    | 01/29/99          | 99-4/68                |
|  | 21700          | R432-6            | AMD    | 01/29/99          | 98-24/69               |
|  | 21817          | R432-6            | 5YR    | 01/29/99          | 99-4/69                |
|  | 21796          | R432-100-23       | AMD    | 04/07/99          | 99-4/25                |
|  | 21818          | R432-149          | 5YR    | 01/29/99          | 99-4/69                |
|  | 21797          | R432-149          | REP    | 04/07/99          | 99-4/26                |
|  | 21752          | R432-150          | R&R    | 02/25/99          | 99-2/15                |
|  | 21918          | R432-152          | AMD    | 07/06/99          | 99-7/14                |
|  | 21528          | R432-250          | REP    | 01/20/99          | 98-21/42               |
|  | 21722          | R432-270          | R&R    | 01/29/99          | 98-24/70               |
|  | 21561          | R432-300          | R&R    | 01/11/99          | 98-22/73               |
|  | 21562          | R432-650          | AMD    | 01/11/99          | 98-22/82               |
|  | 21734          | R432-750          | AMD    | 02/25/99          | 99-1/3                 |
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| Health, Health Data Analysis                                     | 21755          | R428-10           | AMD    | 03/01/99          | 99-2/10                |
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| Labor Commission, Adjudication                                   | 21845          | R602-2-1          | AMD    | 04/05/99          | 99-5/38                |
|  | 21846          | R602-2-4          | AMD    | 04/05/99          | 99-5/40                |
| Professional Practices Advisory<br>Commission, Administration    | 21921          | R686-100          | AMD    | 05/06/99          | 99-7/31                |



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| Regents (Board of), Administration                                    | 21673   | R765-607          | NEW      | 01/04/99          | 98-23/38               |
|   | 21771   | R765-607          | NSC      | 01/27/99          | Not Printed            |
|   | 21674   | R765-685          | AMD      | 01/04/99          | 98-23/40               |
| <b><u>HIRING PRACTICES</u></b>  |   |                   |          |                   |                        |
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| Human Resource Management,<br>Administration                          | 22023   | R477-15           | AMD      | 06/26/99          | 99-10/71               |
| <b><u>HUMAN SERVICES</u></b>  |   |                   |          |                   |                        |
| Human Services, Administration,<br>Administrative Services, Licensing | 21768   | R501-1            | NSC      | 01/27/99          | Not Printed            |
|   | 21821   | R501-14           | AMD      | 03/22/99          | 99-4/47                |
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| Natural Resources, Wildlife Resources                                 | 21719   | R657-38           | AMD      | 01/15/99          | 98-24/107              |
| <b><u>HYDROELECTRIC POWER</u></b>                                     |   |                   |          |                   |                        |
| Natural Resources, Energy and<br>Resource Planning                    | 22029   | R637-1            | AMD      | 07/30/99          | 99-11/59               |
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| Health, Health Care Financing,<br>Coverage and Reimbursement Policy   | 21986   | R414-302          | AMD      | 06/28/99          | 99-10/33               |
|   | 21529   | R414-303          | AMD      | 01/05/99          | 98-21/31               |
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|   | Workforce Services, Employment<br>Development | 21581             | R986-414 | AMD               | 01/20/99               |
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| <b><u>INMATES</u></b>   |   |                   |          |                   |                        |
| Education, Administration   | 21678   | R277-735          | NEW      | 01/05/99          | 98-23/6                |
| <b><u>INSPECTIONS</u></b>   |   |                   |          |                   |                        |
| Environmental Quality, Radiation Control                              | 21684   | R313-12-3         | AMD      | 03/12/99          | 98-24/26               |
|   | 21535   | R313-16           | AMD      | 01/15/99          | 98-21/27               |
|   | 21947   | R313-18-12        | AMD      | 06/11/99          | 99-9/29                |
| <b><u>INSURANCE</u></b>   |   |                   |          |                   |                        |
| Human Resources Management,<br>Administration                         | 22016   | R477-7            | AMD      | 06/26/99          | 99-10/52               |
| Insurance, Administration   | 21804   | R590-160          | 5YR      | 01/22/99          | 99-4/71                |
|   | 21790   | R590-165          | AMD      | 03/16/99          | 99-3/23                |
|   | 22088   | R590-165          | 5YR      | 05/27/99          | 99-12/104              |
|   | 22089   | R590-166          | 5YR      | 05/27/99          | 99-12/104              |
|   | 21791   | R590-167          | AMD      | 03/11/99          | 99-3/24                |

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|   | 21725          | R590-170          | NEW             | see CPR             | 98-24/95               |
|   | 21725          | R590-170          | CPR             | 03/18/99            | 99-3/62                |
|   | 21792          | R590-175          | AMD             | 03/11/99            | 99-3/29                |
