

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed July 16, 1999, 12:00 a.m. through August 2, 1999, 11:59 p.m.

Number 99-16
August 15, 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

EXECUTIVE ORDER

WHEREAS, the State of Utah has experienced significant damage to crops such as small grains, alfalfa, and safflower in several regions currently infested with grasshoppers and/or Mormon crickets; and

WHEREAS, surveys have shown a conservative estimate of more than 1.5 million acres of public and private land to be significantly infested with grasshoppers and/or Mormon crickets in 18 Utah counties; and

WHEREAS, the Utah Commissioner of Agriculture and Food has declared an insect emergency in several Utah counties making state funds available for grasshopper and Mormon cricket treatment following the recommendation of the 1999 Grasshopper and Mormon Cricket Decision and Action Committee authorized under the Insect Infestation Emergency Control Act;

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 DECLARE THAT: It is found, determined and declared that a "State of Agricultural Disaster" exists due to the aforesaid grasshopper and Mormon cricket infestation in the State of Utah and that all such affected areas within the State are declared to be agricultural disasters requiring aid, assistance and relief pursuant to the provision of State statutes.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 29th day of July, 1999.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

Attest:

OLENE WALKER
Lieutenant Governor

PROCLAMATION

WHEREAS, since the close of the 1999 General Session of the 53rd Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 53rd Legislature of the State of Utah into a Fifth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of August, 1999, at 12:00 noon, for the following purpose:

SPECIAL NOTICES

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 1999 General Session of the 53rd Legislature of the State of Utah.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 3rd day of August, 1999.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

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**UTAH STATE PUBLICATIONS
List 99-15**

July 22, 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>

* **Oil and gas production report. January, 1999. Utah.** Division of Oil, Gas and Mining.

N 3600.13: Pro/999/01

oclc # 17830817

<http://www.nr.state.ut.us/OGM/statindx.htm>

Petroleum industry and trade--Utah--Statistics--Periodicals/Gas industry--Utah--Statistics--Periodicals/Energy industries--Utah--Statistics--Periodicals.

On-the-job: Labor Commission State of Utah quarterly newsletter. 3rd quarter 1999. Utah. Labor Commission.

P 3311.81: On/999/3

oclc # 30378097

Industrial safety--Utah.

Quarterly economic newsletter. Western Region. Juab County. 4th quarter, 1998. Utah. Dept. of Workforce Services.

I 3112 .J8.8: Eco/998/4

oclc # 41149502

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

Juab County (Utah)--Occupations--Statistics.

Quarterly economic newsletter. Western Region. Millard County. 4th quarter, 1998. Utah. Dept. of Workforce Services.

I 3112 .M5.8: Eco/998/4

oclc # 41149542

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

Millard County (Utah)--Occupations--Statistics.

Quarterly economic newsletter. Western Region. Sevier County. 4th quarter, 1998. Utah. Dept. of Workforce Services.

I 3112 .S5.8: Eco/998/4

oclc # 41149695

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

Sevier County (Utah)--Occupations--Statistics.

Quarterly economic newsletter. Western Region. Washington County. 4th quarter, 1998. Utah. Dept. of Workforce Services.

I 3112 .W3.8: Eco/998/4

oclc # 41149822

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

Washington County (Utah)--Occupations--Statistics.

State water plan: Sevier River Basin. June, 1999. Utah. Division of Water Resources.

N 4380.4: Wat/999

oclc # 41867228

Water resources development--Utah--Sevier River Watershed.

Utah equal employment opportunity information: 1997 estimates. May, 1999. Utah. Dept. of Workforce Services. Division of Workforce Information.

I 3113.D57.13: Equ/997

oclc # 41884789

Labor supply--Utah--Statistics/Minorities--Employment--Utah--Statistics/Women--Employment--Utah--Statistics/Affirmative action programs--Utah--Statistics.

Utah labor market report. Vol. 9, no. 5: May, 1999. Utah. Dept. of Workforce Services, Workforce Information.

I 3112.13: Lab/999/05

<http://www.dws.state.ut.us/WI/pubs/publicat.htm>

Labor market--Utah--Statistics/Labor supply--Utah--Statistics.

* **Utah state bulletin.** Number 99-14: July 15, 1999. Utah. Division of Administrative Rules.

A 3025.61: Bul/99-14

oclc # 11854150

<http://www.rules.state.ut.us/publicat/bulletin.htm>

Delegated legislation--Utah--Periodicals/Administrative procedure--Utah--Periodicals.

* **Utah state digest.** Number 99-14: July 15, 1999. Utah. Division of Administrative Rules.

A 3026.61: Dig/99-14

oclc # 12426255

<http://www.rules.state.ut.us/publicat/digest.htm>

Delegated legislation--Utah--Periodicals.

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List 99-16

August 6, 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>

1996 Utah health status survey report. Lifestyle factors in Utah: Exercise, 5 a day, alcohol, and tobacco. Utah. Office of Public Health Data; Utah. Dept. of Health. Bureau of Surveillance and Analysis.

P 4070.L53.15: Hea/996

oclc # 42020308

<http://hlunix.hl.state.ut.us/action2000/reports.html>

Lifestyles--Utah--Statistics/Tobacco habit--Utah--Statistics/Substance abuse--Utah--Statistics/Exercise--Utah--Statistics/Nutrition--Utah--Statistics.

* **Building stones of downtown Salt Lake City: a walking tour.** Christine M. Wilkerson. Utah Geological Survey.

N 3300.71: Pub/60

oclc #41946826

Building stones--Utah--Salt Lake City/Historic buildings--Utah--Salt Lake City.

Capitol connections: news for and about people in state government. Utah. Dept. of Administrative Services; Utah. Office of the Governor.

A 4500.81: Cap/7/3

oclc #41963693

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

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

Directions for Utah libraries. Utah State Library.

H 6200.8: Dir/12/1

oclc#18145543

<http://www.state.lib.ut.us/directns/directns.htm>

Libraries--Utah--Periodicals.

Guide to the grants program... Utah Arts Council.

H 6300.3: Gui/000--001

oclc#22142648

<http://www.dced.state.ut.us/arts>

Federal aid to the arts--Utah/Arts--Utah--Finance.

Journal of the House of Representatives of the State of Utah, ...session of the Legislature. Utah. Legislature. House of Representatives.

A 3300.1: Jou/999

oclc #11633962

<http://www.le.state.ut.us/~1998/journal/98journals.htm>

Legislative journals--Utah--Periodicals/Utah--Politics and government--Periodicals.

Newsletter. Utah. Division of Occupational and Professional Licensing.

I 4080.8: New/999/07

oclc#17629046

<http://www.commerce.state.ut.us/DOPL/news/disc/intro.htm>

Licenses--Utah--Periodicals/Business--Licenses--Utah--Periodicals.

Quarterly economic newsletter. Central Region. Salt Lake and Tooele. Utah. Dept. of Workforce Services.

I 3112 .S2.8: Eco/998/4

oclc #41149575

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

Salt Lake County (Utah)--Occupations--Statistics/Tooele County (Utah)--Occupations--Statistics.

Quarterly economic newsletter. Northern Region. Davis County. Utah. Dept. of Workforce Services.

I 3112 .D4.8: Eco/998/3

oclc #41149257

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

Davis County (Utah)--Occupations--Statistics.

Quarterly economic newsletter. Western Region. Sanpete County. Utah. Dept. of Workforce Services.

I 3112 .S4.8: Eco/998/4

oclc #41149586

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

Sanpete County (Utah)--Occupations--Statistics.

Senate journal, ...session of the Legislature of the State of Utah. Utah. Legislature. Senate.

A 3400.1: Jou/999

oclc #11633633

<http://www.le.state.ut.us/~1998/journal/98journals.htm>**Utah public library service.** Utah State Library.

H 6250.13: Pub/998

oclc#03220288

<http://state.lib.ut.us/publications.htm>

Utah State Library/Public libraries--Utah--Statistics--Yearbooks/Public libraries--Utah--Directories.

* **Utah state bulletin.** Utah. Division of Administrative Rules.

A 3025.61: Bul/99-15

oclc #11854150

<http://www.rules.state.ut.us/publicat/bulletin.htm>

Delegated legislation--Utah--Periodicals/Administrative procedure--Utah--Periodicals.

* **Utah state digest.** Utah. Division of Administrative Rules.

A 3026.61: Dig/99-15

oclc #12426255

<http://www.rules.state.ut.us/publicat/digest.htm>

Delegated legislation--Utah--Periodicals.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between July 16, 1999, 12:00 a.m., and August 2, 1999, 11:59 p.m., are included in this, the August 15, 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 September 14, 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 December 13, 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.

The Proposed Rules Begin on the Following Page.

Commerce, Occupational and Professional Licensing
R156-1-308a
Renewal Dates

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 22202
FILED: 07/27/1999, 10:16
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Due to legislative changes made during the 1999 legislative session (H.B. 71 and S.B. 226) with regards to names of professions, changes need to be made in the General Rules of the Division of Occupational and Professional Licensing.

(DAR Note: H.B. 71 is found at 1999 Utah Laws 42, and was effective May 3, 1999; S.B. 226 is found at 1999 Utah Laws 199, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Employee Leasing Company was changed to Professional Employer Organization. The renewal date for professional employer organizations was changed from January 31 every year to September 30 every year. Manufactured Housing Dealer was changed to Factory Built Housing Dealer. The renewal date for factory built housing dealers was changed to September 30 every odd year, rather than every year.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 58-1-106(1)

ANTICIPATED COST OR SAVINGS TO:

THE STATE BUDGET: No savings will be realized to the state budget. Only minimal costs will be incurred by the Division to reprint the rule once proposed changes are made effective. These costs will be absorbed by the Division's current budget.

LOCAL GOVERNMENTS: The proposed rule does not apply to local governments; therefore, no costs or savings.

OTHER PERSONS: No costs or savings will be realized for professional employer organizations as the renewal date for those licenses remains every year. Factory built housing dealers previously paid a \$15 renewal fee every year prior to July 1, 1999. Due to statute changes and this proposed rule, factory built housing dealers will now pay a \$100 renewal fee every two years. Therefore, there is a cost for licensed factory built housing dealers of approximately \$70.00 each. There are currently 129 licensed factory built housing dealers for a total cost of \$9030.00. There will be no costs or savings to the general public since the proposed rule only affects professional employer organizations and factory built housing dealers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs or savings will be realized for professional employer organizations as the renewal date for those licenses remains every year. Factory built housing dealers previously paid a

\$15 renewal fee every year prior to July 1, 1999. Due to statute changes and this proposed rule, factory built housing dealers will now pay a \$100 renewal fee every two years. Therefore, there is a cost for licensed factory built housing dealers of approximately \$70 each.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment is for the purpose of recognizing in the rules certain name changes in professions and in license renewal periods made by the legislature during the last session, as well as renumbering the sections to reflect the changes. These changes will result in no fiscal impact upon the state budget or local governments, and will not impact the professions, except for factory built housing dealers, or the general 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: Diane Blake at the above address, by phone at (801) 530-6179, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dblake@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 09/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: A. Gary Bowen, Director

R156. Commerce, Occupational and Professional Licensing.
R156-1. General Rules of the Division of Occupational and Professional Licensing.
R156-1-308a. Renewal Dates.

The following renewal dates are established by license classification in accordance with the Subsection 58-1-308(1):

TABLE
RENEWAL DATES

Table with 4 columns: License Number, License Name, Renewal Date, and Frequency. Includes entries for Acupuncturist, Advanced Practice Registered Nurse, Animal Euthanasia Agency, Alternate Dispute Resolution Provdr, Analytical Laboratory, Architect, Audiologist, Boxing Licensee, Branch Pharmacy, Building Inspector, Burglar Alarm Security, C.P.A. Firm, and Certified Shorthand Reporter.

(14)	Certified Dietitian	September 30	even years
(15)	Certified Nurse Midwife	January 31	even years
(16)	Certified Public Accountant	September 30	even years
(17)	Certified Registered Nurse Anesthetist	January 31	even years
(18)	Certified Social Worker	September 30	even years
(19)	Chiropractic Physician	May 31	even years
(20)	Clinical Social Worker	September 30	even years
(21)	Construction Trades Instructor	July 31	odd years
(22)	Contractor	July 31	odd years
(23)	Controlled Substance Precursor Distributor	May 31	odd years
(24)	Controlled Substance Precursor Purchaser	May 31	odd years
(25)	Cosmetologist/Barber	September 30	odd years
(26)	Cosmetology/Barber School	September 30	odd years
(27)	Deception Detection	July 31	even years
(28)	Dental Hygienist	May 31	even years
(29)	Dentist	May 31	even years
(30)	Electrician Apprentice, Journeyman, Master, Residential Journeyman, Residential Master	July 31	even years
(31)	Electrologist	September 30	odd years
[(32)]	Employee Leasing Company	January 31	every year
[(33)]	Environmental Health Scientist	May 31	odd years
[(33)]	Factory Built Housing Dealer	September 30	odd years
(34)	Funeral Service Director	May 31	even years
(35)	Funeral Service Establishment	May 31	even years
(36)	Health Care Assistant	November 30	even years
(37)	Health Facility Administrator	May 31	odd years
(38)	Hearing Instrument Specialist	September 30	even years
(39)	Hospital Pharmacy	May 31	odd years
(40)	Institutional Pharmacy	May 31	odd years
(41)	Landscape Architect	May 31	even years
(42)	Licensed Practical Nurse	January 31	even years
(43)	Licensed Substance Abuse Counselor	May 31	odd years
[(44)]	Manufactured Housing Dealer	September 30	every year
([45] 44)	Marriage and Family Therapist	September 30	even years
([46] 45)	Massage Apprentice, Technician	May 31	odd years
([47] 46)	Naturopath/Naturopathic Physician	May 31	even years
([48] 47)	Nuclear Pharmacy	May 31	odd years
([49] 48)	Occupational Therapist	May 31	odd years
([50] 49)	Occupational Therapy Assistant	May 31	odd years
([51] 50)	Optometrist	September 30	even years
([52] 51)	Osteopathic Physician and Surgeon	May 31	even years
([53] 52)	Out of State Mail Order Pharmacy	May 31	odd years
([54] 53)	Pharmaceutical Administration Facility	May 31	odd years
([55] 54)	Pharmaceutical Dog Trainer	May 31	odd years
([56] 55)	Pharmaceutical Manufacturer	May 31	odd years
([57] 56)	Pharmaceutical Researcher	May 31	odd years
([58] 57)	Pharmaceutical Teaching Organization	May 31	odd years
([59] 58)	Pharmaceutical Wholesaler/Distributor	May 31	odd years
([60] 59)	Pharmacist	May 31	odd years
([61] 60)	Pharmacy Technician	May 31	odd years
([62] 61)	Physical Therapist	May 31	odd years
([63] 62)	Physician Assistant	May 31	even years
([64] 63)	Physician and Surgeon	January 31	even years

([65] 64)	Plumber Apprentice, Journeyman, Residential Apprentice, Residential Journeyman	July 31	even years
([66] 65)	Podiatric Physician	September 30	even years
([67] 66)	Pre Need Funeral Arrangement Provider	May 31	even years
([68] 67)	Pre Need Funeral Arrangement Sales Agent	May 31	even years
([69] 68)	Private Probation Provider	May 31	odd years
([70] 69)	Professional Counselor	September 30	even years
(70)	Professional Employer Organization	September 30	every year
(71)	Professional Engineer	May 31	even years
(72)	Professional Land Surveyor	May 31	even years
(73)	Professional Structural Engineer	May 31	even years
(74)	Psychologist	September 30	even years
(75)	Radiology Practical Technician	May 31	odd years
(76)	Radiology Technologist	May 31	odd years
(77)	Recreational Therapy Technician, Specialist, Master Specialist	May 31	odd years
(78)	Registered Nurse	January 31	odd years
(79)	Respiratory Care Practitioner	September 30	even years
(80)	Retail Pharmacy	May 31	odd years
(81)	Security Personnel	July 31	even years
(83)	Social Service Worker	September 30	even years
(84)	Speech-Language Pathologist	May 31	odd years
(85)	Veterinarian	September 30	even years
(86)	Veterinary Pharmaceutical Outlet	May 31	odd years

KEY: diversion programs, licensing, occupational licensing
[June 4, 1998]1999 58-1-106(1)
Notice of Continuation June 2, 1997 58-1-308



Education, Administration
R277-451
 The State School Building Program

NOTICE OF PROPOSED RULE
 (New)

DAR FILE No.: 22205
 FILED: 07/28/1999, 13:24
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide eligibility requirements and procedures for short-term loans to school districts for capital outlay projects.

SUMMARY OF THE RULE OR CHANGE: This rule provides criteria and procedures for school districts to receive state funds under the capital outlay foundation program, the emergency school building needs program, and the capital outlay loan program.

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no anticipated cost or savings to state budget because these programs are loan programs and utilize money appropriated by the legislature for education.

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government because all funds, loans, or required matching amounts come from education appropriations from the legislature.

❖OTHER PERSONS: There is no anticipated cost or savings to other persons because there are no costs outside of education appropriations.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because all funds are appropriated by the legislature.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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 by Internet E-mail at clear@usoe.k12.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 09/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

R277. Education, Administration.

R277-451. The State School Building Program.

R277-451-1. Definitions.

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

B. "ADM" means Average Daily Membership of students.

C. "Capital Outlay Foundation Program" means a program that provides a minimum dollar generation guarantee, per ADM, for every district willing to levy a tax of .0024 per dollar of taxable value on real property.

D. "Emergency school building needs distribution" means a program that utilizes twenty percent of the money made available through the Public Education Capital Outlay Act pursuant to Sections 53A-21-101 through 53A-21-105.

E. "Students in alternative housing" means additional students other than those who can be appropriately accommodated in existing buildings and programs, who have been accommodated through year-round scheduling, extended day scheduling, double session scheduling, portable buildings, contracting out for additional space or busing to other districts.

F. "Assessed valuation" means the assessed value of real property certified by the State Tax Commission to the Board each year.

G. "Derived assessed valuation" means current collections of tax levy (no prior year penalties or redemptions) divided by the same year tax rates.

H. "Need" means growth and the number of students in alternative housing.

I. "Growth" means:

(1) a district's percent increase of students annually from October 1 to October 1, in the past three years as compared to the total student increase of the state; and

(2) a district's percent increase of students compared to its own number of students.

J. "Effort" means:

(1) the prior three year average of total district tax levy, and
(2) the total funds used by a district to meet bond and interest payments as a percentage of the money raised during the prior three years from the .0024 tax rate levied for capital outlay and debt service.

K. "Foundation level" means a base amount per ADM guaranteed to school districts by the Board.

L. "Ability" means a school district's prior three year average derived assessed valuation per ADM.

M. "Loan" means a transaction which takes money from a Board account and places it in a school district account with the full legal intention by a school district that it be repaid to the account from which it was taken.

N. "Accounts receivable" means any amount due the Board from a school district for which payment has not been received by the Board.

O. "Fiscal year (FY)" means the twelve month period from July 1 through June 30 during which state funds are distributed.

P. "Superintendent" means the State Superintendent of Public Instruction.

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

R277-451-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Sections 53A-19-101 through 105 which direct local school boards to develop budgets, provide for appropriate plans to be filed with the Superintendent and maintain reserves consistent with the law; Sections 53A-21-102 and 53A-21-104 which direct the Board to provide financial assistance to school districts to meet critical school building and debt service needs and provide standards toward that end, and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to specify the eligibility requirements and the procedures for distributing funds appropriated for the capital outlay foundation program, the emergency school

building needs program and for providing short-term loans to districts for capital outlay projects in school building construction and renovation.

R277-451-3. Capital Outlay Foundation Program.