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|   | 21766          | R590-96           | AMD             | 03/16/99            | 99-2/46                |
|   | 21923          | R590-96           | NSC             | 03/29/99            | Not Printed            |
|   | 22087          | R590-98           | 5YR             | 05/27/99            | 99-12/103              |
|   | 21723          | R590-135          | REP             | 03/18/99            | 98-24/91               |
|   | 21767          | R590-190          | NEW             | see CPR             | 99-2/47                |
|   | 21767          | R590-190          | CPR             | 05/26/99            | 99-8/64                |
|   | 21781          | R590-191          | NEW             | see CPR             | 99-3/30                |
|   | 21781          | R590-191          | CPR             | 05/25/99            | 99-8/69                |
|   | 21765          | R590-194          | NEW             | 03/23/99            | 99-2/52                |
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| Insurance, Administration                     | 21848          | R590-195          | NEW             | 04/22/99            | 99-5/36                |
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|   | 21339          | R590-120          | CPR<br>(First)  | see CPR<br>(Second) | 99-1/37                |
|   | 21339          | R590-120          | CPR<br>(Second) | 06/04/99            | 99-9/97                |
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| Public Service Commission,<br>Administration  | 20997          | R746-365          | NEW             | see CPR             | 98-9/50                |
|   | 20997          | R746-365          | CPR             | 01/13/99            | 98-18/39               |
|   | 21774          | R746-365          | NSC             | 01/15/99            | Not Printed            |
|   | 21879          | R746-365-4        | AMD             | 06/01/99            | 99-5/42                |
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| Public Safety, Highway Patrol                 | 21945          | R714-500          | NSC             | 05/01/99            | Not Printed            |
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|   | 21591          | R307-150          | NEW             | see CPR             | 98-22/56               |
|   | 21591          | R307-150          | CPR             | 03/04/99            | 99-3/57                |
|   | 21592          | R307-155          | REP             | 03/04/99            | 98-22/60               |
|   | 21593          | R307-155          | NEW             | see CPR             | 98-22/62               |
|   | 21593          | R307-155          | CPR             | 03/04/99            | 99-3/59                |
|   | 21594          | R307-158          | NEW             | see CPR             | 98-22/64               |
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| <b><u>LAW ENFORCEMENT</u></b>   |                |                   |        |                   |                        |
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| Public Safety, Law Enforcement and<br>Technical Services, Regulatory<br>Licensing | 21929          | R724-7            | R&R    | 06/14/99          | 99-8/54                |
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| Public Safety, Administration   | 21779          | R698-4            | NEW    | 03/05/99          | 99-3/33                |
|   | 21913          | R698-4            | NSC    | 04/01/99          | Not Printed            |
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|   | 21716          | R156-24a          | AMD    | see CPR           | 98-24/11               |
|   | 21716          | R156-24a          | CPR    | 03/09/99          | 99-3/56                |
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|   | 21908          | R156-37c          | 5YR    | 03/02/99          | 99-7/54                |
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|   | 21822          | R156-50           | AMD    | 03/18/99          | 99-4/9                 |
|   | 21927          | R156-50-502       | NSC    | 03/29/99          | Not Printed            |
|   | 20008          | R156-56           | AMD    | 07/01/99          | 99-10/5                |
|   | 21899          | R156-62-302       | AMD    | 04/15/99          | 99-6/6                 |
|   | 21971          | R156-62-302       | NSC    | 05/01/99          | Not Printed            |
|   | 21855          | R156-63           | AMD    | 04/01/99          | 99-5/7                 |
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| Commerce, Real Estate   | 22001          | R162-102          | EMR    | 05/03/99          | 99-10/91               |
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|   | 21935          | R414-54                          | 5YR    | 03/31/99          | 99-8/73                |
|   | 21936          | R414-54                          | NSC    | 05/01/99          | Not Printed            |
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|  | 21850          | R307-221          | NSC    | 02/27/99          | Not Printed            |
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|  | 22045          | R307-415          | AMD    | 07/15/99          | 99-11/26               |
|  | 21589          | R307-415-3        | AMD    | 01/07/99          | 98-22/68               |
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|   | 22157          | R651-632          | 5YR    | 06/29/99          | 99-14/97               |
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|   | 22049          | R25-5             | AMD    | 07/13/99          | 99-11/14               |
|   | 21888          | R25-7             | NSC    | 03/05/99          | Not Printed            |