A. A district may receive state school building funds under the capital outlay foundation program established in Section 53A-21-102(1) if the amount raised by levying a tax rate of .0024 does not generate revenues above the foundation level established per ADM when the legislative appropriation is entered into the formula.

B. To qualify for capital outlay foundation funds, a school district shall levy a property tax rate up to 0.002400 designated specifically for capital outlay and debt service:

(1) school districts levying less than the full 0.002400 tax rate for capital outlay and debt service shall receive proportional funding under the capital foundation program based upon the percentage of the 0.002400 tax rate levied by the district;

(2) the amount of capital foundation funds to which a school district would otherwise be entitled under the Capital Outlay Foundation program may not be reduced as a consequence of changes in the certified tax rate under Section 59-2-924 due to changes in property valuation for a period of two tax years from the effective date of any such change in the certified tax rate.

C. The USOE shall support the foundation program to assist the qualifying district in reaching the foundation level.

D. Eighty percent of the funds appropriated by the Legislature under Section 53A-21-105 shall be used in calculating the foundation level through fiscal year 2001.

E. In fiscal year 2002, 100 percent of the funds appropriated by the Legislature under Section 53A-21-105 shall be used in calculating the foundation level.

R277-451-4. Emergency School Building Needs Program.

A. A district may receive state school building funds under the emergency school building needs program under Section 53A-21-103(4)(a) by meeting the qualifying criteria of need, effort and ability.

B. Calculation to determine a district's eligibility and the distribution amount for the emergency building needs program shall be made based on a statistical formula provided by the USOE Director of Finance or his designee.

C. Through fiscal year 2001, twenty percent of the funds appropriated by the Legislature in Section 53A-21-105 shall be used in calculating the emergency school building needs program funds.

D. On June 30, 2001, this program shall cease to exist and all funds appropriated by the Legislature in Section 53A-21-105 shall be used in the capital outlay foundation program.

R277-451-5. Capital Outlay Loan Program.

A. A district may receive capital outlay loan program funds under Section 53A-21-102 which establishes a capital outlay loan program to provide short-term help to districts, for a period not to exceed five years, for school building construction and renovation.

B. To be a priority qualifier for the capital outlay loan program, a district shall meet all of the following requirements:

(1) demonstrate an ability and commitment as demonstrated by a local board vote to set the levy at the rate needed to repay the loan within the time period prescribed by the loan agreement; and

(2) levy a tax rate for capital outlay and debt service above the state average; and

(3) demonstrate a district need that is better met through the loan fund than through more traditional means for providing school building construction or renovation or both.

C. If a district does not meet the criteria for a priority qualifier and the needs of the priority qualifiers are met, the loan application of districts not meeting this criterion may be considered, if the district commits to levying at or above the state average for the next tax year. In the case of a natural disaster or other emergency, this requirement may be waived by the Superintendent.

D. A district applying for a short term loan under this rule shall make a formal application which includes:

(1) the emergency condition or the condition that exists that would be better met through the loan fund rather than through more traditional means for providing school building construction or renovation or both;

(2) the amount of loan sought;

(3) the proposed repayment schedule, not to exceed five years;

(4) the history of the last five years of loans or special supplementary funds received by the district from the USOE;

(5) minutes of the local board meeting recording the affirmative vote to levy the needed tax; and

(6) a signed agreement that if the district should default on a loan payment, the Superintendent may deduct the loan payment and added interest from the calculated per district state distribution after 90 days.

E. The loan request and repayment conditions shall be approved by the Superintendent or his designee.

KEY: educational facilities, education finance 1999

**Art X Sec 3
53A-19-101 through 105
53A-21-102
53A-21-104
53A-1-401(3)
59-2-924**



**Education, Administration
R277-521
Professional Specialist Licensing**

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22206

FILED: 07/28/1999, 13:24

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide standards and procedures for educators to receive licenses for specific and limited job descriptions in educational administration.

SUMMARY OF THE RULE OR CHANGE: The rule provides requirements for educators seeking licensure at varying levels in evaluation/assessment, school finance, and education law.

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no cost or savings to state budget because educators may receive licensure, but there is no use of state funds for licensure.

❖LOCAL GOVERNMENTS: There is no cost or savings to local government because there is no expenditure of local funds.

❖OTHER PERSONS: Anticipated savings to educators with specific expertise, but no traditional teaching license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons; perhaps savings if educators with specific, limited expertise can work in specific areas with specialized licenses.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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 by Internet E-mail at clear@usoe.k12.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 09/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

R277. Education, Administration.

R277-521. Professional Specialist Licensing.

R277-521-1. Definitions.

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

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

C. "License" means an authorization issued by the Board which permits the holder to serve in a professional capacity in the public schools.

D. "Volunteer or work experience with the public schools" means regular time spent at specific volunteer assignments such as school board member; regular school district employee; regular

classroom volunteer or tutor; or local, regional or state PTA board member under the direction of licensed personnel.

E. "Accredited college or university" means a school or institution which is sanctioned through a review process by a regional or national accrediting agency recognized by the United States Department of Education.

R277-521-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-6-101(1) which authorizes the Board to issue certificates for teachers, supervisors, administrators, and other professionals, and Section 53A-1-401(3) allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to establish standards for licensing of professional specialists and administrators.

R277-521-3. Level 1 License.

A. Finance and Statistics: An individual employed at least 20 hours per week in a school district or by the Board shall be eligible for this license if the individual satisfies the following:

(1) has a minimum of a Bachelor's degree from an accredited college or university in accounting, finance, business statistics or a related area; and

(2) can demonstrate at least minimal experience in education which may include:

(a) four semester hours or the quarter hour equivalent from an accredited college or university in education-related classes;

(b) a minimum of five hours of USOE or district inservice in education related classes; or

(c) volunteer or work experience or education experience with the public schools.

B. Law and Legislation: An individual employed at least 20 hours per week by a school district or by the Board, shall be eligible for the professional specialist license if the individual satisfies the following:

(1) active member of the Utah State Bar; and

(2) can demonstrate at least minimal experience in education which may include:

(a) four semester hours or the quarter hour equivalent from an accredited college or university in education-related classes;

(b) a minimum of five hours of USOE or district inservice in education related classes; or

(c) volunteer or work experience or education experience with the public schools.

C. Evaluation and Assessment: An individual employed at least 20 hours per week by a school district or by the Board, shall be eligible for the professional specialist license if the individual satisfies the following:

(1) has a minimum of a Bachelor's degree from an accredited college or university in psychology, education, or educational psychology; and

(2) can demonstrate at least minimal experience in education which may include:

(a) four semester hours or the quarter hour equivalent from an accredited college or university in education-related classes;

(b) a minimum of five hours of USOE or district inservice in education related classes; or

(c) volunteer or work experience or education experience with the public schools.

R277-521-4. Level 2 License.

A. Finance and Statistics: An individual employed at least 20 hours per week in a school district or by the Board shall be eligible for this license if the individual satisfies all applicable conditions under R277-521-3A and the following:

(1) has completed a Masters degree in accounting, finance, business statistics or a related area, or CPA (certified public accountant) from an accredited college or university; and

(2) provides documentation of significant educational experience such as:

(a) 10-12 hours education-related or supervisor-approved course work; or

(b) 20 hours USOE or district inservice in education-related classes; or

(3) provides documentation of significant volunteer or work experience as demonstrated by increased levels of responsibilities as defined under R277-521-1D or education experience.

B. Law and Legislation: An individual employed at least 20 hours per week in a school district or by the Board shall be eligible for this license if the individual satisfies all applicable conditions under R277-521-3B and the following:

(1) has completed 20 semester hours or equivalent quarter hours from an accredited college or university in:

(a) educational administration; or

(b) educational instruction; or

(c) supervisor-approved course work; or

(2) provides documentation of significant educational experience such as:

(a) 10-12 hours education-related or supervisor-approved course work; or

(b) 20 hours USOE or district inservice in education-related classes; or

(3) provides documentation of significant volunteer or work experience as demonstrated by increased levels of responsibilities as outlined under R277-521-1D.

C. Evaluation and Assessment: An individual employed at least 20 hours per week in a school district or by the Board shall be eligible for this license if the individual satisfies all applicable conditions under R277-521-3C and the following:

(1) has completed 20 semester hours or equivalent quarter hours beyond the Bachelor's degree from an accredited college or university in:

(a) educational psychology; or

(b) supervisor-approved course work; and

(2) provides documentation of significant educational experience such as:

(a) 10-12 hours education-related or supervisor-approved course work; or

(b) 20 hours USOE or district inservice in education-related classes; or

(3) significant volunteer or work experience as demonstrated by increased levels of responsibilities as outlined under R277-521-1D.

R277-521-5. Level 3 License.

A. Finance and Statistics: An individual employed at least 20 hours per week in a school district or by the Board shall be eligible for this license if the individual satisfies all applicable conditions under R277-521-3A and R277-521-4A and the following:

(1) has completed a Doctorate or Masters degree in accounting, finance, business statistics or a related area, and a CPA consistent with Section 53A-6-103(9)(d); and

(2) has earned a teacher, counselor, or administrative license.

B. School Law and Legislation: An individual employed at least 20 hours per week in a school district or by the Board shall be eligible for this license if the individual satisfies all applicable conditions under R277-521-3B and R277-521-4B and the following:

(1) has completed a Doctorate other than law consistent with Section 53A-6-103(9)(d) and at least a Masters degree in a USOE-approved area of study; and

(2) has earned a teacher, counselor, or administrative license.

C. Evaluation and Assessment: An individual employed at least 20 hours per week in a school district or by the Board shall be eligible for this license if the individual satisfies all applicable conditions under R277-521-3C and R277-521-4C and the following:

(1) has completed a Doctorate consistent with Section 53A-6-103(9)(d); and

(2) has earned a teacher, counselor, or administrative license.

KEY: education, license*

1999

Art X Sec 3

53A-6-101(1)

53A-1-401(3)



Education, Administration
R277-600
 Student Transportation Standards and
 Procedures

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22207

FILED: 07/28/1999, 13:24

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendments to this rule reflect changes in terminology in special education and include transportation for students with disabilities as required by individualized education programs (IEPs).

SUMMARY OF THE RULE OR CHANGE: The amendments change "handicapped students" to "students with disabilities," and provide for transportation to students with disabilities as required by individualized education programs (IEPs).

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Depending upon costs that arise, there could be costs to school districts and districts may look to state government for compensation.

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government since funds come from education funding.

❖OTHER PERSONS: There is no anticipated cost or savings to individuals outside of education.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Anticipated costs to school districts/state education budget in providing transportation required by IEPs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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 by Internet E-mail at clear@usoe.k12.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 09/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

R277. Education, Administration.

R277-600. Student Transportation Standards and Procedures.

R277-600-1. Definitions.

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

B. "Density" means the number of eligible students divided by the approved total bus route miles plus half of the deadhead miles.

C. "Adjusted/approved costs" means the Board approved costs of transporting eligible students from home to school to home once each day, required deadhead miles, after-school routes, approved routes for ~~handicapped~~ students with disabilities and vocational students attending school outside their regularly assigned

attendance boundary, and a prorated portion of the bus purchase prices less salvage value.

D. "Bus route miles" means operating a bus with passengers.

E. "Deadhead" means operating a bus when no passengers are on board.

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

G. "ADA" means average daily attendance.

H. "ADM" means average daily membership.

I. "Hazardous" means danger or potential danger which may result in injury or death.

J. "M.P.V." means multipurpose passenger vehicle: any motor vehicle with less than 10 passenger positions, including the driver, which cannot be certified as a bus.

K. "Out-of-pocket expense" means gasoline, oil, and tire expenses.

L. "IEP (individualized education program)" means a written statement for a student with a disability that is developed and implemented under CFR Sections 300.340 through 300.347. The IEP serves as a communication vehicle between parents and school personnel and enables them as equal participants to decide jointly what the student's needs are, what services shall be provided to meet those needs, what the anticipated outcomes may be, and how the student's progress toward meeting the projected outcomes shall be evaluated.

R277-600-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public schools in the Board, by Section 53A-1-402(1)(e) which directs the Board to establish rules for bus routes, bus safety and other transportation needs and by Section 53A-17a-126 and 127 which provides for distribution of funds for transportation of public school students and standards for eligibility.

B. The purpose of this rule is to specify the standards under which districts may qualify for state transportation funds.

R277-600-3. General Provisions.

A. State transportation funds are used to reimburse districts for the direct costs of transporting students to and from school. The Board defines the limits of district transportation costs reimbursable by state funds in a manner that encourages safety, economy, and efficiency.

B. Allowable transportation costs are divided into two categories. Expenditures for regular bus routes established by the district, and appropriated by the state, are termed A category costs. Other methods of transporting students to school are termed B category costs. The Board devises and distributes a formula to determine the reimbursement rate for A category costs. The formula factors are density and adjusted/approved costs. B category costs are approved on a line-by-line basis by the Office after comparing the costs submitted by a district with the costs of alternative methods of performing the function.

C. The Office shall develop a uniform accounting procedure for the financial reporting of transportation costs. The procedure shall specify the methods used to calculate allowable transportation costs. The Office shall also develop uniform forms for the administration of the program.

D. All student transportation costs are recorded. Accurate mileage records are kept by program. Records and financial worksheets shall be maintained during the fiscal year for audit purposes.

R277-600-4. Eligibility.

A. State transportation funds shall be used only for transporting eligible students.

B. Eligibility for elementary students and secondary students, including seventh and eighth grade students, is determined in accordance with the mileage from home specified in Section 53A-17a-127(1) and (2) to the school attended upon assignment of the local board.

C. A student who falls under the school finance law definition of ~~handicapped~~ student with disabilities, regardless of distance from the school attended upon assignment of the local board, is eligible, if transportation is identified as a needed service in the IEP.

D. Students who attend school for at least one-half day at an alternate location are expected to walk distances up to 1 and one-half miles.

E. A school district that implements double sessions as an alternative to new building construction may transport, one-way to or from school, with Board approval, affected elementary students residing less than one and one-half miles from school if the local board determines the transportation would improve safety affected by darkness or other hazardous conditions.

F. The distance from home to school is determined as follows: From the center of the public route (road, thoroughfare, walkway, or highway) open to public use, opposite the regular entrance of the one where the pupil is living, over the nearest public route (thoroughfare, road, walkway, or highway) open regularly for use by the public, to the center of the public route (thoroughfare, road, walkway, or highway) open to public use, opposite the nearest public entrance to the school grounds which the student is attending.

R277-600-5. ~~Handicapped~~ Student with Disabilities Transportation.

A. ~~Handicapped~~ Students with disabilities are transported on regular buses and regular routes whenever possible. Districts may request approval, prior to providing transportation, for reimbursement for transporting ~~handicapped~~ students with disabilities who cannot be safely transported on regular school bus runs.

B. Districts may be reimbursed for the costs of transporting or for alternative transportation for ~~trainable mentally retarded students, severely motor handicapped students, and severely multiple handicapped students to approved special programs~~ students with disabilities whose severity of disability, or combination of disabilities, necessitates special transportation.

C. Transportation is provided by the Utah Schools for the Deaf and the Blind for students who are transported to its extension classes. Exceptions may be approved by the Office.

R277-600-6. Requirements for Bus Route Approval.

A. Transportation is over routes proposed by local boards and approved by the Office. Information requested by the Office must be provided prior to approval of a route. A route usually is not

approved for reimbursement if an equitable student transportation allowance or a subsistence allowance accomplishes the needed transportation at less cost. A route must:

- (1) traverse the most direct public route;
- (2) be reasonably cost effective related to other feasible alternatives;
- (3) provide adequate safety;
- (4) traverse roads that are constructed and maintained in a manner that does not cause property damage; and
- (5) include an economically adequate number of students.

B. The minimum number of ~~regular~~ general education students required to establish a route is ten; the minimum number of ~~handicapped~~ students with disabilities is five. A route may be established for fewer students upon special permission of the State Superintendent.

C. The local district designates safe areas for bus stops. To promote efficiency, the minimum distance between bus stops is 3/10 of a mile. Bus routes shall avoid, whenever possible, bus stops on dead-end roads. A student is expected to walk to bus stops up to one and one-half miles from home depending on the age and ability of the student. Special education students are expected to walk to bus stops commensurate with their ability.

D. Changes in existing routes or the addition of new routes must be reported to the Office as they occur for approval.

E. Early home routes do not qualify for state reimbursement unless approved by the Office prior to initiation.

F. Transporting eligible students home after school activities held at the student's school of regular attendance and within a reasonable time period after the close of the regular school day is approved route mileage.

G. A route may be approved as an alternative to building construction upon special permission of the Office if the route is needed to allow more efficient district use of school facilities. Building construction alternatives include elementary double sessions, year-round school, and attendance across district boundaries.

R277-600-7. Approved Deadhead Mileage.

Deadhead mileage included in adjusted/approved costs is calculated as follows:

A. Deadhead mileage to and from school: mileage from the garage or bus storage area to the first pickup point, mileage between schools for other bus runs, and mileage from the last run in the morning and evening from the last stop to the garage or storage area.

B. Other deadhead mileage: mileage due to bus driver training and driving to service or repair sites.

R277-600-8. Alternative Transportation.

Bus routes that involve a large number of deadhead miles are analyzed for reduction or to determine if an alternative method of transporting students is more efficient. Approved alternatives include the following:

A. The costs incurred in transporting eligible pupils in a district M.P.V. is not an adjusted/approved expense.

B(1) The costs incurred in paying eligible students an allowance in lieu of school district-supplied transportation is an adjusted/approved expense. A student is reimbursed for the mileage to the bus stop or school, whichever is closer, nearest the student's

home and for reasonable and necessary out-of-pocket costs associated with student transportation. The allowance shall not be less than the standard mileage rate deduction permitted by the United States Internal Revenue Service for charitable contributions, nor greater than the reimbursement allowance permitted by the Utah Department of Administrative Services for use of privately owned vehicles set forth in the Utah Travel Regulations. The trip mileage is paid for by car, one per family;

(2) a student allowance is made to the student and not to the parent for transporting one's own child or other students. This does not restrict parents from pooling resources, but it does restrict payments in excess of out-of-pocket costs;

(3) if a student or the student's parent is unable to provide private transportation, with prior state approval, an amount equivalent to the student allowance is paid to the school district to help pay the costs of district transportation;

(4) the student's mileage shall be measured and certified in district records. The student's ADA as entered in school records is used to determine the student's attendance.

C(1) the cost incurred in providing a subsistence allowance is an adjusted/approved expense. A parent is reimbursed for a student's room and board when a student lives at a site nearer to the assigned school, if the student does not have a school facility or bus service available within approximately 60 miles of the student's residence. Payment shall not exceed the Substitute Care Rate for Family Services for the current fiscal year. Adjustments for changes made in the rate during the year are included in the allowance. In addition to the reimbursement for room and board, the subsistence allowance includes the costs of two round trips per year. The costs are calculated on the basis of actual mileage traversed from home to school at the rate prescribed in R277-600-8B(1);

(2) a subsistence allowance is not applicable to a parent who maintains a separate home during the school year for the purpose of closer location to a school. The parent's residence during the school year is the residence of the child;

D. The cost incurred in engaging in a contract or leasing for transportation is an adjusted/approved expense. The amount reimbursed to districts using commercial contracts is determined in accordance with transportation costs per pupil in comparable districts. Reimbursements for districts using a leasing arrangement are determined in accordance with the comparable cost for the district to operate its own transportation. Under a contract or lease, the school district's transportation administrator's time shall not exceed 1% of the commercial contract cost. Eligible student counts, bus route mileage, and bus inventory data are required as if the district operated its own transportation.

R277-600-9. Other Reimbursable Expenses.

State transportation funds may be used to reimburse a district for the following costs:

A. Salaries of clerks, secretaries, trainers, drivers, a supervisor, mechanics and other personnel necessary to operate the transportation program.

(1) a full time supervisor may be paid at the same rate as other professional directors in the district. The supervisor's salary must be commensurable with the number of buses, number of eligible students transported, and total responsibility relative to other supervisory functions. A district may claim a percentage of the

district superintendent's or clerk's salary for reimbursement if the district's eligibility count is less than 600 and a verifiable record of administrative time spent in the transportation operation is kept;

(2) The wage time for bus drivers includes:

(a) to and from school time: ten minute pre-trip inspection, actual driving time, ten minute post-trip inspection and bus cleanup, and 10 minute bus servicing and fueling;

(b) field trip time: set at a minimum of two hours driving time;

(c) activity trip time: wage time allowed under R277-600-9A(2)(a) plus a reduced amount for layover time.

B. Transportation employee benefits. Only a proportionate amount is allowed for health, accident, and life insurance.

C. Purchased property services;

D. Property, comprehensive, and liability insurance.

E. Communication expenses and travel for supervisors to workshops or the national convention.

F. Supplies and materials for vehicles, the transportation office and the garage.

G. Depreciation: The Office computes a formula annually to calculate depreciation.

H. Training expenses: The following maximum amounts are reimbursable for the driver's training stipend for each type of training a bus driver successfully completes:

(1) basic course, 24 hours: \$135;

(2) in-service, 8 hours: \$50;

(3) defensive driving, 8 hours: \$50;

(4) first aid and emergency care, 8 hours: \$50.

I. Other related costs approved by the Office.

R277-600-10. Non-reimbursable Expenses.

~~[A. Costs for district transportation of students which are not reimbursable may be paid for from general funds of the district or from the proceeds of a tax rate authorized for districts. The tax rate authorized for transportation may not exceed .0002 tax rate. The revenue may be used:~~

~~— (1) to transport ineligible students to and from school;~~

~~— (2) for transportation to interscholastic activities;~~

~~— (3) for transportation to night activities; and~~

~~— (4) for field trip admissions.~~

~~— B. Transportation of students in areas where walking constitutes a hazardous condition, as determined by the local board, may be provided by the Board from general funds from the district or from the tax specified in Subsection 10(A). An area is determined to be hazardous on the basis of an analysis of the following factors:~~

~~— (1) volume, type, and speed of vehicular traffic;~~

~~— (2) age and condition of students traversing the area;~~

~~— (3) condition of the roadway, sidewalks and applicable means of access in the area; and~~

~~— (4) environmental conditions.~~

~~— C]A. Expenditures for uses of school district buses and equipment which are not adjusted/approved costs must be deleted when adjusted/approved transportation costs are calculated. Bus and equipment costs must be reduced on a pro rata basis for the miles not connected with adjusted/approved costs.~~

~~[D]B. Expenses determined by the Office to be not directly related to transportation of eligible students to and from school are not reimbursable.~~

R277-600-11. Special Transportation Levy.

A. Costs for district transportation of students which are not reimbursable may be paid for from general funds of the district or from the proceeds of a tax rate authorized for districts. The tax rate authorized for transportation may not exceed .0003 tax rate. The revenue may be used:

- (1) to transport ineligible students to and from school;
- (2) for transportation to interscholastic activities;
- (3) for transportation to night activities; and
- (4) for field trip admissions.

B. Transportation of students in areas where walking constitutes a hazardous condition, as determined by the local board, may be provided by the Board from general funds from the district or from the tax specified in Subsection 11(A). An area is determined to be hazardous on the basis of an analysis of the following factors:

- (1) volume, type, and speed of vehicular traffic;
- (2) age and condition of students traversing the area;
- (3) condition of the roadway, sidewalks and applicable means of access in the area; and
- (4) environmental conditions.

C(1) The cost of school bus operation for activity trips, field trips, and for the transportation of students to alleviate hazardous walking conditions may be met with state funds appropriated under Section 53A-17a-127(7) only to the extent of funds available to individual school districts for the specific purposes of Section 53A-17a-127(6)(b).

(2) Appropriated funds under Section 53A-17a-127(7) shall be distributed according to each district's proportional share of its qualifying state contribution as defined under Section R277-600-11B(3) for activity, field trip, and hazardous route mileage.

(3) The qualifying state contribution for districts shall be the difference between 85 percent of the average state cost per qualifying mile multiplied by the number of qualifying miles and the current funds raised per district by a transportation levy of .0002.

R277-600-1[4]2. Exceptions.

A. When undue hardships and inequities are created through exact application of these standards, districts may make a request for an exception to these rules on individual cases. Such hardships or inequities may include written evidence demonstrating that no significant increased costs (less than one percent of a district's transportation budget) is incurred due to a waiver or that students cannot be provided services consistent with the law due to transportation restrictions.

B(1) a district shall not be penalized in the computation of its state allocation for the presence on a to and from school route of an ineligible student who does not create an appreciable increase in the cost of the route;

- (2) there is an appreciable increase in cost if, because of the presence of ineligible students, any of the following occur:
 - (a) another route is required;
 - (b) a larger or additional bus is required;
 - (c) a route's mileage is increased;
 - (d) the number of pick-up points below the mileage limits for eligible students exceeds one;
 - (e) additional time is required to complete a route.

(3) ineligible students may ride buses on a space available basis. An eligible student may not be displaced or required to stand in order to make room for an ineligible student.

~~**[R277-600-12. Special State Educational Field Trip Money:**~~

~~— The Board administers the special appropriation for the costs of transportation for educational field trips.~~

~~— A. A field trip is an educational field trip if the students are participants in a learning situation during the field trip. The trip must be programmed to become an extension of the classroom. Transportation for participants in activity events, including competitive music events, drill teams, speech, arts, sports, and commercial events is not covered by educational field trip funds.~~

~~— B. Educational field trip records shall show:~~

- ~~— (1) the number of bus miles and students transported; and~~
- ~~— (2) indirect costs associated with a field trip. No provisions are made to reimburse indirect costs.~~

~~— C. The allocation is distributed to school districts on the basis of ADM. Each district may receive its proportionate share of the total WPU amount of small schools, kindergarten, and grades one through 12 WPUs. Unused funds may be carried over to future years but remain restricted funds.]~~

KEY: school buses, school transportation
19[87]99 Art X Sec 3
Notice of Continuation January 14, 1998 53A-1-402(1)(e)
53A-17a-126 and 127

◆ ————— ◆

Education, Administration
R277-710
Accelerated Learning Programs

NOTICE OF PROPOSED RULE
 (Repeal)
 DAR FILE NO.: 22208
 FILED: 07/28/1999, 13:24
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being repealed because funding goes to specific accelerated learning programs (advanced placement, concurrent enrollment, and programs for gifted and talented students). There is no need for general funds.

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

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-17a-120

ANTICIPATED COST OR SAVINGS TO:
 ❖ **THE STATE BUDGET:** There is no anticipated cost or savings to state budget because the rule is simply being repealed.

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government because the rule is simply being repealed.

❖OTHER PERSONS: There is no anticipated cost or savings to other persons because the rule is simply being repealed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance costs for affected person because the rule is simply being repealed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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 by Internet E-mail at clear@usoe.k12.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 09/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

R277. Education, Administration.

[R277-710. Accelerated Learning Programs:

R277-710-1. Definitions:

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

— B. "Programs for Gifted and Talented Students" means programs for children and youth whose superior performance or potential for accomplishment require a differentiated and challenging educational program to meet their needs in any one or more of the following areas:

- (1) general intellectual;
- (2) specific academic;
- (3) visual or performing arts;
- (4) practical arts;
- (5) leadership;
- (6) creative or productive thinking.

— C. "Advanced Placement" means a cooperative educational endeavor sponsored by the College Board which serves accelerated learners who wish to pursue college-level studies while still in high school. Participating colleges grant credit or placement, or both, to students who score a grade of 3, 4, or 5 on the examination.

— D. "Concurrent Enrollment" means a cooperative program between institutions of higher education and accelerated learners who enroll in one or more college courses prior to graduation from

high school with credit earned to be applied toward full college matriculation.

R277-710-2. Authority and Purpose:

— A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-17a-120 which directs the Board to adopt rules for the expenditure of funds appropriated for accelerated learning and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

— B. The purpose of this rule is to specify how the state appropriation for accelerated learning programs is distributed.

R277-710-3. Distribution of Funds:

— A. Gifted and Talented Programs: Forty-six percent of the annual accelerated learning appropriation shall be allocated for Gifted and Talented programs. Each school district shall receive its share of funds allocated for gifted and talented programs in the proportion that its number of weighted pupil units for kindergarten through grade twelve and necessarily existent small schools bears to the state total.

— B. Advancement Placement Programs: Thirty-six percent of the annual accelerated learning appropriation shall be allocated for the Advanced Placement programs. Money is allocated on the basis of this amount divided by the total number of Advanced Placement exams passed with a grade of 3 or higher by students in the public schools of Utah. This results in a fixed amount of dollars per exam passed. Each participating school district receives the amount of money generated by students who successfully pass the advanced placement exam.

— C. Concurrent Enrollment Programs: Eighteen percent of the annual accelerated learning appropriation shall be allocated to participating school districts based on each district's pro-rated amount according to the number of quarter hours of successful (grade of A, B, or C) college credit earned by students in that district.

— D. The Board shall develop uniform pupil and fiscal accounting procedures, forms, and deadlines for administering these programs.

KEY: exceptional children, gifted children

1987	Art X Sec 3
Notice of Continuation January 14, 1998	53A-1-403(1)
	53A-1-401(3)
	53A-17a-120]



Education, Administration
R277-907
ATC/ATCSR Membership Hour
Accounting

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 22209
FILED: 07/28/1999, 13:24
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to distinguish between hours that are funded for essential workplace skills and technical training. Applied Technology Center (ATC) funds are designated primarily for technical training.

SUMMARY OF THE RULE OR CHANGE: This rule provides for "essential workplace skills remediation hours" to be counted separately from ATC hours.

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no anticipated cost or savings to state budget because all ATC funds are appropriated by the state legislature.

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government because no funding has ever come from local government for these programs.

❖OTHER PERSONS: There is no anticipated cost or savings to other persons because all ATC funds are appropriated by the state Legislature.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because all ATC funding comes from the state legislature and from approved tuition and fees. The amendment to this rule does not change those fees or tuition.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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 by Internet E-mail at clear@usoe.k12.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 09/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

R277. Education, Administration.

R277-907. ATC/ATCSR Membership Hour Accounting.

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R277-907-9. Essential Workplace Remediation.

A. Basic mathematics:
(1) includes addition, subtraction, multiplication, division, fractions, decimals and percentages;
(2) directed at two populations:
(a) those students requiring review and limited instruction;
and

(b) those students who never mastered basic math concepts as evidenced or evaluated by the student's inability to perform the basic math competencies which are part of the technical training requirements.

B. Basic reading skills instruction:
(1) directed at those students whose reading test scores fall below the eighth grade level;
(2) Uses a reading program applicable to the technical program in which the student is enrolled.

C. Essential Workplace Remediation may also include basic communications and other basic skills training needed to prepare a student for full participation in a technical training program.

D. [~~Only the hours for adult and secondary students enrolled in technical programs at ATC/ATCSRs shall be counted in the essential workplace skills remediation membership category. These~~Essential workplace skills remediation hours shall be counted separately from other ATC/ATCSR membership hours and reported under the essential workplace skills category.

E. A limit of 6.5 percent of the total of reported membership hours may be in assessment, assessment interpretation, and essential workplace skills remediation.

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KEY: education finance, school enrollment, applied technology education*

[July 2, 1998]1999

**Art X, Sec 3
53A-15-202(2)
53A-1-401(3)**



**Environmental Quality, Drinking Water
R309-352
Drinking Water Capacity Development
Funding**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22204

FILED: 07/28/1999, 09:30

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the capacity development rule is to enhance the technical, financial, and managerial capacity of water systems. The long-range goals are to promote compliance with drinking water regulations for the long term and the public health protection objectives of the Safe Drinking Water Act. The Environmental Protection Agency (EPA) requires the rule to avoid a 20% reduction in the federal State Revolving Fund providing loans to drinking water systems.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to remove sections pertaining to one-time distribution of funds for drinking water region planning. Sections added require that new water systems and loan applicants demonstrate technical, managerial, and financial capacity to provide safe drinking water to customers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

FEDERAL REQUIREMENT FOR THIS RULE: 42 U.S.C. 300g-9 (1998)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Creates a new task for the Division of Drinking Water to review and evaluate capacity for new water systems applicants and financial assistance applicants. The rule effects about 10 new water systems and 10 financial assistance applicants per year. Review and correspondence with the applicant average about eight hours per application. The cost to the state for an engineer to perform this task is estimated to be 160 hours at \$30/hour, or \$4,800. No new staff positions are requested.

❖LOCAL GOVERNMENTS: Local health departments and associations of government will see no major changes, needing only to be informed of the new application and evaluation performed by the state. Cities and towns requesting loans through the Drinking Water Board will complete the expanded application. The cost may range from no additional cost to \$2,000.

❖OTHER PERSONS: Privately-owned water systems applying for loans through the Drinking Water Board will complete the expanded application. The cost may range from no additional cost to \$2,000. Customers of the water systems receive greater assurance that their safe, ample water service will continue with negligible impact on water rates. Too many unknown variables prevent calculation of an exact cost impact on water rates. The cost would be indiscernible for large water systems and may be more apparent to very small water systems supplying fewer service connections and lower volumes of water.

COMPLIANCE COSTS FOR AFFECTED PERSONS: New water systems and water systems receiving financial assistance will prepare an application (either in-house or with the assistance

of a consultant). Compliance cost may range from no additional cost to \$2,000.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: New water systems and water systems receiving financial assistance will prepare an application (either in-house or with the assistance of a consultant). Compliance cost may range from no additional cost to \$2,000.

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

Environmental Quality
Drinking Water
Second Floor
150 North 1950 West
PO Box 1144830
Salt Lake City, UT 84114-4830, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Michael B. Georgeson or Frank L. Roberts at the above address, by phone at (801) 536-4197 / (801) 536-0098, by FAX at (801) 536-4211, or by Internet E-mail at mgeorges@deq.state.ut.us or froberts@deq.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 09/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Kevin W. Brown, Director and Executive Secretary

R309. Environmental Quality, Drinking Water.

R309-352. [~~Drinking Water~~]Capacity Development [Funding]Program.

R309-352-1. Authority[~~and Purpose~~].

(1) Under authority granted in Subsection 19-4-104(1)(a)(v), the Drinking Water Board adopts this rule implementing the capacity development program and governing the allotment of federal funds to public water systems to assist them to comply with the Federal 1996 Reauthorized Safe Drinking Water Act (SDWA).

R309-352-2. Purpose.

~~(2)~~(1) The SDWA makes certain federal funds available to states, section 1452(k)(2)(C) to provide assistance to any public water system as part of a capacity development strategy developed and implemented in accordance with section 1420(c) to ensure all new public water systems will be able to comply with the SDWA, to enhance existing public water systems' capability to comply with the SDWA, and determine which public water systems applying for financial assistance are eligible to use the State Revolving Funds.

~~(3)~~(2) [~~This rule sets forth the procedures that the Drinking Water Board will use to determine the amount of federally funded assistance that public water systems will receive to implement the capacity development strategy.~~]The purpose of the Capacity Development Program is to enhance and ensure the technical,

financial, and managerial capacity of water systems. The long range goals are to promote compliance with drinking water regulations for the long term and the public health protection objectives of the Safe Drinking Water Act.

R309-352-[2]3. Definitions.

(1) Definitions for terms used in this rule are given in R309-200, except as modified below.

(2) "Capacity Development" means technical, managerial, and financial capabilities of the water system to plan for, achieve, and maintain compliance with applicable drinking water standards.

(3) "[Regional Water Management Plans]Drinking Water Region Planning" means a county wide water plan, administered locally by a coordinator, who facilitates the input of representatives of each public water system in the county with a selected consultant, to determine how each public water system will either collectively or individually comply with source protection, operator certification, monitoring including consumer confidence reports, capacity development including technical, financial and managerial aspects, environmental issues, available funding and related studies.

(4) "Small Water System" means a water system with less than 3,300 people being served.

(5) "Public Water System" means a system providing water for human consumption and other domestic uses through pipes or other constructed conveyances, which has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days out of the year.

(6) "Non-Community Water System" (NCWS) means a public water system that is not a community water system. There are two types of NCWS's: transient and non-transient.

(7) Non-Transient Non-Community Water System (NTNCWS) means a public water system that regularly serves at least 25 of the same nonresident persons per day for more than six months per year. Examples of such systems are those serving the same individuals (industrial workers, school children, church members) by means of a separate system.

(8) "New Water System" means a system that will become a community water system or non-transient, non-community water system on or after October 1, 1999.

(9) "Required reserve" means funds set aside to meet requirements set forth in a loan covenant/bond indenture.

[R309-352-3. Funds Availability - Time Period:

(1) The Drinking Water Board has authorized five (5%) percent of the 1997 federal SRF grant to provide assistance to any public water system as part of the capacity development strategy. Upon this rules effective date, \$ 625,000 will be provided to the counties through their Associations of Governments (AOG) to fund the regional water management plans. The regional water management plans shall be completed one year from the date funds are made available to each county.

(2) Any funds set aside for the purposes described in this rule and not used at the option of a given county by September 1, 1998, shall be made available to other counties, as requested and approved by the Drinking Water Board.

(3) In addition to the federal funds from the SDWA, the State Department of Community and Economic Development has made \$ 350,000 available to counties through the Division of Community Development. It is anticipated that \$ 50,000 would be used in each

of the seven AOG's. In order to use the Community Development funds the county must meet the applicable low and moderate income levels:

R309-352-4. Funding Allocations:

(1) Counties are eligible to receive a portion of the federal funds according to their needs, such as the number and deficiencies (including source, infrastructure and management) of small water systems, amount of undeveloped portions of the county, and required funding to facilitate on-going studies. The Division of Drinking Water has designated each county as having either a very complex, complex, standard, minor, or no need relative to small water system planning. The cost to complete a standard planning need and a minor planning need would be 80% and 33% respectively of a complex need. A very complex planning need is equivalent to 200% of a complex need. The following designations have been approved by the Drinking Water Board:

TABLE 1

Very Complex	Complex	Standard	Minor	No Need
Summit	Beaver	Daggett	Piute	Salt Lake
	Box Elder	Emery	Utah	Davis
	Cache	Grand	Wayne	Weber
	Carbon	Morgan		
	Duchesne	Rich		
	Garfield	San Juan		
	Iron			
	Juab			
	Kane			
	Millard			
	Sanpete			
	Sevier			
	Tooele			
	Uintah			
	Wasatch			
	Washington			

(2) Based on the above designations the following amounts of money will be granted to each Association of Governments, who in turn will allocate the funds to each county:

TABLE 2

Region	Funding Available 1998 (fy 97 grant)	Proposed Funding Available 1999 (fy 98 grant)
Bear River	\$ 123,185	\$ 41,058
Mountainland	\$ 130,920	\$ 43,640
Southeast	\$ 133,672	\$ 44,560
Fri County	\$ 141,246	\$ 22,997
Wasatch Front	\$ 45,527	\$ 41,649
5 County	\$ 209,675	\$ 69,896
6 County	\$ 190,775	\$ 61,200
Funds Available	\$ 975,000	\$ 325,000

R309-352-5. Eligibility Criteria and Application for Funds:

(1) In order to be eligible for these funds, a small public water system must be a community water system, or a non-transient, non-community water system that is not owned/operated by a federal or state government agency.