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|   | 21910          | R307-417          | 5YR    | 03/05/99          | 99-7/55                |
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| Tax Commission, Property Tax                                  | 21930          | R884-24P-27       | AMD    | 06/21/99          | 99-8/59                |
|   | 21931          | R884-24P-32       | AMD    | 06/21/99          | 99-8/61                |
|   | 21777          | R884-24P-53       | EMR    | 01/12/99          | 99-3/64                |
|   | 21789          | R884-24P-53       | AMD    | 03/16/99          | 99-3/46                |
|   | 21762          | R884-24P-61       | AMD    | 03/16/99          | 99-2/60                |
|   | 21676          | R884-24P-63       | AMD    | 03/16/99          | 98-23/42               |
|   | 21998          | R884-24P-64       | AMD    | 06/21/99          | 99-10/89               |
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|   | 22018          | R477-9            | AMD    | 06/26/99          | 99-10/61               |
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|   | 21829          | R251-105          | AMD    | 03/29/99          | 99-4/15                |
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|   | 21927          | R156-50-502       | NSC    | 03/29/99          | Not Printed            |
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|   | 21931          | R884-24P-32       | AMD    | 06/21/99          | 99-8/61                |
|   | 21777          | R884-24P-53       | EMR    | 01/12/99          | 99-3/64                |
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|   | 21762          | R884-24P-61       | AMD    | 03/16/99          | 99-2/60                |
|   | 21676          | R884-24P-63       | AMD    | 03/16/99          | 98-23/42               |
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|   | 21798          | R746-320          | AMD    | 06/05/99          | 99-4/52                |
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|   | 20997          | R746-365          | CPR    | 01/13/99          | 98-18/39               |
|   | 21774          | R746-365          | NSC    | 01/15/99          | Not Printed            |
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|  | 22049          | R25-5             | AMD    | 07/13/99          | 99-11/14               |
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|  | 21915          | R162-102          | AMD    | 06/10/99          | 99-7/5                 |
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|  | 21977          | R645-104          | 5YR    | 04/19/99          | 99-10/110              |
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|  | 21786          | R315-315-6        | AMD    | 03/15/99          | 99-3/19                |
|  | 21919          | R315-315-6        | NSC    | 03/15/99          | Not Printed            |
|  | 21787          | R315-317          | AMD    | 03/15/99          | 99-3/20                |
|  | 21788          | R315-318          | AMD    | see CPR           | 99-3/22                |
|  | 21788          | R315-318          | CPR    | 05/05/99          | 99-7/50                |
|  | 21920          | R315-320          | 5YR    | 03/12/99          | 99-7/55                |

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| Environmental Quality, Radiation Control   | 21805          | R313-21                       | 5YR    | 01/25/99          | 99-4/65                |
| <b><u>SOVEREIGN LANDS</u></b>  |                |                               |        |                   |                        |
| Natural Resources; Forestry, Fire and State Lands  | 21672          | R652-70-2300                  | AMD    | 01/14/99          | 98-23/36               |
| <b><u>STATE EMPLOYEES</u></b>  |                |                               |        |                   |                        |
| Administrative Services, Finance   | 21887          | R25-5                         | NSC    | 03/05/99          | Not Printed            |
|  | 22049          | R25-5                         | AMD    | 07/13/99          | 99-11/14               |
|  | 21888          | R25-7                         | NSC    | 03/05/99          | Not Printed            |
|  | 21889          | R25-8                         | NSC    | 03/05/99          | Not Printed            |
| Human Resources Management, Administration   | 22015          | R477-6                        | AMD    | 06/26/99          | 99-10/50               |
| <b><u>STATE FLAG</u></b>   |                |                               |        |                   |                        |
| Lieutenant Governor, Administration  | 21963          | R622-2                        | NEW    | 06/26/99          | 99-9/84                |
| <b><u>STATE RECORDS COMMITTEE</u></b>  |                |                               |        |                   |                        |
| Administrative Services, Records Committee   | 21751          | R35-1                         | NEW    | 03/18/99          | 99-2/2                 |
| <b><u>STATIONARY SOURCES</u></b>   |                |                               |        |                   |                        |
| Environmental Quality, Air Quality   | 22044          | R307-210-1                    | AMD    | 07/15/99          | 99-11/25               |
| <b><u>STOVE</u></b>  |                |                               |        |                   |                        |
| Environmental Quality, Air Quality   | 21570          | R307-302-2                    | AMD    | 01/07/99          | 98-22/67               |
| <b><u>STUDENT COMPETENCY</u></b>   |                |                               |        |                   |                        |