(2) Application for Funds - In order to apply for and receive funds, each county's governing board must (a) appoint an

administrator to implement the regional plan and (b) give input and concur with the funding level allotted to each county through the Association of Governments. After each county has completed this requirement, the Director of the Association of Government, with input from Division staff shall prepare a letter of application to the Drinking Water Board.]

R309-352-4. General.

(1) Capacity development criteria are to be used as a guideline for all water systems. These criteria constitute a standard applied when reviewing new systems applications, reviewing applications for financial assistance and assessing capacity of water systems rated unapproved or in significant non-compliance by the State or the EPA.

(2) Water systems shall meet the following criteria:

(a) Technical Capacity Criteria:

(i) Finished water shall meet all required drinking water standards;

(ii) Personnel shall operate the system effectively, following the operations and maintenance manual with minimal downtime;

(iii) A valid water right shall be obtained;

(iv) Water system shall meet source, storage, and distribution requirements;

(v) Water system shall not be rated unapproved or in significant noncompliance by the State or the EPA.

(b) Managerial Capacity Criteria:

(i) The system owner(s) shall be clearly identified;

(ii) The system shall meet all of the operator certification requirements as per R309-301 and backflow technician certification requirements as per R309-302.

(iii) A system or method shall be in-place to effectively maintain all required records, distribution system histories/maps, and compliance information; and

(iv) An operating plan shall include names and certification level of the system operator(s), facility operation and maintenance manuals, routine maintenance procedures, water quality violations response procedures, water quality monitoring plan, training plan, and emergency response plan;

(v) The Executive Secretary of the Drinking Water Board shall be informed of management changes.

(c) Financial Capacity Criteria:

(i) Revenues shall be greater than expenses;

(ii) A financial statement compilation by a Certified Public Accountant, or an audit if otherwise required of the water system, shall be completed every three years;

(iii) The water system shall produce and utilize an annual budget;

(iv) The operating ratio (operating revenue divided by operating expenses excluding depreciation and required reserves) shall be greater than 1.0;

(v) The coverage ratio (total revenues minus operating expenses excluding depreciation and required reserves divided by annual debt service) shall be greater than 1.0;

(vi) Customers shall be metered; and

(vii) An emergency/replacement reserve shall be created and funded.

R309-352-5. Requirements for New Community and New Non-transient, Non-community Water Systems.

(1) Feasibility Review. (See R309-101-3).

(2) Each proposed, new water system must demonstrate that it has adequate technical, managerial, and financial capacity before it may provide water for human consumption. Proposed water systems shall submit the following for Capacity Assessment Review:

(3) Project Notification form (see R309-201-6),

(4) A business plan, which includes a facilities plan, management plan, and financial plan.

(a) Facilities plan. The facilities plan shall describe the scope of the water services to be provided and shall include the following:

(i) A description of the nature and extent of the area to be served, and provisions for extending the water supply system to include additional area. The description shall include population and land use projections and forecasts of water usage;

(ii) An assessment of current and expected drinking water compliance based on monitoring data from the proposed water source;

(iii) A description of the alternatives considered, including interconnections with other existing water systems, and the reasons for selecting the method of providing water service. This description shall include the technical, managerial, financial and operational reasons for the selected method, and

(iv) An engineering description of the facilities to be constructed, including the construction phases and future phases and future plans for expansion. This description shall include an estimate of the full cost of any required construction, operation, and maintenance;

(b) Management plan. The management plan shall describe what is needed to provide for effective management and operation of the system and shall include the following:

(i) Documentation that the applicant has the legal right and authority to take the measures necessary for the construction, operation, and maintenance of the system. The documentation shall include evidence of ownership if the applicant is the owner of the system or, if the applicant is not the owner, legally enforceable management contracts or agreements;

(ii) An operating plan that describes the tasks to be performed in managing and operating the system. The operating plan shall consist of administrative and management organization charts, plans for staffing the system with certified operators, and provisions for an operations and maintenance manual; and

(iii) Documentation of credentials of management and operations personnel, cooperative agreements or service contracts including demonstration of compliance with R309-301 water system operator certification rule; and

(c) Financial plan. The financial plan shall describe the system's expected revenues, cash flow, income and issuance and repayment of debt for meeting the costs of construction, and the costs of operation and maintenance for at least five years from the date the applicant expects to begin system operation.

(5) After the information submitted by the applicant is complete, the Division of Drinking Water shall conduct a Capacity Assessment Review. The applicant shall be notified in writing whether or not the new system has demonstrated adequate capacity. No new community or non-transient, non-community system will be approved if it lacks adequate capacity.

(6) Those systems constructed without approval shall be subject to: points as per R309-150, administrative and/or civil penalties and fines.

R309-352-6. Minimum Capacity Required for Financial Assistance Under Provisions of R309-351.

(1) To obtain financial assistance, the applicant follows a two-step application process. First, the applicant completes a short application to establish a position on the priority list. A second application includes Capacity Assessment Worksheets, project information, and financial information to verify priority ranking, determine eligibility, and provide a basis for grant/loan parameters.

(2) Financial assistance under the provisions of R309-351 shall not be available to a system that lacks the technical, managerial, or financial capability to maintain SDWA compliance, or is in significant noncompliance with any R309-101 through 104 or 200 through 211, unless the use of the financial assistance will ensure compliance or if the owner of the system agrees to undertake feasible and appropriate changes in operation to ensure technical, managerial, and financial capacity to comply with the SDWA over the long term.

KEY: drinking water, funding, regionalization, capacity development
[June 19, 1998]1999 19-4-104



**Health, Health Systems Improvement,
Child Care Licensing**

R430-8

**Exclusions from Child Care Licensing -
Parochial Education Institution**

NOTICE OF PROPOSED RULE

(New)
DAR FILE NO.: 22193
FILED: 07/19/1999, 11:53
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Parochial Institutions (Subsection 26-39-106(6)) are not considered child care facilities and are excluded from the requirements of Sections 26-39-101 through 26-39-110. This rule will define this exclusion and distinguish these facilities from child care offered at a church-owned building.

SUMMARY OF THE RULE OR CHANGE: This is a new rule which defines the exclusion of parochial education institution from child care provided at a church-owned building.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The state does not own or operate a parochial education institution, therefore there is not an anticipated cost to implement this rule.

❖LOCAL GOVERNMENTS: Local government does not own or operate a parochial education institution, therefore there is not an anticipated cost to implement this rule.

❖OTHER PERSONS: \$1,377. Justification: \$35.00 license fee, plus \$1.50 per child, for 19 facilities = \$1,377. The average size of a child care center is 25 children.

COMPLIANCE COSTS FOR AFFECTED PERSONS: \$72.50. Justification: \$35 license fee, plus \$1.50 per child; average size of the programs is 25 children.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Utah law requires church-owned child care facilities to be licensed, but exempts church-owned educational facilities. This rule should make it easier for businesses to determine if they are required to be licensed. Church-owned educational facilities will not need to seek a license and will realize a savings. The cost to church-owned child care facilities appears to be reasonable--Rod L. Betit

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

Health
Health Systems Improvement,
Child Care Licensing
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 09/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Rod Betit, Executive Director

R430. Health, Health Systems Improvement, Child Care Licensing.

R430-8. Exclusions From Child Care Licensing - Parochial Education Institution.

R430-8-1. Legal Authority.

This rule is promulgated pursuant to Title 26, Chapter 39.

R430-8-2. Purpose.

The purpose of this rule is to define what constitutes child care at a parochial education institution.

R430-8-3. Parochial Education Institution.

(1) Care provided to children in a physical structure controlled by a parochial institution will be considered to be at a parochial education institution if:

- (a) All children in care are over the age of three;
 - (b) The institution has a written curriculum used as part of a course of study for the children in care;
 - (c) A majority of the time that a child is in care is devoted to studying the established curriculum; and
 - (d) The parochial institution has a governing board that actively supervises and directs the curriculum and program used by the institution.
- (2) Care provided to children in a physical structure controlled by a parochial institution may be considered to be at a parochial education institution if three of the four requirements in R430-8-3(1) are met; and the institution is able to satisfy the Department that the care provided is clearly educational rather than primarily care in lieu of that which a parent provides.

R430-8-4. Exclusion for Parochial Education Institution.

Care provided to children at a parochial education institution is excluded from the requirement of obtaining a license under subsection 26-39-105(6). All other child care provided at a parochial institution is subject to the requirement of obtaining a license under R430-100.

KEY: child care facilities
1999

26-39



Health, Health Systems Improvement,
Child Care Licensing
R430-50
Residential Certificate Child Care
Standards

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE No.: 22194
FILED: 07/19/1999, 11:53
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is being modified to implement changes made with the passage of S.B. 167 (Child Care Licensing Amendments). (DAR Note: S.B. 167 is found at 1999 Utah Laws 77, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: The rule change limits the number of children that a residential certificate provider may care for under age two, and includes their own children under age four in the total certificate capacity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Changes to this rule do not require an increase in the workload for the Bureau. The small increase in cost to train and distribute the rules to the residential certificate providers can be absorbed in the current budget.

❖LOCAL GOVERNMENTS: Changes in the rule do not require any increase in workload for local government.

❖OTHER PERSONS: A cost of \$30,450. Justification: There are 417 providers who have been issued a residential certificate. It is estimated that 10% of the 417 providers, or 42 providers, have more children than permitted under the law who are under age two. \$5,250 = Each provider will realize a loss of income until the child can be replaced with a child over age two. This loss should be a one-time cost of business. If a provider has a vacancy for two weeks there will be a loss of \$125 for a 10-day period. \$25,200 = After an older child is enrolled, the difference in daily reimbursement for the remaining 50 weeks in the year would result in a loss of \$2.50 per day, or \$650 annually, if infant care is reimbursed at \$15 per day and pre-school care is reimbursed at \$12.50 per day.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A cost of \$775 per child care program. Justification: A provider must disenroll any more than two children who are under age two, resulting in a loss of \$125 for a two-week vacancy. In addition, enrolling an older child will result in a loss of daily reimbursement of \$2.50 per day, for 50 weeks, for a total of \$650.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The 1999 legislature mandated that no residential certificate provider may care for more than two children under age two, including the provider's own children. Safety of the children in the event of an emergency evacuation of the home was a significant policy supporting this change. This rule implements this mandate. The cost to businesses is reasonable--Rod L. Betit

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Health
Health Systems Improvement,
Child Care Licensing
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 09/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Rod Betit, Executive Director

Health, Health Systems Improvement,
Child Care Licensing
R430-60
Hourly Child Care Center

R430. Health, Health Systems Improvement, Child Care Licensing.

R430-50. Residential Certificate Child Care Standards.

R430-50-3. Definition.

"Residential certificate child care" means[:

— (1) child care provided in the home of a provider for five to eight children, having a regularly scheduled, ongoing enrollment, for direct or indirect compensation, ~~or~~

— (2) ~~child care provided in the home of a provider for four or more children, based on the sum of the provider's own children under four years of age and other children under two years of age.]~~

R430-50-6. Care Giver to Child Ratios.

The owner may not care for more than eight children including the owner's own children under age four. The owner also may not care for more than two children under age two, including the owner's own children under age two.

R430-50-7. Child Discipline.

(1) The owner shall inform all care givers, parents or guardians and children of expected conduct by setting clear and understandable rules.

(2) Disciplinary measures shall be implemented so as to encourage the child's self-control. Discipline measures shall be explained to the child at the time the discipline is imposed and may include:

- (a) positive behavioral rewards;
- (b) other forms of positive guidance;
- (c) redirection; or
- (d) time out.

(3) Care givers shall not do any of the following:

- (a) corporal punishment, including hitting, shaking, biting, pinching, or spanking;
 - (b) restraining a child's movement by binding or tying;
 - (c) using abusive, demeaning or profane language;
 - (d) withdrawal of food or bathroom opportunities; or
 - (e) confining a child in a locked closet, room, or similar area.
- (4) "Time out" that enables the child to regain control ~~of himself or herself~~ and ~~that~~ keeps the child in visual contact with the care giver shall be used selectively, taking into account the child's developmental stage and the usefulness of "time out" for the individual child.

(5) For children 18 months and older "tantrums" shall be interrupted every three minutes until control is obtained.

KEY: child care facilities

[August 20, 1998]1999

26-39



NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22195

FILED: 07/19/1999, 11:53

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is being modified to implement changes made with the passage of S.B. 167 (Child Care Licensing Amendments).

(DAR Note: S.B. 167 is found at 1999 Utah Laws 77, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: The proposed rule change eliminates tuberculosis (TB) retesting of care givers and permits the care givers own children age four or older to not count in ratios, but only in total license capacity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Changes to this rule do not require an increase in the workload for the Bureau.

❖LOCAL GOVERNMENTS: Changes in the rule do not require any increase in workload for local government, unless the child care provider has not obtained an initial Mantoux screening, in which case there may be an increase of 90 individuals seeking TB screening. This should not be an impact in workload since other rule changes for child care eliminates the required biannual screening.

❖OTHER PERSONS: A cost of \$450. Justification: \$400 = If 16 hourly child care programs are required to have initial TB screening for 5 employees at a cost of \$5 per test. \$50 = If 10% of the employees have previously tested positive on Mantoux TB screening, then the employee would be required to have a chest radiograph at a cost of \$50.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A cost of \$75 per child care program. Justification: If each hourly program has five new employees who are required to obtain a TB screening the cost will be \$25. In addition, if one of the employees is required to obtain a chest X ray at \$50 to obtain clearance, then the annual cost to the program will be \$75.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: TB testing of employees in child care is a necessary step to guard the health of children and other employees. This rule follows the new standard of not requiring periodic new testing, so the cost is minimized as much as current practice permits--Rod L. Betit

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Health
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Child Care Licensing
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PO Box 142003
Salt Lake City, UT 84114-2003, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Rod Betit, Executive Director

R430. Health, Health Systems Improvement, Child Care Licensing.

R430-60. Hourly Child Care Center.

R430-60-5. Administration and Organization.

(1) The licensee of the program shall exercise supervision over the affairs of the program and assure:

(a) compliance with federal, state, and local laws and for the overall organization, management, operation and control of the facility;

(b) establishment and implementation of policies and procedures for the health and safety of children in the center; and

(c) appointment of a qualified director who shall assume full responsibility for the day-to-day operation and management of the facility.

(2) The director of the hourly care program shall have the following qualifications:

(a) be at least 21 years of age;

(b) have knowledge of applicable laws and rules;

(c) except for directors of a program licensed before June 1, 1998, the director must have a high school diploma or GED equivalent; and

(i) a bachelor's or associate's degree in Early Childhood Education or Child Development; or

(ii) a bachelor's degree in a related field with documented four courses of higher education completed in child development; or

(iii) a national or state certification such as Certified Childcare Professional, National Administrator Credential, Child Development Associate (CDA); or

(iv) two years experience in child care, elementary education, or a related field.

(3) The director shall ensure that adequate direct supervision is maintained whenever the program is operating. The care giver-to-child ratios established in R430-60-[8]9 are minimum requirements only. The director shall ensure that policies exist to adjust these ratios when the age and number of children require

additional care givers to maintain adequate levels of supervision and care.

R430-60-6. Personnel.

(1) The director shall ensure that each care giver and volunteer who has direct contact with or access to children are oriented to the licensed program and successfully completes the required training before starting assigned duties. The completion of the orientation must be documented in the individual's personnel record. The orientation training must include:

(a) procedures for maintaining health and safety, and handling emergencies and accidents;

(b) specific job responsibilities;

(c) child discipline procedures of R430-60-[7]8; and

(d) reporting requirements for witnessing or suspicion of abuse, neglect and exploitation.

(2) All care givers employed to meet the minimum care giver to child ratios who provide services shall be at least 18 years of age or have completed high school or a GED. In addition to the required staff ratios, an individual who is 16 years old, if he works under the direct supervision of a competent care giver, may provide childcare services.

(3) There shall be at least one care giver on duty in the center during business hours who has a current certification in basic child and infant first-aid and Cardiac Pulmonary Resuscitation (CPR), and training in the Heimlich maneuver for treatment of an obstructed airway. First-aid and CPR certification refers to courses given by the American Red Cross, the Utah Emergency Medical Training Council, or other courses that the licensee can demonstrate to the Department to be equivalent;

(4) All care givers shall receive a minimum of 10 hours of documented in-service training annually. At least five hours of in-service training shall be in person from a person not affiliated with the license holder. The training shall include the following:

(a) accident prevention and safety principles;

(b) positive guidance for the management of children;

(c) child development; and

(d) age appropriate activities for children.

(5) If childcare is provided to children under the age of two, the following in-service topics are required:

(a) Preventing Shaken Baby Syndrome;

(b) Coping with crying babies; and

(c) Preventing Sudden Infant Death Syndrome.

(6) The licensee shall ensure that all care givers complete in-service training, and a record of the fact is made in the care giver's personnel record. The record must include the date training was completed, the topics covered, and trainer's name and organizational affiliation. ~~[-Ten hours of in-service training which pertains to the age of children for which the person is providing care, shall be completed by care givers during each year of employment. At least five hours of training shall be in person, from a person not affiliated with the license holder.]~~

(7) The director shall ensure that all care givers are screened for tuberculosis using the Mantoux tuberculin skin test method within two weeks of assuming care giver responsibilities. Tuberculin skin testing does not need to be repeated during the employment period unless the employee develops signs and symptoms of the disease, as determined by a health care professional.

(a) All care givers with a skin test that indicate potential exposure to tuberculosis shall receive a medical evaluation for tuberculosis disease.

(b) All care givers who have documentation of previous positive reaction to the Mantoux tuberculin skin test shall present documentation of completion of therapy for tuberculosis infection or evidence of a negative chest radiograph within the past 12 months.

(c) Repeated chest radiographs are not required unless the care giver develops signs and symptoms of tuberculosis disease, as determined by a health care professional.

R430-60-9. Care Giver to Child Ratios.

(1) The licensee must maintain minimum care giver to child ratios as provided in Table 1.

TABLE 1
Minimum Care giver to Child Ratios

Care giver	Children	Limits for Mixed Ages
1	12	No children under age 2
1	8	3 children under age 2
1	6	4 children under age 2

(2) Regardless of the number of other children and the minimum ratios in Table 1, if only two care givers are present, the facility may not care for more than four children under the age of two.

(3) For no more than 20 minutes, the minimum ratios in Table 1 may not exceed one care giver to 16 children if none of the children are younger than 24 months old, to allow for an additional care giver to arrive at the program.

(4) An hourly program that exceeds the ratio in Table 1, must be able to document having care givers, who, as a condition of their employment, are on call to come to the program as needed and arrive at the program within 20 minutes after receiving notification to report.

(5) Whenever the total number of children present to be cared for at a hourly program is more than 20, children younger than 24 months must be cared for in an area that is physically separated from older children. All children 24 months old and older may be cared for in the same group in the same area.

(6) A child of an employee or owner age four or older will not be counted for determining care giver to child ratios.

R430-60-12. Activities.

(1) The licensee shall have an array of activities and sufficient supplies at the center, which are appropriate for the age and development of the children accepted for care.

(2) There shall be a minimum of 35 square feet per child of indoor play area for each child in care under age 14.

(3) If an outdoor play area is available, the area shall have at least 40 square feet for each child using the play area at any given time for each child in care under age 14.

(4) Outdoor play areas shall be fenced or have a natural barrier that provides protection from unsafe areas. Fences shall be at least four feet high. If local ordinances conflict, the director may request a variance from the Department. Any gaps within the fence shall not be greater than three and one-half inches. The bottom edges of

fence shall not be more than three and one-half inches above the ground.

R430-60-13. Fire, Sanitation, and Safety.

(1) The licensee shall have a written emergency and disaster plan in case of fire, flood, earthquake, blizzard, power failure or other disasters that could create structural damage to the facility or pose a health hazard. The director shall hold simulated fire drills monthly and semi-annual disaster drills. The director shall document~~[shall document]~~ all drills, including date, participants, and problems encountered.

(a) The director shall post evacuation routes which indicate the location of fire alarm boxes and fire extinguishers in prominent locations throughout the center. Each center shall have approved fire extinguishers and be inspected by the local fire authority annually.

(b) The licensee shall ensure that the telephone service is in working order, unless there is a utility failure, and inform the Department of the current phone number.

(c) The names and telephone numbers of the emergency medical personnel, fire department, police, poison control and license holder shall be posted by the telephone.

(2) A person may not smoke or use tobacco in any child care facility during the period of time a child is present in the facility. All lighters and matches shall be inaccessible to children.

(3) The director of the facility shall establish written policies and monitor the facility to ensure that the use of tobacco in any form, the use of alcohol, the ingestion of any substance (including prescription medications) in amounts known to compromise responsible judgement, and the use of or possession of illegal substances or sexually explicit materials are prohibited by any person anywhere on the premises during the hours of operation when children are under care.

(4) The toilet rooms of the hourly program must be cleaned and disinfected daily.

(5) If the program accepts a child in a diaper, then the diaper shall be changed only in a designated diaper changing area. The designated area shall:

- (a) have diaper changing procedures posted;
- (b) be separate from food storage, food preparation, and eating areas.

(c) have a hand sink equipped with soap, hot and cold running water within three feet of the diaper-changing surface; and

(d) have a smooth nonabsorbent diaper changing surface and a sanitary container for soiled and wet diapers.

(6) Care givers shall change a child's clothing when it is soiled with fecal material or urine and place the clothing into a leakproof container to be sent home with the parent or legal guardian. Clothing soiled with feces or urine shall not be rinsed at the facility.

(7) Hand washing policies shall be followed to assure protection from contamination and the spread of microorganisms. Hand washing procedures shall be posted at all hand washing sinks.

(a) Care givers shall wash and scrub their hands for 20 seconds with soap and warm running water at times specified in policy.

(b) Care givers shall teach children proper hand washing techniques and oversee hand washing whenever possible.

(c) Care givers and children shall wash their hands after using the toilet, before and after eating and before and after food preparation.

(8) The licensee shall provide the following supplies and make them accessible to children: toilet paper, liquid hand soap, facial tissues, and single use paper towels or warm air hand dryers.

(9) The director shall keep and maintain a first aid kit and a portable blood and bodily fluid clean-up kit. All care givers shall know the location of and how to use the kits.

(10) Equipment and furniture must be durable, in good repair, structurally sound, and stable following assembly and installation.

(a) Equipment must be free of sharp edges, dangerous protrusions, openings where a child's extremities could be pinched or crushed, and openings or angles that could trap part of a child's body.

(b) Tables, chairs, and other furniture must be appropriate to the age and size of children who use them. High chairs must have safety straps.

(c) Toys and equipment that are likely to be mouthed by infants and toddlers must be made of a material that can be disinfected. These must be cleaned and disinfected when mouthed or soiled and at least daily.

(d) Sharp objects, medicines, plastic bags, and poisonous plants and chemicals, including household supplies, must be stored out of reach of children.

(e) Electrical outlets accessible to children shall be protected or capped with safety devices.

(f) All pieces of outdoor playground equipment shall be surrounded by a resilient surface of loose cushioning, at least nine inches in depth, or mats manufactured for such use, consistent with the guidelines of the Consumer Product Safety Commission and the standards of the American Society for Testing and Materials. All indoor playground equipment, for example slides and climbers, shall be surrounded by cushioning materials, such as mats, in a six foot fall zone. Indoor play equipment shall not exceed three feet at the highest point.

(g) The areas used by children must be free from debris, loose flaking, peeling, or chipped paint, loose wallpaper, or crumbling plaster, litter, and holes in the walls, floors and ceilings. Rugs must have a non-skid backing or be firmly fastened to the floor and be free from tears, curled, or frayed edges, and hazardous wrinkles.

(h) Infant walkers with wheels are not permitted in hourly childcare programs.

(11) Hot water accessible to children shall be maintained between the temperature of 110 degrees Fahrenheit and 120 degrees Fahrenheit.

(12) The licensee shall take effective and safe measures to prevent, control, and eliminate the presence of insects, rodents, and other vermin on the premises.

(13) There shall be adequate housekeeping services to maintain a clean and sanitary environment.

(14) Entrances, exits, steps, and outside walkways shall be maintained in a safe condition, free of ice, snow and other hazards.

(15) The center shall maintain air temperatures between 72 degrees Fahrenheit and 85 degrees Fahrenheit as measured 30 inches above the floor. Infant care areas shall maintain temperatures of at least 70 degrees Fahrenheit at floor level.

(16) If sleeping equipment or mats are provided for rest time, all mats and sleeping equipment shall be cleaned and sanitized weekly, and prior to use by another child.

(17) There shall be at least one toilet and lavatory for each 15 children. Care givers shall directly supervise children when using bathrooms that are available to the general public.

KEY: child care facilities
~~[September 10, 1998]~~1999

26-39



**Health, Health Systems Improvements,
 Child Care Licensing
 R430-90
 Licensed Family Child Care**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22196

FILED: 07/19/1999, 11:53

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is being modified to implement changes made with the passage of S.B. 167 (Child Care Licensing Amendments) and the changes in Rule R388-804 (Special Measures for the Control of Tuberculosis).

(DAR Note: S.B. 167 is found at 1999 Utah Laws 77, and was effective May 3, 1999; R388-804 was a proposed repeal and reenact that was published in the August 1, 1999, issue of the *Utah State Bulletin* under DAR No. 22191.)

SUMMARY OF THE RULE OR CHANGE: The rule change eliminates the need for care givers to be retested every two years for tuberculosis (TB); and clarifies that a care giver's children under the age of four count toward the ratios, and that all children under age 14 count in the license capacity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** Changes to this rule do not require an increase in the workload for the Bureau; the small increase in cost to train and distribute the rules to the licensed providers can be absorbed in the current budget.

❖**LOCAL GOVERNMENTS:** A savings of \$8,545. Justification: If 1,709 care givers are not required to obtain the Mantoux test from local health departments at \$5 every two years, then the savings of \$8,545 will be realized. Local health departments may realize additional personnel savings if they are administering the second test due to the elimination of the required biannual TB testing. The other changes in the rule do not require any increase in workload for local government.

❖OTHER PERSONS: A savings of \$17,045. Justification: \$8,545 = If 1709 care givers are no longer required to obtain a biannual \$5 TB test. \$8,500 = If 10% of the care givers are required to obtain a chest x-ray to clear for TB testing, then 170 care givers will save \$50 every two years.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A savings of \$10 per home will be realized by eliminating the biannual TB testing. Justification: \$5 each for Mantoux test for two care givers. There may be additional savings if the care giver had been required to obtain a chest x-ray at \$50.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The reduction in the frequency of TB testing will reduce costs for businesses as well as local government. Other changes conform to statutory changes made in the 1999 legislative session--Rod L. Betit

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

Health
Health Systems Improvements,
Child Care Licensing
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 09/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Rod Betit, Executive Director

R430. Health, Health Systems Improvement, Child Care Licensing.

R430-90. Licensed Family Child Care.

R430-90-2. Purpose.

The purpose of this rule is to establish standards for the operation and maintenance of licensed family child care providers who care for one to 16 children in their home. It establishes minimum requirements for the health and safety of children in licensed programs.

R430-90-4. License Required.

(1) A person who provides child care in a home for nine to 16 children [~~not~~]unrelated to the licensee for less than 24 hours a day, with a regularly scheduled, on-going enrollment, for direct or indirect compensation must be licensed as a family group child care program.

(2) A person who provides child care in a home for less than nine unrelated children for less than 24 hours per day, having a

regularly scheduled, ongoing enrollment, for direct or indirect compensation may be licensed as a family child care program.

R430-90-5. Licensee Qualifications and Duties.

- (1) The licensee of the child care program must:
- be at least 18 years of age; or
 - have a high school diploma or G.E.D.; and
 - have knowledge of and comply with applicable laws and rules.
- (2) The licensee shall establish and implement policies and procedures for the health and safety of children in the home.

R430-90-6. Care Giver Qualifications.

(1) The licensee shall ensure that each care giver or volunteer who has direct contact with or access to children is oriented to the licensed program and successfully completes the required orientation training before starting assigned duties. The licensee shall document in a care giver's personnel record the date of completion of orientation training. The orientation training must include:

- procedures for maintaining health and safety and handling emergencies and accidents;
- specific job responsibilities;
- child discipline procedures of R430-90-6; and
- reporting requirements if the care giver witnesses or suspects child abuse, neglect or exploitation.

(2) All care givers who provide services shall be at least 18 years of age or have completed high school or a G.E.D.

(3) There shall be at least one care giver at the home during business hours who has a current certification in basic child and infant first-aid and Cardiac Pulmonary Resuscitation, (CPR), and training in the Heimlich Maneuver for treatment of an obstructed airway.

(a) First-aid and CPR certification refers to courses given by the American Red Cross, the Utah Emergency Medical Training Council, or other courses that the licensee of the program can demonstrate to the Department to be equivalent.

(b) Documentation of the completed First-Aid and CPR training must be in the care giver's personnel record.

(4) The licensee must ensure that an annual documented in-service training plan is developed and carried out. The plan shall be pertinent to the ages of the children in the program and must address the following areas:

- proper hand washing and sanitation techniques;
 - principles of good nutrition;
 - proper procedures in administration of medications;
 - recognizing early signs of illness, communicable diseases and determining if there is a need to exclude a child from the program;
 - accident prevention and safety principles;
 - positive guidance for the management of children;
 - child development; and
 - age appropriate activities.
- (5) If child care is provided to children under age two, the following in-service topics are also required:
- Preventing Shaken Baby Syndrome;
 - Coping with crying babies; and
 - Preventing Sudden Infant Death Syndrome.

(6) The licensee shall ensure that they and all care givers complete 20 hours of annual in-service training. At least ten hours of in-service training shall be person[-]to-person instruction.

(7) The licensee shall document successful completion of in-service training and maintain a record for themselves and each care giver which includes:

- (a) the date training was completed;
- (b) the topics covered; and
- (c) the trainer's name and organizational affiliation.

(8) Each care giver upon employment and each licensee shall have an initial health evaluation within the past six months and complete tuberculosis testing using the Mantoux tuberculin skin test method within two weeks of assuming care giver responsibilities. Tuberculin skin testing does not need to be repeated during the employment period unless the employee develops signs and symptoms of the disease, as determined by a health care professional.

(a) All care givers with skin tests that indicate potential exposure to tuberculosis shall receive a medical evaluation for tuberculosis disease.

(b) All care givers who have documentation of previous positive reaction to the Mantoux tuberculin skin test shall present documentation of completion of therapy for tuberculosis infection or evidence of a negative chest radiograph within the past 12 months.

(c) Repeated chest radiographs are not required unless the care giver develops signs and symptoms of tuberculosis disease, as determined by a health care professional, [every two years or as specified by the local health department.]

R430-90-8. Records.

(1) The licensee shall obtain from the parent or legal guardian an admission agreement, which identifies the following:

- (a) child's full name and nickname;
- (b) parent or guardian's name, address and phone number;
- (c) name, address and phone number of at least three additional persons to be notified in the event of an emergency when the parent or guardian cannot be located;
- (d) name, address and phone number of the child's primary source of emergency health and dental care.

(2) The licensee shall ensure that children's records are organized and maintained to include the following:

- (a) immunization record (Utah School Immunization Record -USIR) according to R396-100;
- (b) a current (within the past six months) physical examination for children under age 6 (only at admission);
- (c) child's health history required in R430-90-10(5) and any updates;
- (d) injury, accident and incident reports; and
- (e) medication administration records required in R430-90-10(7)(d).

(3) The licensee of the program shall maintain care giver records to include:

- (a) background screening records;
- (b) initial health evaluations and TB testing;
- (c) food handler's permits;
- (d) first-aid and CPR certifications; and
- (e) in-service training records.

(~~3~~4) The licensee shall ensure a record or log is maintained to document each enrolled child's attendance.

R430-90-12. Activities.

(1) The licensee shall develop a daily activity plan that is designed for the age and development of the children accepted for care and ensure that there are sufficient supplies on hand.

(2) There shall be a minimum of 35 square feet of indoor play area per child for each child in care under age 14. Toilet rooms, closets, hallways, and alcoves may not be included in calculating indoor play space. Play space does not include areas in the care giver home which are not included in the child care area.

(3) Outdoor play areas shall have at least 40 square feet per child for each child in care under age 14. The total outdoor play area shall accommodate at least 40 per cent of the licensed capacity at one time.

(a) Outdoor play areas shall be fenced or have a natural barrier that provides protection from unsafe areas. Fences shall be at least four feet high. If local ordinances conflict with this requirement, the licensee may request a variance from the Department. Any gaps within the fence shall not be greater than three and one-half inches. The bottom edges of the fence shall not be more than three and one-half inches above the ground.

(b) Outdoor play areas shall have a shaded area to protect children from excessive sun and heat. Drinking water shall be continuously accessible to children in the outdoor play area.

(4) If off-site activities are provided, parent or legal guardian permission is required for children to participate. Care givers shall take with them emergency phone numbers for each child attending the activity.

(5) If swimming activities are planned, care givers shall accompany children at pool side and lifeguards and pool personnel are not counted in care giver ratios.

(6) If care is provided to infants, a care giver shall provide physical and verbal stimulation every 30 minutes to each infant during waking hours, including the opportunity for physical activity. Physical activity may not confine an awake child to a single device, such as a walker or swing which restricts active movements for more than 30 minutes.

R430-90-19. Food Service.

(1) If the local health department completes an inspection, the inspection report shall be maintained at the ~~[program]~~home for review by the Department.

(2) Food prepared by the care givers for the children in care shall be from an approved source as provided in R392-100.

(a) Food brought in by parents or legal guardians to serve to other children must be from an approved source or commercially prepared;

(b) Food brought in by parents or legal guardians for individual child use must be labeled.

(c) Baby food must be refrigerated after opening, marked with the date and time of opening and discarded if not consumed within 24 hours of opening;

(d) Infant formula and breast milk shall be discarded after feeding or within two hours of initiating a feeding

(3) All care givers who prepare or serve food and snacks must have a food handler's permit.

(4) Children's food shall be served on plates, napkins or other sanitary holders, which include a high chair tray. Multiple-use sanitary holders shall be washed, rinsed, and sanitized with a sanitizer approved in R392-100 for food contact surfaces prior to each use. Food shall not be placed on a bare table or other eating surface.

(5) Meals and snacks shall be served at least once every three hours, or according to the menu.

(a) The current week's menu shall be posted for review by parents or guardians and all substitutions shall be noted on the menu;

(b) Menus can be obtained from the Department or shall be Department-approved, independently approved and signed by a registered dietitian, or approved through the United States Department of Agriculture Child and Adult Care Food Program.

(6) Children and infants shall be served special diets, formula, breast milk, or food supplements in accordance with the written instructions from a parent or legal guardian.

(7) If an infant is unable to sit upright and hold his own bottle, a care giver shall hold the infant during bottle feeding.

KEY: child care facilities
[August 20, 1998]1999

26-39

◆ ————— ◆
**Natural Resources; Oil, Gas and
Mining; Coal**
R645-100-200
Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22213

FILED: 07/30/1999, 12:00

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes made in this rule action are made in response to a federal mandate (Pub. L. No. 95-87) to form a Utah Coal Regulatory Program that is no less effective than the federal program.

SUMMARY OF THE RULE OR CHANGE: This change modifies several definitions in the Utah Coal Regulatory Program to make the Utah program no less effective than the federal program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5

FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 95-87, The Surface Mining Control and Reclamation Act

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No change is anticipated at this time from these changes due to their minor effect on the coal regulatory program's requirements.

❖LOCAL GOVERNMENTS: The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.

❖OTHER PERSONS: The changes made in these rule amendments to actual on-the-ground compliance measures for coal mining operations are minor, thus there will be no impact from these rules.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be coal mine operators; their compliance would not be changed significantly from these rule changes as no new demands or requirements are created from this action.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Fiscal impact to business is neutral since federal rules of identical effectiveness prevail if state rules do not exist.

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

Natural Resources
Oil, Gas and Mining; Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 09/14/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/25/1999, 10:00 a.m., Suite 1040A, 1594 West North Temple, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

—————
R645. Natural Resources; Oil, Gas and Mining; Coal.
R645-100. Administrative: Introduction.
R645-100-200. Definitions.

As used in the R645 Rules, the following terms have the specified meanings:

"Abandoned site" means, for the purpose of R645-400, a coal mining and reclamation operation for which the Division has found in writing that,

(a) All coal mining and reclamation operations at the site have ceased;

(b) The Division has issued at least one notice of violation or the initial program equivalent, and either:

(i) Is unable to serve the notice despite diligent efforts to do so; or

(ii) The notice was served and has progressed to a failure-to-abate cessation order or the initial program equivalent;

(c) The Division:

(i) Is taking action to ensure that the permittee and operator, and owners and controllers of the permittee and operator, will be precluded from receiving future permits while violations continue at the site; and

(ii) Is taking action pursuant to section 40-10-20(5), 40-10-20(6), 40-10-22(1)(d), or 40-10-22(2)(a) of the Act to ensure that abatement occurs or that there will not be a recurrence of the failure-to-abate, except where after evaluating the circumstances it concludes that further enforcement offers little or no likelihood of successfully compelling abatement or recovering any reclamation costs; and

(d) Where the site is, or was, permitted [~~or~~]and bonded:

(i) The permit has either expired or been revoked[~~, or permit revocation proceedings have been initiated and are being pursued diligently~~]; and

(ii) The Division has initiated and is diligently pursuing forfeiture of, or has forfeited[~~, the~~] any available performance bond.

(e) In lieu of the inspection frequency established in R645-400-130, the Division shall inspect each abandoned site [~~as necessary to monitor for changes of environmental conditions or operational status at the site:~~

~~(f) Before ceasing to perform inspections at the frequency required by R645-400-130 at an abandoned site, the Division will:~~

~~(i) Evaluate the environmental conditions and operational status of the site; and~~

~~(ii) Document in writing the inspection frequency necessary to comply on a set frequency commensurate with [paragraph (e) of this definition and the reasons for selecting that frequency:]the public health and safety and environmental considerations present at each specific site, but in no case shall the inspection frequency be set at less than one complete inspection per calendar year.~~

(1) In selecting an alternate inspection frequency authorized under part (e) of this definition, the Division shall first conduct a complete inspection of the abandoned site and provide public notice under paragraph (2) below. Following the inspection and public notice, the Division shall prepare and maintain for public review a written finding justifying the alternative inspection frequency selected. This written finding shall justify the new inspection frequency by affirmatively addressing in detail all of the following criteria:

(i) How the site meets each of the criteria under the definition of an abandoned site and thereby qualifies for a reduction in inspection frequency;

(ii) Whether, and to what extent, there exist on the site impoundments, earthen structures or other conditions that pose, or may reasonably be expected to change into, imminent dangers to the health or safety of the public or significant environmental harms to land, air or water resources;

(iii) The extent to which existing impoundments or earthen structures were constructed and certified in accordance with prudent engineering designs approved in the permit;

(iv) The degree to which erosion and sediment control is present and functioning;

(v) The extent to which the site is located near or above urbanized areas, communities, occupied dwellings, schools and other public or commercial buildings and facilities;

(vi) The extent of reclamation completed prior to abandonment and the degree of stability of unreclaimed areas, taking into consideration the physical characteristics of the land mined and the extent of settlement or revegetation that has occurred naturally with time; and

(vii) Based on a review of the complete and partial inspection report record for the site during at least the last two consecutive years, the rate at which adverse environmental or public health and safety conditions have and can be expected to progressively deteriorate.