| Education, Administration  | 21825          | R277-702                      | AMD    | 03/22/99          | 99-4/20                |
| <b><u>STUDENTS AT RISK</u></b>   |                |                               |        |                   |                        |
| Education, Administration  | 21902          | R277-436                      | AMD    | 04/15/99          | 99-6/12                |
| <b><u>SURVEYS</u></b>  |                |                               |        |                   |                        |
| Environmental Quality, Radiation Control   | 21806          | R313-30                       | 5YR    | 01/25/99          | 99-4/66                |
|  | 21807          | R313-38                       | 5YR    | 01/25/99          | 99-4/66                |
| School and Institutional Trust Lands, Administration   | 21932          | R850-40-1600                  | AMD    | 05/18/99          | 99-8/58                |
| <b><u>TAILINGS</u></b>   |                |                               |        |                   |                        |
| Environmental Quality, Air Quality   | 21697          | R307-12 (Changed to R307-205) | AMD    | see CPR           | 98-24/12               |
|  | 21697          | R307-12 (Changed to R307-205) | CPR    | 05/04/99          | 99-7/44                |
| <b><u>TAXATION</u></b>   |                |                               |        |                   |                        |
| Tax Commission, Auditing   | 21760          | R865-6F-34                    | AMD    | 03/16/99          | 99-2/58                |
|  | 21761          | R865-6F-35                    | AMD    | 03/16/99          | 99-2/59                |
| <b>DAR Note:</b> The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee." |                |                               |        |                   |                        |
|  | 21737          | R865-7H-1                     | NEW    | 03/16/99          | 99-1/22                |
|  | 21738          | R865-7H-2                     | NEW    | 03/16/99          | 99-1/24                |
|  | 21739          | R865-7H-3                     | NEW    | 03/16/99          | 99-1/24                |
|  | 21740          | R865-13G-14                   | AMD    | 04/28/99          | 99-1/25                |
| Tax Commission, Motor Vehicle  | 21997          | R873-22M-20                   | AMD    | 06/21/99          | 99-10/88               |
| Tax Commission, Property Tax   | 21930          | R884-24P-27                   | AMD    | 06/21/99          | 99-8/59                |
|  | 21931          | R884-24P-32                   | AMD    | 06/21/99          | 99-8/61                |

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|   | 21326          | R884-24P-52       | AMD    | see CPR           | 98-16/58               |
|   | 21326          | R884-24P-52       | CPR    | 01/12/99          | 98-23/46               |
|   | 21777          | R884-24P-53       | EMR    | 01/12/99          | 99-3/64                |
|   | 21789          | R884-24P-53       | AMD    | 03/16/99          | 99-3/46                |
|   | 21762          | R884-24P-61       | AMD    | 03/16/99          | 99-2/60                |
|   | 21676          | R884-24P-63       | AMD    | 03/16/99          | 98-23/42               |
|   | 21998          | R884-24P-64       | AMD    | 06/21/99          | 99-10/89               |
| <b><u>TAX CREDITS</u></b>   |                |                   |        |                   |                        |
| Natural Resources, Energy and<br>Resource Planning                | 22029          | R637-1            | AMD    | 07/30/99          | 99-11/59               |
| <b><u>TEACHER CERTIFICATION</u></b>                               |                |                   |        |                   |                        |
| Education, Administration   | 21972          | R277-503          | AMD    | 06/03/99          | 99-9/13                |
|   | 21824          | R277-519          | AMD    | 03/22/99          | 99-4/19                |
| Professional Practices Advisory<br>Commission, Administration     | 21921          | R686-100          | AMD    | 05/06/99          | 99-7/31                |
| <b><u>TEACHERS</u></b>  |                |                   |        |                   |                        |
| Professional Practices Advisory<br>Commission, Administration     | 21922          | R686-103          | NEW    | 05/06/99          | 99-7/40                |
| <b><u>TELECOMMUNICATIONS</u></b>                                  |                |                   |        |                   |                        |
| Public Service Commission,<br>Administration                      | 20997          | R746-365          | NEW    | see CPR           | 98-9/50                |
|   | 20997          | R746-365          | CPR    | 01/13/99          | 98-18/39               |
|   | 21774          | R746-365          | NSC    | 01/15/99          | Not Printed            |
|   | 21879          | R746-365-4        | AMD    | 06/01/99          | 99-5/42                |
| <b><u>TIRES</u></b>   |                |                   |        |                   |                        |
| Transportation, Motor Carrier, Ports of<br>Entry                  | 21801          | R912-76           | NSC    | 01/27/99          | Not Printed            |
| <b><u>TOWING</u></b>  |                |                   |        |                   |                        |
| Public Safety, Highway Patrol                                     | 21882          | R714-600          | NEW    | 04/15/99          | 99-6/25                |
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| Human Resources Management,<br>Administration                     | 22019          | R477-10           | AMD    | 06/26/99          | 99-10/63               |