(2) The public notice and opportunity to comment required under part (e)(1) of this definition shall be provided as follows:

(i) The Division shall place a notice in the newspaper with the broadest circulation in the locality of the abandoned site providing the public with a 30-day period in which to submit written comments.

(ii) The public notice shall contain the permittee's name, the permit number, the precise location of the land affected, the inspection frequency proposed, the general reasons for reducing the inspection frequency, the bond status of the permit, the telephone number and address of the office where written comments on the reduced inspection frequency may be submitted, and the closing date of the comment period.

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"Other Treatment Facilities" means, for the purposes of R645-301-356.300, R645-301-356.400, R645-301-513.200, R645-301-742.200 through R645-301-742.240, and R645-301-763, any chemical treatments, such as flocculation or neutralization, or mechanical structures, such as clarifiers or precipitators, that have a point source discharge and that are utilized to prevent additional contribution of dissolved or suspended solids to stream flow or runoff outside the permit area or to comply with all applicable State and Federal water quality laws and regulations.

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"Previously Mined Area" means land affected by [~~previously mined on which there were no~~] coal mining and reclamation operations prior to August 3, 1977, that has not been reclaimed to the standards of Ut. Admin. R645 or 30 CFR chapter VII [~~subject to the standards of the Federal Act.~~]

"Prime Farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 (Federal Register Vol. 4 No. 21) and which have historically been used for cropland as that phrase is defined herein.

"Principal Shareholder" means any person who is the record or beneficial owner of ten percent or more of any class of voting stock.

"Prohibited Financial Interest" means any direct or indirect financial interest in any coal mining and reclamation operation.

"Property to be Mined" means both the surface estates and mineral estates within the permit area and the area covered by underground workings.

"Public Building" means any structure that is owned or leased and principally used by a government agency for public business or meetings.

"Public Office" means a facility under the direction and control of a governmental entity which is open to public access on a regular basis during reasonable business hours.

"Public Park" means an area or portion of an area dedicated or designated by any federal, state, or local agency primarily for public recreational use, whether or not such use is limited to certain times or days, including any land leased, reserved, or held open to the public because of that use.

"Public Road", for the purpose of part R645-103-200, R645-301-521.123, and R645-301-521.133 means a road (a) which has been designated as a public road pursuant to the laws of the jurisdiction in which it is located; (b) which is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction; (c) for which there is substantial (more than incidental) public use; and (d) which meets road construction standards for other public roads of the same classification in the local jurisdiction.

"Publicly Owned Park" means a public park that is owned by a federal, state, or local governmental entity.

"Qualified Laboratory" means, for the purposes of R645-302-290, a designated public agency, private firm, institution, or analytical laboratory which can prepare the required determination of probable hydrologic consequences, ~~or~~ statement of results of test borings or core samplings under SOAP, or other services as specified at R645-302-299 and which meet the standards of R645-302-295.100.

"Rangeland" means land on which the natural potential (climax) plant cover is principally native grasses, forbs, and shrubs valuable for forage. This land includes natural grasslands and savannahs, such as prairies, and juniper savannahs, such as brushlands. Except for brush control, management is primarily achieved by regulating the intensity of grazing and season of use.

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"Significant Recreational, Timber, Economic, or Other Values Incompatible With Coal Mining and Reclamation Operations" means those values to be evaluated for their significance which could be damaged ~~beyond an operator's ability to repair or restore~~ by, and are not capable of existing together with, coal mining and reclamation operations because of the undesirable effects mining would have on those values, either on the area included in the permit application or on other affected areas. Those values to be evaluated for their importance include (a) recreation, including hiking, boating, camping, skiing, or other related outdoor activities, (b) timber management and silviculture, (c) agriculture, aquaculture, or production of other natural, processed, or manufactured products which enter commerce, and (d) scenic, historic, archaeological, aesthetic, fish, wildlife, plants, or cultural interests.

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KEY: reclamation, coal mines
[March 15, 1998]1999 **40-10-1 et seq.**
Notice of Continuation June 6, 1997



Natural Resources; Oil, Gas and Mining; Coal **R645-301-500** Engineering

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 22214
FILED: 07/30/1999, 12:00
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes made in this rule action are made in response to a federal mandate (Pub. L. No. 95-87) to form a Utah Coal Regulatory Program that is no less effective than the federal program.

SUMMARY OF THE RULE OR CHANGE: This change modifies the explanation of thick-and-thin overburden at surface coal mines and adjusts several engineering specifications for water impoundments and their foundations at all coal mines to make the Utah Coal Regulatory Program no less effective than the federal program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5
FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 95-87, The Surface Mining Control and Reclamation Act

- ANTICIPATED COST OR SAVINGS TO:**
- ❖ **THE STATE BUDGET:** No change is anticipated at this time from these changes due to their minor effect on the coal regulatory program's requirements.
 - ❖ **LOCAL GOVERNMENTS:** The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.
 - ❖ **OTHER PERSONS:** The changes made in these rule amendments to actual on-the-ground compliance measures for coal mining operations are minor. However, there are some adjustments to the engineering specifications to make them consistent with Mine Safety and Health Administration (MSHA) terminology. Because the standard is already established at the federal level, there will be no impact from these rules.
- COMPLIANCE COSTS FOR AFFECTED PERSONS:** The affected persons in this case would be coal mine operators; their compliance would not be changed significantly from these rule changes as no new demands or requirements are

created from this action. The standard already exists at the federal level.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Fiscal impact to business is neutral since federal rules of identical effectiveness prevail if state rules do not exist.

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

Natural Resources
Oil, Gas and Mining; Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 09/14/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/25/1999, 10:00 a.m., Suite 1040A, 1594 West North Temple, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

R645. Natural Resources; Oil, Gas and Mining; Coal.
R645-301. Coal Mine Permitting: Permit Application Requirements.
R645-301-500. Engineering.

The rules in R645-301-500 present the requirements for engineering information which is to be included in a permit application.

510. Introduction. The engineering section of the permit application is divided into the operation plan, reclamation plan, design criteria, and performance standards. All of the activities associated with the coal mining and reclamation operations must be designed, located, constructed, maintained, and reclaimed in accordance with the operation and reclamation plan. All of the design criteria associated with the operation and reclamation plan must be met.

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514.300. Impoundments.

514.310. Certified Inspection. The professional engineer or specialist experienced in the construction of impoundments will inspect the impoundment.

514.311. Inspections will be made regularly during construction, upon completion of construction, and at least yearly until removal of the structure or release of the performance bond.

514.312. The qualified registered professional engineer will promptly, after each inspection, provide to the Division, a certified report that the impoundment has been constructed and maintained as designed and in accordance with the approved plan and the R645 Rules. The report will include discussion of any appearances of instability, structural weakness or other hazardous conditions, depth and elevation of any impounded waters, existing storage capacity, any existing or required monitoring procedures and instrumentation and any other aspects of the structure affecting stability.

514.313. A copy of the report will be retained at or near the mine site.

514.320. Impoundments meeting the NRCS Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR Sec. 77.216 must be examined in accordance with 30 CFR Sec. 77.216-3. Impoundments not meeting the NRCS Class B or C Criteria for dams in TR-60, or subject to 30 CFR Sec. 77.216, shall be examined at least quarterly. A qualified person designated by the operator shall examine impoundments for the appearance of structural weakness and other hazardous conditions. ~~[Weekly Inspections. Impoundments subject to MSHA, 30 CFR 77.216 must be examined in accordance with 30 CFR 77.216-3.~~

~~514.330. Quarterly Inspections. Other impoundments, not subject to MSHA, 30 CFR 77.216, will be examined at least quarterly by a qualified person designated by the operator for appearance of structural weakness and other hazardous conditions.]~~

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530. Operational Design Criteria and Plans.

531. General. Each permit application will include a general plan and detailed design plans for each proposed ~~[sediment pond;]~~ siltation structure, water impoundment, and coal processing waste bank, dam or embankment within the proposed permit area. Each general plan will describe the potential effect on the structure from subsidence of the subsurface strata resulting from past underground mining operations, if underground mining has occurred.

532. Sediment Control. The permit application will describe designs for sediment control. Sediment control measures include practices carried out within and adjacent to the disturbed area. The sedimentation storage capacity of practices in and downstream from the disturbed areas will reflect the degree to which successful mining and reclamation techniques are applied to reduce erosion and control sediment. Sediment control measures consist of the utilization of proper mining and sediment control practices, singly or in combination. Sediment control methods include but are not limited to:

532.100. Disturbing the smallest practicable area at any one time during the mining operation through progressive backfilling, grading, and prompt revegetation as required in R645-301-353.200; and

532.200. Stabilizing the backfilled material to promote a reduction of the rate and volume of runoff in accordance with the requirements of R645-301-537.200, R645-301-552 through R645-301-553.230, R645-301-553.260 through R645-301-553.420, R645-301-553.600, and R645-301-553.900.

533. Impoundments.

533.100. ~~[An impoundment meeting the size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to~~

cause loss of life or serious property damage will have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2. Impoundments not meeting the size or other criteria of 30 CFR 77.216(a), except for coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage will have a minimum static safety factor of 1.3 for normal pool with steady state seepage saturation conditions.]An Impoundment meeting the NRCS Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR Sec. 77.216(a) shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.

533.110 Impoundments not included in 533.100, except for a coal mine waste impounding structure, shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions or meet the requirements of R645-301-733.210.

533.200. Foundations. Foundations for temporary and permanent impoundments must be designed so that:

533.210. [Foundation and abutments for the impounding structure will be stable under all conditions of construction and operation of the impoundment. Sufficient foundation investigations and laboratory testing will be performed in order to determine the design requirements for foundation stability;]Foundations and abutments for an impounding structure are stable during all phases of construction and operation and are designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the NRCS Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR Sec. 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability; and

533.220. All vegetative and organic materials will be removed and foundations excavated and prepared to resist failure. Cutoff trenches will be installed if necessary to ensure stability.

533.300. Slope protection will be provided to protect against surface erosion at the site and protect against sudden drawdown.

533.400. Faces of embankments and surrounding areas will be vegetated except that faces where water is impounded may be riprapped or otherwise stabilized in accordance with accepted design practices.

533.500. The vertical portion of any remaining highwall will be located far enough below the low-water line along the full extent of highwall to provide adequate safety and access for the proposed water users.

533.600. Impoundments meeting the criteria of MSHA, 30 CFR 77.216(a) will comply with the requirements of MSHA, 30 CFR 77.216 and R645-301-512.240, R645-301-514.300, R645-301-515.200, R645-301-533.100 through R645-301-533.600, R645-301-733.220 through R645-301-733.224, and R645-301-743. The plan required to be submitted to the District Manager of MSHA under 30 CFR 77.216 will also be submitted to the Division as part of the permit application.

533.610. [Each detailed design plan for a structure that meets or exceeds the size or other criteria of MSHA, 30 CFR 77.216(a) will include any geotechnical investigation, design, and construction requirements for the structure. The operation and maintenance requirements for each structure will be

described;]Impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Natural Resources Conservation Service Technical Release No. 60 (210-VI-TR60, Oct. 1985), "Earth Dams and Reservoirs," Technical Release No. 60 (TR-60) shall comply with the requirements of this section for structures that meet or exceed the size or other criteria of the Mine Safety and Health Administration (MSHA). The technical release is hereby incorporated by reference. Copies may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, order No. PB 87-157509/AS. Copies may be inspected at the Division of Oil Gas and Mining Offices, 1594 West North Temple, Salt Lake City, Utah 84114 or at the Division of Administrative Rules, Archives Building, Capitol Hill Complex, Salt Lake City, Utah 84114-1021. Each detailed design plan for a structure that meets or exceeds the size or other criteria of MSHA, 30 CFR Sec. 77.216(a), shall:

533.611 Be prepared by, or under the direction of, and certified by a qualified registered professional engineer with assistance from experts in related fields such as geology, land surveying, and landscape architecture;

533.612 Include any geotechnical investigation, design, and construction requirements for the structure;

533.613 Describe the operation and maintenance requirements for each structure; and

533.614 Describe the timetable and plans to remove each structure, if appropriate.

533.620. [If the structure is 20 feet or higher or impounds more than 20 acre-feet, each plan under R645-301-536.800, R645-301-732.210, and R645-301-733.210 will include a stability analysis of each structure. The stability analysis will include, but not be limited to, strength parameters, pore pressures, and long-term seepage conditions. The plan will also contain a description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.]If the structure meets the Class B or C criteria for dams in TR-60 or meets the size or other criteria of 30 CFR Sec. 77.216(a), each plan under R645-301-742.200, 733.200, or 536.820 shall include a stability analysis of the structure. The stability analysis shall include, but not be limited to, strength parameters, pore pressures, and long-term seepage conditions. The plan shall also contain a description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

533.700. [Each detailed design plan for a structure that does not meet the size or other criteria of MSHA, 30 CFR 77.216(a) will include any design and construction requirements for the structure, including any required geotechnical information. The operation and maintenance requirements for each structure will be described;]Plans.

533.710 Each detailed design plan for structures not included in 533.610 shall:

533.711 Be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, except that all coal processing waste dams and embankments covered by R645-301-536 and R645-301-746.200 shall be certified by a qualified, registered, professional engineer;

533.712 Include any design and construction requirements for the structure, including any required geotechnical information;

533.713 Describe the operation and maintenance requirements for each structure; and

533.714 Describe the timetable and plans to remove each structure, if appropriate.

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553.700. Backfilling and Grading: Thin Overburden. For the purposes of SURFACE COAL MINING AND RECLAMATION ACTIVITIES, ~~[this section applies only where the final thickness is less than 0.8 of the initial thickness. Initial thickness is the sum of the overburden thickness and coal thickness prior to removal of coal. Final thickness is the product of the overburden thickness prior to removal of coal, times the bulking factor to be determined for each permit area.]~~thin overburden means insufficient spoil and other waste materials available from the entire permit area to restore the disturbed area to its approximate original contour. Insufficient spoil and other waste materials occur where the overburden thickness times the swell factor, plus the thickness of other available waste materials, is less than the combined thickness of the overburden and coal bed prior to removing the coal, so that after backfilling and grading the surface configuration of the reclaimed area would not closely resemble the surface configuration of the land prior to mining or blend into and complement the drainage pattern of the surrounding terrain. The provisions of this section apply only when SURFACE COAL MINING AND RECLAMATION ACTIVITIES cannot be carried out to comply with the requirements of R645-301-537.200, R645-301-552 through R645-301-553.230, R645-301-553.260 through R645-301-553.420, R645-301-553.600, and R645-301-553.900 to achieve the approximate original contour. The operator will, at a minimum:

553.710. Use all available spoil and waste materials to attain the lowest practicable grade, but not more than the angle of repose; and

553.720. Meet the requirements of R645-301-211, R645-301-212, R645-301-412.300, R645-301-512.210, R645-301-514.100, R645-301-535.100, R645-301-535.112 through R645-301-535.130, R645-301-536.300, R645-301-542.720, R645-301-553.240, and R645-301-745.100.

553.800. Backfilling and Grading: Thick Overburden. For the purposes of SURFACE COAL MINING AND RECLAMATION ACTIVITIES, ~~[this section applies only where the final thickness is greater than 1.2 of the initial thickness. Initial thickness is the sum of the overburden thickness and coal thickness prior to removal of coal. Final thickness is the product of the overburden thickness prior to removal of coal, times the bulking factor to be determined for each permit area.]~~thick overburden means more than sufficient spoil and other waste materials available from the entire permit area to restore the disturbed area to its approximate original contour. More than sufficient spoil and other waste materials occur where the overburden thickness times the swell factor exceeds the combined thickness of the overburden and coal bed prior to removing the coal, so that after backfilling and grading the surface configuration of the reclaimed area would not closely resemble the surface configuration of the land prior to mining or blend into and complement the drainage pattern of the surrounding terrain. The provisions of this section apply only when SURFACE COAL MINING AND RECLAMATION ACTIVITIES cannot be carried out to comply with the requirements of R645-301-

537.200, R645-301-552 through R645-301-553.230, R645-301-553.260 through R645-301-553.420, R645-301-553.600, and R645-301-553.900 to achieve the approximate original contour. In addition the operator will, at a minimum:

553.810. Use the spoil and waste materials to attain the lowest practicable grade, but not more than the angle of repose;

553.820. Meet the requirements of R645-301-211, R645-301-212, R645-301-412.300, R645-301-512.210, R645-301-514.100, R645-301-535.100, R645-301-535.112 through R645-301-535.130, R645-301-536.300, R645-301-542.720, R645-301-553.240, and R645-301-745.100; and

553.830. Dispose of any excess spoil in accordance with R645-301-211, R645-301-212, R645-301-412.300, R645-301-512.210, R645-301-512.220, R645-301-514.100, R645-301-528.310, R645-301-535.100 through R645-301-535.130, R645-301-535.300 through R645-301-535.500, R645-301-536.300, R645-301-542.720, R645-301-553.240, R645-301-745.100, R645-301-745.300, and R645-301-745.400.

553.900. For the purposes of UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES, regrading of settled and revegetated fills at the conclusion of coal mining and reclamation operations will not be required if the conditions of R645-301-537.200 are met;

560. Performance Standards. Coal mining and reclamation operations will be conducted in accordance with the approved permit and requirements of R645-301-510 through R645-301-553.

KEY: reclamation, coal mines

~~[September 30, 1998]~~**1999**

40-10-1 et seq.

Notice of Continuation June 6, 1997



Natural Resources; Oil, Gas and Mining; Coal
R645-301-700
Hydrology

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22215

FILED: 07/30/1999, 12:00

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes made in this rule action are made in response to a federal mandate (Pub. L. No. 95-87) to form a Utah Coal Regulatory Program that is no less effective than the federal program.

SUMMARY OF THE RULE OR CHANGE: This change modifies the requirements for the hydrologic design for coal mine temporary impoundments, impoundments, and spillways to make them consistent with the standards and terminology of United States Natural Resources Conservation Service (NRCS), Mine Safety and Health Administration (MSHA), and

Office of Surface Mining to make the Utah Coal Regulatory Program no less effective than the federal program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5

FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 95-87, The Surface Mining Control and Reclamation Act

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No change is anticipated at this time from these changes due to their minor effect on the coal regulatory program's requirements.

❖LOCAL GOVERNMENTS: The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.

❖OTHER PERSONS: The changes made in these rule amendments to actual on-the-ground compliance measures for coal mining operations are minor. However, there are some adjustments to the hydrologic specifications to make them consistent with federal standards. Because the standard is already established at the federal level, there will be no impact from these rules.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be coal mine operators; their compliance would not be changed significantly from these rule changes as no new demands or requirements are created from this action. The standard already exists at the federal level.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Fiscal impact to business is neutral since federal rules of identical effectiveness prevail if state rules do not exist.

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

Natural Resources
Oil, Gas and Mining; Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 09/14/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/25/1999, 10:00 a.m., Suite 1040A, 1594 West North Temple, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

R645. Natural Resources; Oil, Gas and Mining; Coal.

R645-301. Coal Mine Permitting: Permit Application Requirements.

R645-301-700. Hydrology.

710. Introduction.

711. General Requirements. Each permit application will include descriptions of:

711.100. Existing hydrologic resources as given under R645-301-720.

711.200. Proposed operations and potential impacts to the hydrologic balance as given under R645-301-730.

711.300. The methods and calculations utilized to achieve compliance with hydrologic design criteria and plans given under R645-301-740.

711.400. Applicable hydrologic performance standards as given under R645-301-750.

711.500. Reclamation activities as given under R645-301-760.

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733. Impoundments.

733.100. General Plans. Each permit application will contain a general plan and detailed design plans for each proposed water impoundment within the proposed permit area. Each general plan will:

733.110. Be prepared and certified as described under R645-301-512;

733.120. Contain maps and cross sections;

733.130. Contain a narrative that describes the structure;

733.140. Contain the results of a survey as described under R645-301-531;

733.150. Contain preliminary hydrologic and geologic information required to assess the hydrologic impact of the structure; and

733.160. Contain a certification statement which includes a schedule setting forth the dates when any detailed design plans for structures that are not submitted with the general plan will be submitted to the Division. The Division will have approved, in writing, the detailed design plan for a structure before construction of the structure begins.

733.200. Permanent and Temporary Impoundments.

733.210. Permanent and temporary impoundments will be designed to comply with the requirements of R645-301-512.240, R645-301-514.300, R645-301-515.200, R645-301-533.100 through R645-301-533.600, R645-301-733.220 through R645-301-733.226, R645-301-743.240, and R645-301-743. Each plan for an impoundment meeting the size or other criteria of the Mine Safety and Health Administration will comply with the requirements of 30 CFR 77.216-1 and 30 CFR 77.216-2. The plan required to be submitted to the District Manager of MSHA under 30 CFR 77.216 will be submitted to the Division as part of the permit application package. ~~[For an impoundment not meeting the size criteria of 30 CFR 77.216(a) and located where failure would not be expected to cause loss of life or serious property damage, the Division may establish through the Utah State program approval process engineering design standards that ensure stability comparable to a 1.3 minimum static safety factor in lieu of engineering tests to establish compliance with the minimum.]~~For impoundments not

included in R645-301-533.610 the Division may establish through the State program approval process engineering design standards that ensure stability comparable to a 1.3 minimum static safety factor in lieu of engineering tests to establish compliance with the minimum static safety factor of 1.3 specified in R645-301-533.[+00]110.

733.220. A permanent impoundment of water may be created, if authorized by the Division in the approved permit based upon the following demonstration:

733.221. The size and configuration of such impoundment will be adequate for its intended purposes;

733.222. The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet applicable Utah and federal water quality standards, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below applicable Utah and federal water quality standards;

733.223. The water level will be sufficiently stable and be capable of supporting the intended use;

733.224. Final grading will provide for adequate safety and access for proposed water users;

733.225. The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational or domestic uses; and

733.226. The impoundment will be suitable for the approved postmining land use.

733.230. The Division may authorize the construction of temporary impoundments as part of coal mining and reclamation operations.

733.240. If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment will promptly inform the Division according to R645-301-515.200.

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742. Sediment Control Measures.

742.100. General Requirements.

742.110. Appropriate sediment control measures will be designed, constructed and maintained using the best technology currently available to:

742.111. Prevent, to the extent possible, additional contributions of sediment to stream flow or to runoff outside the permit area;

742.112. Meet the effluent limitations under R645-301-751; and

742.113. Minimize erosion to the extent possible.

742.120. Sediment control measures include practices carried out within and adjacent to the disturbed area. The sedimentation storage capacity of practices in and downstream from the disturbed areas will reflect the degree to which successful mining and reclamation techniques are applied to reduce erosion and control sediment. Sediment control measures consist of the utilization of proper mining and reclamation methods and sediment control practices, singly or in combination. Sediment control methods include, but are not limited to:

742.121. Retaining sediment within disturbed areas;

742.122. Diverting runoff away from disturbed areas;

742.123. Diverting runoff using protected channels or pipes through disturbed areas so as not to cause additional erosion;

742.124. Using straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds and other measures that reduce overland flow velocities, reduce runoff volumes or trap sediment;

742.125. Treating with chemicals; and

742.126. For the purposes of UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES, treating mine drainage in underground sumps.

742.200. Siltation Structures. Siltation structures shall be designed in compliance with the requirements of R645-301-742.

742.210. General Requirements.

742.211. Additional contributions of suspended solids and sediment to streamflow or runoff outside the permit area will be prevented to the extent possible using the best technology currently available.

742.212. Siltation structures for an area will be constructed before beginning any coal mining and reclamation operations in that area and, upon construction, will be certified by a qualified registered professional engineer to be constructed as designed and as approved in the reclamation plan.

742.213. Any siltation structures which impounds water will be designed, constructed and maintained in accordance with R645-301-512.240, R645-301-514.300, R645-301-515.200, R645-301-533.100 through R645-301-533.600, R645-301-733.220 through R645-301-733.224, and R645-301-743.

742.214. For the purposes of UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES, any point-source discharge of water from underground workings to surface waters which does not meet the effluent limitations of R645-301-751 will be passed through a siltation structure before leaving the permit area.

742.220. Sedimentation Ponds.

742.221. Sedimentation ponds, when used, will:

742.221.1. Be used individually or in series;

742.221.2. Be located as near as possible to the disturbed area and out of perennial streams unless approved by the Division; and

742.221.3. Be designed, constructed, and maintained to:

742.221.31. Provide adequate sediment storage volume;

742.221.32. Provide adequate detention time to allow the effluent from the ponds to meet Utah and federal effluent limitations;

742.221.33. Contain or treat the 10-year, 24-hour precipitation event ("design event") unless a lesser design event is approved by the Division based on terrain, climate, or other site-specific conditions and on a demonstration by the operator that the effluent limitations of R645-301-751 will be met;

742.221.34. Provide a nonclogging dewatering device adequate to maintain the detention time required under R645-301-742.221.32.

742.221.35. Minimize, to the extent possible, short circuiting;

742.221.36. Provide periodic sediment removal sufficient to maintain adequate volume for the design event;

742.221.37. Ensure against excessive settlement;

742.221.38. Be free of sod, large roots, frozen soil, and acid- or toxic forming coal-processing waste; and

742.221.39. Be compacted properly.

742.222. Sedimentation ponds meeting the size or other qualifying criteria of the MSHA, 30 CFR 77.216(a) will comply with all the requirements of that section, and will have a single spillway or principal and emergency spillways that in combination will safely pass a 100-year, 6-hour precipitation event or greater event as demonstrated to be necessary by the Division.

742.223. Sedimentation ponds not meeting the size or other qualifying criteria of the MSHA, 30 CFR 77.216(a) will provide a combination of principal and emergency spillways that will safely discharge a 25-year, 6-hour precipitation event or greater event as demonstrated to be needed by the Division. Such ponds may use a single open channel spillway if the spillway is:

742.223.1. Of nonerodible construction and designed to carry sustained flows; or

742.223.2. Earth- or grass-lined and designed to carry short-term infrequent flows at non-erosive velocities where sustained flows are not expected.

742.224. In lieu of meeting the requirements of R645-301-742.223.1 and 742.223.2 the Division may approve a temporary impoundment as a sedimentation pond that relies primarily on storage to control the runoff from the design precipitation event when it is demonstrated by the operator and certified by a qualified registered professional engineer in accordance with R645-301-512.200 that the sedimentation pond will safely control the design precipitation event. The water will be removed from the pond in accordance with current, prudent, engineering practices and any sediment pond so used will not be located where failure would be expected to cause loss of life or serious property damage.

742.225. An exception to the sediment pond location guidance in R645-301-742.224 may be allowed:

742.225.1. [~~In the case of a sedimentation pond meeting the size or other criteria of 30 CFR 77.216(a), if the pond is designed to control the precipitation of the probable maximum precipitation of a 6 hour event or greater event if specified by the Division; or (30 CFR 816.46(e)(2)(ii)(A))~~Impoundments meeting the NRCs Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR Sec. 77.216(a) shall be designed to control the precipitation of the probable maximum precipitation of a 6-hour event, or greater event specified by the Division.

742.225.2. [~~In the case of a sedimentation pond not meeting the size or other criteria of 30 CFR 77.216(a), if the pond is designed to control the precipitation of a 100 year 6 hour event or greater event if demonstrated to be needed by the Division.~~Impoundments meeting the NRCs Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR Sec. 77.216(a) shall be designed to control the precipitation of the probable maximum precipitation of a 6-hour event, or greater event specified by the Division.

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743. Impoundments.

743.100. General Requirements. The requirements of R645-301-743 apply to both temporary and permanent impoundments. Impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Natural Resources Conservation

Service Technical Release No. 60 (210-VI-TR60, Oct. 1985), "Earth Dams and Reservoirs," shall comply with the, "Minimum Emergency Spillway Hydrologic Criteria," table in TR-60 and the requirements of this section. Copies may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, order No. PB 87-157509-AS. Copies may be inspected at the Division of Oil Gas and Mining Offices, 1594 West North Temple, Salt Lake City, Utah 84114 or at the Division of Administrative Rules, Archives Building, Capitol Hill Complex, Salt Lake City, Utah 84114-1021.

743.110. Impoundments meeting the criteria of the MSHA, 30 CFR 77.216(a) will comply with the requirements of 77.216 and R645-301-512.240, R645-301-514.300, R645-301-515.200, R645-301-533.100 through R645-301-533.600, R645-301-733.220 through R645-301-733.224, and R645-301-743. The plan required to be submitted to the District Manager of MSHA under 30 CFR 77.216 will also be submitted to the Division as part of the permit application.

743.120. The design of impoundments will be prepared and certified as described under R645-301-512. Impoundments will have adequate freeboard to resist overtopping by waves and by sudden increases in storage volume. Impoundments meeting the NRCs Class B or C criteria for dams in TR-60 shall comply with the freeboard hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60.

743.130. Impoundments will include either a combination of principal and emergency spillways or a single spillway as specified in 743.131 which will be designed and constructed to safely pass the design precipitation event or greater event specified in R645-301-743.200 or R645-301-743.300.

743.131. The Division may approve a single-open channel spillway that is:

743.131.1. Of nonerodible construction and designed to carry sustained flows; or

743.131.2. Earth- or grass lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

743.131.3. Except as specified in R645-301-742.224 the required design precipitation event for an impoundment meeting the spillway requirements of R645-301-743.130 is:

743.131.4. For an impoundment meeting the NRCs Class B or C criteria for dams in TR-60, the emergency spillway hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60, or greater event as specified by the Division.

743.131.5. For an impoundment meeting or exceeding the size or other criteria of 30 CFR Sec. 77.216(a), a 100-year 6-hour event, or greater event as specified by the Division.

743.131.6. For an impoundment not included in R645-301-743.131.4 or 743.131.5, a 25-year 6-hour event, or greater event as specified by the Division.

743.132. In lieu of meeting the requirements of 743.131 the Division may approve an impoundment which meets the requirements of the sediment pond criteria of R645-301-742.224 and 742.225.

743.140. Impoundments will be inspected as described under R645-301-514.300.

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KEY: reclamation, coal mines
[September 30, 1998]1999
Notice of Continuation June 6, 1997

40-10-1 et seq.

◆ **—————** ◆

**Natural Resources; Oil, Gas and
Mining; Coal**
R645-301-800
Bonding and Insurance

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22216
FILED: 07/30/1999, 12:00
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes made in this rule action are made in response to a federal mandate (Pub. L. No. 95-87) to form a Utah Coal Regulatory Program that is no less effective than the federal program.

SUMMARY OF THE RULE OR CHANGE: This change modifies the permit requirements for bond release at all coal mines to make the Utah Coal Regulatory Program no less effective than the federal program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5
FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 95-87, The Surface Mining Control and Reclamation Act

ANTICIPATED COST OR SAVINGS TO:
◆**THE STATE BUDGET:** No change is anticipated at this time from these changes due to their minor effect on the coal regulatory program's requirements.
◆**LOCAL GOVERNMENTS:** The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.
◆**OTHER PERSONS:** The changes made in these rule amendments to actual on-the-ground compliance measures for coal mining operations are minor. Because the standard is already established at the federal level, there will be no impact from the adoption of these rules.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be coal mine operators; their compliance would not be changed significantly from these rule changes as no new demands or requirements are created from this action. The standard already exists at the federal level.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Fiscal impact to business is neutral since federal rules of identical effectiveness prevail if state rules do not exist.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Natural Resources
Oil, Gas and Mining; Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 09/14/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/25/1999, 10:00 a.m., Suite 1040A, 1594 West North Temple, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

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R645. Natural Resources; Oil, Gas and Mining; Coal.
R645-301. Coal Mine Permitting: Permit Application Requirements.
R645-301-800. Bonding and Insurance.

The rules in R645-301-800 set forth the minimum requirements for filing and maintaining bonds and insurance for coal mining and reclamation operations under the State Program.

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- 880. Requirement to Release Performance Bonds.
- 880.100. Bond release application.
- 880.110. The permittee may file an application with the Division for the release of all or part of a performance bond. Applications may be filed only at times or during seasons authorized by the Division in order to properly evaluate the completed reclamation operations. The times or seasons appropriate for the evaluation of certain types of reclamation will be identified in the approved mining and reclamation plan.
- 880.120. Within 30 days after an application for bond release has been filed with the Division, the operator will submit a copy of an advertisement placed at least once a week for four successive weeks in a newspaper of general circulation in the locality of the coal mining and reclamation operations. The advertisement will be considered part of any bond release application and will contain the permittee's name, permit number and approval date, notification of the precise location of the land affected, the number of acres, the type and amount of the bond filed and the portion sought to be released, the type and appropriate dates of reclamation work performed, a description of the results achieved as they relate to the operator's approved reclamation plan and the name and address of the Division to which written comments, objections, or requests for public hearings and informal conferences on the specific bond

release may be submitted pursuant to R645-301-880.600 and R645-301-880.800. In addition, as part of any bond release application, the applicant will submit copies of letters which he or she has sent to adjoining property owners, local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies in the locality in which the coal mining and reclamation operation took place, notifying them of the intention to seek release from the bond.

880.130. The permittee shall include in the application for bond release a notarized statement which certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of the Act, the regulatory program, and the approved reclamation plan. Such certification shall be submitted for each application or phase of bond release.

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KEY: reclamation, coal mines
[September 30, 1998]1999 40-10-1 et seq.
Notice of Continuation June 6, 1997



Natural Resources; Oil, Gas and Mining; Coal
R645-302-300
Special Areas of Mining

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 22217
FILED: 07/30/1999, 12:00
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes made in this rule action are made in response to a federal mandate (Pub. L. No. 95-87) to form a Utah Coal Regulatory Program that is no less effective than the federal program.

SUMMARY OF THE RULE OR CHANGE: This change modifies the standards for the issuance of a coal mining and reclamation permit on prime farmland so that the Utah Coal Regulatory Program is no less effective than the federal program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5

FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 95-87, The Surface Mining Control and Reclamation Act

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost is anticipated at this time from these changes due to their minor effect on the coal regulatory program requirements.

❖LOCAL GOVERNMENTS: The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.

❖OTHER PERSONS: The changes made in these rule amendments to actual on-the-ground compliance measures for coal mining operations are minor. Because the standard is already established at the federal level, there will be no impact from these rules.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be coal mine operators; their compliance would not be changed significantly from these rule changes as no new demands or requirements are created from this action. The standard already exists at the federal level.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Fiscal impact to business is neutral since federal rules of identical effectiveness prevail if state rules do not exist.

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

Natural Resources
Oil, Gas and Mining; Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 09/14/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/25/1999, 10:00 a.m., Suite 1040A, 1594 West North Temple, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

R645. Natural Resources; Oil, Gas and Mining; Coal.
R645-302. Coal Mine Permitting: Special Categories and Areas of Mining.
R645-302-300. Special Areas of Mining.

The rules in R645-302-300 present the minimum requirements for information to be included in the permit application to conduct coal mining and reclamation operations for mining in designated special areas and present procedures to process said permit applications.

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316. Issuance of Permit. A permit to conduct coal mining and reclamation operations that include mining and reclamation on designated special areas of prime farmland may be granted by the Division, if it first finds, in writing, upon the basis of a complete application, that:

316.100. The approved proposed postmining land use of these prime farmlands will be cropland;

316.200. The permit incorporates as specific conditions the contents of the plan submitted under R645-302-314, after consideration of any revisions to that plan suggested by the State Conservationist under R645-302-315.300;

316.300. The applicant has the technological capability to restore the prime farmland, within a reasonable time, to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management; and

316.400. The proposed coal mining and reclamation operations will be conducted in compliance with the requirements of R645-302-317 and other environmental protection performance and reclamation standards for mining and reclamation of prime farmland of the State Program.

316.500. The aggregate total prime farmland acreage shall not be decreased from that which existed prior to mining. Water bodies, if any, to be constructed during mining and reclamation operations must be located within the post-reclamation non-prime farmland portions of the permit area. The creation of any such water bodies must be approved by the Division and the consent of all affected property owners within the permit area must be obtained.

.....

KEY: reclamation, coal mines
[December 12, 1997]1999
Notice of Continuation June 6, 1997

40-10-1 et seq.



Natural Resources; Oil, Gas and Mining; Coal
R645-400-100
General Information on Authority and Procedures

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22218
FILED: 07/30/1999, 12:00
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes made in this rule action are made in response to a federal mandate (Pub. L. No. 95-87) to form a Utah Coal Regulatory Program that is no less effective than the federal program.

SUMMARY OF THE RULE OR CHANGE: This change modifies the standards for the frequency of inspections at abandoned sites so that the Utah Coal Regulatory Program is no less effective than the federal program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5

FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 95-87, The Surface Mining Control and Reclamation Act

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost is anticipated at this time from these changes due to their minor effect on the coal regulatory program requirements.

❖LOCAL GOVERNMENTS: The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.

❖OTHER PERSONS: The changes made in these rule amendments to actual on-the-ground compliance measures for coal mining operations are minor. Because the standard is already established at the federal level, there will be no impact from these rules.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be coal mine operators; their compliance would not be changed significantly from these rule changes as no new demands or requirements are created from this action. The standard already exists at the federal level.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Fiscal impact to business is neutral since federal rules of identical effectiveness prevail if state rules do not exist.

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

Natural Resources
Oil, Gas and Mining; Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 09/14/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/25/1999, 10:00 a.m., Suite 1040A, 1594 West North Temple, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

R645. Natural Resources; Oil, Gas and Mining; Coal.**R645-400. Inspection and Enforcement: Division Authority and Procedures.****R645-400-100. General Information on Authority and Procedures.**

110. Right of Entry.

111. Within the State of Utah, Division representatives may enter upon and through any coal exploration or coal mining and reclamation operation without advance notice upon presentation of appropriate credentials. No search warrant will be required, except that the State may provide for its use with respect to entry into a building.

112. Division representatives may inspect any monitoring equipment or method of exploration or operation and have access to and may copy any records required under the approved State Program. Division representatives may exercise these rights at reasonable times, without advance notice, upon presentation of appropriate credentials. No search warrant will be required, except that the State may provide for its use with respect to entry into a building.

120. Enforcement Authority. Nothing in the Federal Act or the State Program will be construed as eliminating any additional enforcement rights or procedures which are available under State law to the Division, but which are not specifically enumerated in Sections 40-10-20 and 40-10-22 of the Act.

130. Inspection Program.

131. The Division will conduct an average of at least one partial inspection per month of each active coal mining and reclamation operation under its jurisdiction, and will conduct a partial inspection of each inactive coal mining and reclamation operation under its jurisdiction as are necessary to ensure effective enforcement of the State Program. A partial inspection is an on-site or aerial review of a person's compliance with some of the permit conditions and requirements imposed under the State Program.