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| <b><u>TRANSPORTATION</u></b>                                      |                |                   |        |                   |                        |
| Administrative Services, Finance                                  | 21888          | R25-7             | NSC    | 03/05/99          | Not Printed            |
| Environmental Quality, Radiation Control                          | 21686          | R313-19           | AMD    | 03/12/99          | 98-24/33               |
|   | 21948          | R313-19-30        | AMD    | 06/11/99          | 99-9/30                |
| <b><u>TRANSPORTATION SAFETY</u></b>                               |                |                   |        |                   |                        |
| Transportation, Motor Carrier                                     | 21756          | R909-1            | AMD    | 03/15/99          | 99-2/62                |
| <b><u>TRAVEL FUNDS</u></b>  |                |                   |        |                   |                        |
| Human Services, Aging and Adult<br>Services                       | 21885          | R510-111          | 5YR    | 02/23/99          | 99-6/31                |
|   | 21886          | R510-111          | NSC    | 02/27/99          | Not Printed            |
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| Transportation, Motor Carrier                                     | 21756          | R909-1            | AMD    | 03/15/99          | 99-2/62                |

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| Workforce Services, Workforce<br>Information and Payment Services                 | 21770          | R994-600          | AMD    | 03/05/99          | 99-3/51                |
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|   | 21748          | R994-405          | AMD    | 02/17/99          | 99-2/77                |
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|   | 21798          | R746-320          | AMD    | 06/05/99          | 99-4/52                |
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|   | 22017          | R477-8            | AMD    | 06/26/99          | 99-10/55               |
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|   | 21784                                | R315-303          | AMD     | see CPR           | 99-3/14                |          |
|   | 21784                                | R315-303          | CPR     | 05/05/99          | 99-7/48                |          |
|   | 21439                                | R315-304          | AMD     | see CPR           | 98-19/50               |          |
|   | 21439                                | R315-304          | CPR     | 01/05/99          | 98-23/45               |          |
|   | 21772                                | R315-304-1        | NSC     | 01/05/99          | Not Printed            |          |
|   | 21785                                | R315-305-5        | AMD     | 03/15/99          | 99-3/18                |          |
|   | 21786                                | R315-315-6        | AMD     | 03/15/99          | 99-3/19                |          |
|   | 21919                                | R315-315-6        | NSC     | 03/15/99          | Not Printed            |          |
|   | 21787                                | R315-317          | AMD     | 03/15/99          | 99-3/20                |          |
|   | 21788                                | R315-318          | AMD     | see CPR           | 99-3/22                |          |
|   | 21788                                | R315-318          | CPR     | 05/05/99          | 99-7/50                |          |
|   | 21920                                | R315-320          | 5YR     | 03/12/99          | 99-7/55                |          |
|   | <b><u>WASTEWATER TREATMENT</u></b>   |                   |         |                   |                        |          |
|   | Environmental Quality, Water Quality | 21449             | R317-10 | AMD               | see CPR                | 98-19/70 |
| 21449   |                                      | R317-10           | CPR     | 02/04/99          | 99-1/35                |          |
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| Natural Resources, Water Resources                  | 21736                                | R653-2            | AMD     | 02/02/99          | 99-1/15                |          |
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|   | 21449                                | R317-10           | CPR     | 02/04/99          | 99-1/35                |          |
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| Natural Resources, Wildlife Resources               | 21717                                | R657-5            | AMD     | 01/15/99          | 98-24/96               |          |
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|   | 21938                                | R657-33           | AMD     | 05/18/99          | 99-8/33                |          |
|   | 22027                                | R657-37           | 5YR     | 05/03/99          | 99-11/75               |          |
|   | 21939                                | R657-37           | AMD     | 05/18/99          | 99-8/39                |          |
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|   | 21940                                | R657-41           | AMD     | 05/18/99          | 99-8/45                |          |
|   | 21720                                | R657-42           | AMD     | 01/15/99          | 98-24/109              |          |
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|  | 21846          | R602-2-4          | AMD    | 04/05/99          | 99-5/40                |
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