132. The Division will conduct an average of at least one complete inspection per calendar quarter of each active or inactive coal mining and reclamation operation under its jurisdiction. A complete inspection is an on-site review of a person's compliance with all permit conditions and requirements imposed under the State Program, within the entire area disturbed or affected by the coal mining and reclamation operation. Abandoned sites may be inspected on a frequency as determined by the procedures set out in the definition of "abandoned sites" which is found in R645-100-200.

133. The Division will conduct inspections of coal explorations as are necessary to ensure compliance with the State Program.

134. Aerial Inspection.

134.100. Aerial inspections will be conducted in a manner which reasonably ensures the identification and documentation of conditions at each coal mining and reclamation operation inspected.

134.200. Any potential violation observed during an aerial inspection will be investigated on-site within three (3) days: provided, that any indication of a condition, practice or violation constituting cause for the issuance of a cessation order under section 40-10-22(1)(b) of the Act will be investigated on site immediately, and provided further, that an on-site investigation of a potential violation observed during an aerial inspection will not

be considered to be an additional partial or complete inspection for the purposes of R645-400-131 and R645-400-132.

135. The inspections required under R645-400-131 through R645-400-134 will:

135.100. Be carried out on an irregular basis, so as to monitor compliance at all operations, including those which operate nights, weekends, or holidays;

135.200. Occur without prior notice to the permittee or any agent or employee of such permittee, except for necessary on-site meetings; and

135.300. Include the prompt filing of inspection reports adequate to enforce the requirements of the approved State Program.

136. For the purposes of R645-400 an inactive coal mining and reclamation operation is one for which:

136.100. The Division has secured from the permittee the written notice provided for under R645-301-515.320; or

136.200. Reclamation Phase II as defined at R645-301-880.320 has been completed and the liability of the permittee has been reduced by the Division in accordance with the State Program.

140. Availability of Records.

141. The Division will make available to the Director of the Office, upon request, copies of all documents relating to applications for and approvals of existing, new, or revised coal exploration approvals or coal mining and reclamation operations permits and all documents relating to inspection and enforcement actions.

142. Copies of all records, reports, inspection materials, or information obtained by the Division will be made immediately available to the public in the area of mining until at least five years after expiration of the period during which the subject operation is active or is covered by any portion of a reclamation bond so that they are conveniently available to residents of that area, except:

142.100. As otherwise provided by federal law; and

142.200. For information not required to be made available under R645-203, R645-300-124 or R645-400-144.

143. The Division will ensure compliance with R645-400-142 by either:

143.100. Making copies of all records, reports, inspection materials, and other subject information available for public inspection at a federal, Utah or local government office in the county where the mining is occurring or proposed to occur; or

143.200. At the Division's option and expense, providing copies of subject information promptly by mail at the request of any resident of the area where the mining is occurring or is proposed to occur. Provided, that the Division will maintain for public inspection, at a federal, Utah or local government office in the county where the mining is occurring or proposed to occur, a description of the information available for mailing and the procedure for obtaining such information.

144. In order to protect preparation for hearings and enforcement proceedings, the Director of the Office and the Division may enter into agreements regarding procedures for the special handling of investigative and enforcement reports and other such materials.

150. Public Participation. The State Program provides for public participation in the enforcement of the State Program in R645-400-200, R645-400-300, R645-401, and the Board's Procedural Rules.

160. Compliance Conference.

161. Compliance conferences between a permittee and an authorized representative of the Division are provided for and described in R645-400-162 through R645-400-165.

162. A permittee may request an on-site compliance conference with an authorized representative of the Division to review the compliance status of any condition or practice proposed at any coal exploration or coal mining and reclamation operation. Any such conference will not constitute an inspection within the meaning of UCA 40-10-22 and R645-400-130, or any applicable permit or exploration approval.

163. The Division may accept or refuse any request to conduct a compliance conference under R645-400-162.

164. The authorized representative at any compliance conference will review such proposed conditions and practices in order to advise whether any such condition or practice may become a violation of any requirement of the Act, the approved State Program or any applicable permit or exploration approval.

165. Neither the holding of a compliance conference under this section nor any opinion given by the authorized representative at such a conference will affect:

165.100. Any rights or obligations of the Division or of the permittee with respect to any inspection, notice of violation or cessation order, whether prior or subsequent to such compliance conference; or

165.200. The validity of any notice of violation or cessation order issued with respect to any condition or practice reviewed at the compliance conference.

KEY: reclamation, coal mines
[1990]1999
Notice of Continuation June 15, 1995

40-10-1 et seq.

◆ **—————** ◆
**Natural Resources; Oil, Gas and
Mining; Coal**
R645-401-800
Requests for Formal Hearing

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 22219
FILED: 07/30/1999, 12:00
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes made in this rule action are made in response to a federal mandate (Pub. L. No. 95-87) to form a Utah Coal Regulatory Program that is no less effective than the federal program.

SUMMARY OF THE RULE OR CHANGE: This change modifies the time period provided for the contest of civil penalties so that

the Utah Coal Regulatory Program is no less effective than the federal program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5
FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 95-87, The Surface Mining Control and Reclamation Act

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost is anticipated at this time from these changes due to their minor effect on the coal regulatory program requirements.

❖LOCAL GOVERNMENTS: The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.

❖OTHER PERSONS: The changes made in these rule amendments to actual on-the-ground compliance measures for coal mining operations are minor. Because the standard is already established at the federal level, there will be no impact from these rules.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be coal mine operators; their compliance would not be changed significantly from these rule changes as no new demands or requirements are created from this action. The standard already exists at the federal level.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Fiscal impact to business is neutral since federal rules of identical effectiveness prevail if state rules do not exist.

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

Natural Resources
Oil, Gas and Mining; Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 09/14/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/25/1999, 10:00 a.m., Suite 1040A, 1594 West North Temple, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

R645. Natural Resources; Oil, Gas and Mining; Coal.**R645-401. Inspection and Enforcement: Civil Penalties.****R645-401-800. Requests for Formal Hearing.**

810. A permittee charged with a violation may contest the proposed penalty or the fact of the violation by submitting (a) a petition to the Board and (b) an amount equal to the proposed penalty or, if a conference has been held, the reassessed or affirmed penalty to the Division (to be held in escrow as provided in R645-401-820) within 30 days of receipt of the proposed assessment or reassessment, or ~~[15]~~30 days from the date of service of the conference officer's action, whichever is later, but in every case, the penalty must be escrowed prior to commencement of the formal hearing.

820. The Division will transfer all funds submitted under R645-401-810 to an escrow fund pending completion of the administrative and judicial review process, at which time it will disburse them as provided in R645-401-920 or R645-401-930.

830. Formal review of the violation fact or penalty will be conducted by the Board under the provisions of the procedural rules of the Board (R641 Rules). The fact of the violation may not be contested if the fact has been finally decided before the Board under R645-400-360.

KEY: reclamation, coal mines**[April 1, 1995]1999****40-10-1 et seq.****Notice of Continuation April 19, 1999**

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

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

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

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) 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 September 14, 1999. At its option, the agency may hold public hearings.

From the end of the waiting period through December 13, 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.

The Changes in Proposed Rules Begin on the Following Page.

Commerce, Occupational and
Professional Licensing
R156-38
Residence Lien Restriction and Lien
Recovery Fund Rules

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 22109
FILED: 08/02/1999, 11:40
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After a public hearing and further Division and Board review, changes are being made in the proposed rules. It should be noted that in the previous rule filing, the rule analysis form indicated that the statutory changes to the Lien Recovery Fund's Act became effective July 1, 1999, when the changes were actually effective May 3, 1999, as was indicated in the DAR's Note.

SUMMARY OF THE RULE OR CHANGE: Deleted Subsection R156-38-204a(6)(d), which indicated that a return of execution of any writ of execution should be provided with a claim against the Fund by nonlaborers. This paragraph was accidentally not deleted in the original rule filing. Amended Section R156-38-204d regarding payments from the Fund for attorney fees in order to: (1) simplify the language regarding application of the attorney fee schedule; and (2) add a provision allowing the division director discretion not to apply the attorney fee schedule in extraordinary cases.

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the July 1, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 38-11-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Lien Recovery Fund (LRF) is a self-funded program funded by contractor license assessments. Therefore, there is no cost or savings impact to the state budget.

❖LOCAL GOVERNMENTS: Proposed rules do not apply to local governments; therefore, no cost or savings impact.

❖OTHER PERSONS: The LRF will be impacted by the addition of Subsection R156-38-204d(3), which allows the division director discretion to approve the payment of attorney fees beyond the amounts listed in the prior schedule. However, until some data is collected on this new provision, it would be difficult to estimate the amount of impact on the Fund.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The LRF will be impacted by the addition of Subsection R156-38-204d(3), which allows the division director discretion to approve the payment of attorney fees beyond the amounts listed in the prior schedule. However, until some data is collected on this

new provision, it would be difficult to estimate the amount of impact on the Fund.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This is an amendment to the proposed rule amendment previously reviewed by me on June 14, 1999. The purpose of this additional amendment is to allow the division director, at his discretion, to exceed the attorney fee schedule in extraordinary cases. Since the LRF is self-funded, any expenses incurred as a result of this proposed change will be absorbed by the program and will not impact the state budget nor have any effect on local governments. If extraordinary attorney fees are awarded, it will have a fiscal impact on the fund, which could filter to the licensees who fund it through assessments. However, it would be highly speculative to even attempt to put a figure on such impact until there has been some experience--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:

W. Earl Webster at the above address, by phone at (801) 530-7632, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.webster@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 09/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-38. Residence Lien Restriction and Lien Recovery Fund Rules.**

R156-38-204a. Claims Against the Fund by Nonlaborers - Supporting Documents and Information.

The following supporting documents shall, at a minimum, accompany each nonlaborer claim for recovery from the fund:

(1) one of the following:

(a) a copy of the written contract:

(i) between the owner of the owner-occupied residence or the owner's agent and the original contractor for the performance of qualified services, to obtain the performance of qualified services by others, or for the supervision of the performance by others of qualified services in construction on the residence; or

(ii) between the owner of the owner-occupied residence or the owner's agent and the real estate developer for the purchase of an owner-occupied residence; or

(b) a copy of a civil judgment containing a finding that the owner of the owner-occupied residence entered into a written contract in compliance the requirements of Subsection 38-11-204(3)(a);

(2) if the claim involves an original contractor, documentation that the original contractor is licensed or exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act;

(3) one of the following:

(a) an affidavit from the original contractor or real estate developer acknowledging that the owner of the owner-occupied residence paid the original contractor or real estate developer in full in accordance with the written contract and any amendments to the contract;

(b) a copy of a civil judgment containing a finding that the owner of the owner-occupied residence paid the original contractor or real estate developer in full in accordance with the written contract and any amendments to the contract; or

(c) documentation that the claimant has been prevented from satisfying Subsections (a) and (b), together with independent evidence establishing that the owner of the owner-occupied residence paid the original contractor or real estate developer in full in accordance with the written contract and any amendments to the contract;

(4) one or more of the following as required:

(a) a copy of an action date stamped by a court of competent jurisdiction filed by the claimant against an original contractor, subcontractor or real estate developer described in Subsection 38-11-204(3)(c) to recover monies owed for qualified services provided, filed within 180 days from the date the claimant last provided qualified services; and

(b) a copy of the Notice of Commencement of Action filed with the division; or

(c) documentation that a bankruptcy filing by the original contractor, subcontractor or real estate developer prevented claimant from satisfying Subsections (a) and (b);

(5) one of the following:

(a) a copy of a civil judgment entered in favor of claimant against the original contractor, subcontractor or real estate developer containing a finding that the original contractor, subcontractor or real estate developer failed to pay the claimant pursuant to their contract with the claimant and any amendments to the contract; or

(b) documentation that a bankruptcy filing by the original contractor, subcontractor or real estate developer prevented the claimant from obtaining such a civil judgment, together with independent evidence establishing that the original contractor, subcontractor or real estate developer failed to pay the claimant pursuant to their contract with the claimant and any amendments to the contract;

(6) one or more of the following as required:

(a) a copy of a supplemental order issued following the civil judgment entered in favor of claimant;

(b) a copy of the return of service of the supplemental order indicating either that service was accomplished on the original contractor, subcontractor or real estate developer or that said contractor or developer could not be located or served;

(c) a writ of execution issued if any assets are identified through the supplemental order or other process, which have

sufficient value to reasonably justify the expenditure of costs and legal fees which would be incurred in preparing, issuing, and serving execution papers and in holding an execution sale; and

(d) ~~[a return of execution of any writ of execution; or~~
~~(e)]~~documentation that a bankruptcy filing or other action by the original contractor or real estate developer prevented the claimant from satisfying Subparagraphs (a) through (d);

(7) certification that the claimant is not entitled to reimbursement from any other person at the time the claim is filed and that the claimant will immediately notify the presiding officer if the claimant becomes entitled to reimbursement from any other person after the date the claim is filed; and

(8) one of the following:

(a) an affidavit from the owner establishing that the owner is an owner as defined in Subsection 38-11-102(12) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102(13);

(b) a copy of a civil judgment containing a finding that the owner is an owner as defined by Subsection 38-11-102(12) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102(13); or

(c) documentation that the claimant has been prevented from obtaining an owner-occupied residence affidavit together with independent evidence establishing that the owner is an owner as defined by Subsection 38-11-102(12) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102(13).

(9) one or more of the following:

(a) a copy of invoices supporting the qualified services claimed;

(b) a copy of a civil judgment containing a finding as to the dates the qualified services claimed were provided and the value of the qualified services claimed; or

(c) independent evidence of the dates the qualified services were provided and the value of the claimed qualified services.

(10) In claims in which the presiding officer determines that the claimant has made a reasonable but unsuccessful effort to produce all documentation specified under this rule to satisfy any requirement to recover from the fund, the presiding officer may elect to accept the evidence submitted by the claimant if the requirements to recover from the fund can be established by that evidence.

(11) A separate claim must be filed for each residence, and a separate filing fee must be paid for each claim.

R156-38-204d. Calculation of Costs, Attorney Fees and Interest for Payable Claims.

(1) Payment for qualified services, costs, and interest shall be made as specified in Section 38-11-203.

(2) For ~~[informal]~~ claims determined by the division to be payable from the fund, the division shall order payment of ~~[pre-judgment and post-judgment]~~ attorney fees in an amount not exceeding the following:

(a) If a civil judgment awards a specific dollar amount for attorney fees, the division shall order payment as ordered in the civil judgment, to the extent that the attorney fees are attributable to the owner-occupied residence at issue in the claim.

(b) ~~[If a civil judgment awards claimant attorney fees other than in a specific dollar amount;]~~ Otherwise, the division shall order payment of reasonable attorney fees, documented according to the

provisions of Rule 4-505, Utah Code of Judicial Administration, subject to the following limitations:

(i) if the payable amount of qualified services is \$3,000 or less, not more than 33% of the value of the qualified services and not exceeding \$750;

(ii) if the payable amount of qualified services is greater than \$3,000 and \$10,000 or less, not more than 25% of the value of qualified services and not exceeding \$2,000; or

(iii) if the payable amount of qualified services is greater than \$10,000, attorney fees in an amount of not more than 20% of the value of qualified services and not exceeding \$7,000.

(3) ~~[For formal claims determined by the division to be payable from the fund, the division shall order payment of reasonable attorney fees to the extent that they are attributable to the owner-occupied residence at issue in the claim, documented according to the provisions of Rule 4-505, Utah Code of Judicial Administration, and not exceeding \$3,000 or 33% of the value of the payable qualified services.]~~The above limits may be waived by the director in those unique claims where manifest injustice would otherwise result. The burden is on the claimant to demonstrate manifest injustice.

**KEY: licensing, contractors, liens
1999**

**38-11-101
58-1-106(1)
58-1-202(1)**



End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

Commerce, Consumer Protection **R152-16** Motor Fuel Marketing Act Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22211
FILED: 07/29/1999, 07:19
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 13-16-12 states: "In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act the division may issue rules to administer and enforce this chapter" ("Motor Fuel Marketing Act"). Subsection 13-2-5(1) states: "The director has authority to: (1) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, issue rules to administer and enforce the chapters listed in Section 13-2-1" ("Enabling Act," as per Subsection 13-2-1(5), lists "Chapter 16, Motor Fuel Marketing Act").

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule clarifies the requirements of Title 13, Chapter 16, "Motor Fuel Marketing Act," in that it: 1) expands on definitions used in implementing the Act, and 2) sets forth in specificity the cost computation equation utilized in implementing Subsection 13-6-2(2). The rule as such allows the Division to more efficiently implement the Act through uniformity, while at the

same time informing affected parties and the public of such standards.

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

Commerce
Consumer Protection
Second Floor, Heber M. Wells Building
160 East 300 South
PO Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mark E. Kleinfeld at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or Internet E-mail at mkleinfi@email.state.ut.us.

AUTHORIZED BY: Francine A. Giani, Director

EFFECTIVE: 07/29/1999

Commerce, Consumer Protection **R152-21** Credit Services Organizations Act Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22212
FILED: 07/29/1999, 07:19
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE

PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 13-2-5(1) states: "The director has authority to: (1) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, issue rules to administer and enforce the chapters listed in Section 13-2-1" ("Enabling Act," as per Subsection 13-2-1(7), lists "Chapter 21, Credit Services Organizations Act").

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule clarifies the requirements of Title 13, Chapter 21, "Credit Services Organizations Act," in that it: 1) supplements definitions used in implementing the Act, and 2) delineates with specificity what constitutes a factual basis for a justified credit report challenge, and what constitutes a fraudulent practice in violation of Section 13-21-3 by a credit services organization. The rule as such allows the Division to more efficiently implement the Act through uniformity, while at the same time informing affected parties and the public of such standards.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Commerce
Consumer Protection
Second Floor, Heber M. Wells Building
160 East 300 South
PO Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Mark E. Kleinfeld at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or Internet E-mail at mkleinfi@email.state.ut.us.

AUTHORIZED BY: Francine A. Giani, Director

EFFECTIVE: 07/29/1999

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**Commerce, Occupational and
Professional Licensing**
R156-44a
Nurse Midwife Practice Act Rules

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

DAR FILE No.: 22200
FILED: 07/22/1999, 11:34
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: Title 58, Chapter 44a, provides for the licensing of certified nurse midwives. Subsection 58-1-106(1) provides the Division may adopt and enforce rules to administer Title 58. Subsection 58-44a-201(3) provides that the Certified Nurse Midwife Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend to the division director appropriate rules. These rules were enacted to clarify the provisions of Title 58, Chapter 44a, with respect to certified nurse midwives.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted in 1994, several amendments have been made to the rule. However, no written comments have been received with respect to the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58, Chapter 44a, with respect to certified nurse midwives.

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:
Laura Poe at the above address, by phone at (801) 530-6789, by FAX at (801) 530-6511, or Internet E-mail at brdopl.lpoe@email.state.ut.us.

AUTHORIZED BY: A. Gary Bowen, Director

EFFECTIVE: 07/22/1999

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Commerce, Occupational and
Professional Licensing
R156-61
Psychologist Licensing Act Rules

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

DAR FILE No.: 22201
FILED: 07/22/1999, 11:34
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: Title 58, Chapter 61, provides for the licensing of psychologists. Subsection 58-1-106(1) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-61-201(3) provides that the Psychologist Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend to the division director appropriate rules. These rules were enacted to clarify the provisions of Title 58, Chapter 61, with respect to psychologists.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted in 1994, several amendments have been made to it. When the rule was originally proposed in July 1994, the Division did receive two written comments, submitted during the rule hearing of July 18, 1994, which suggested additional changes be made to the proposed rule. Dr. Ruster suggested that three of the proposed sections inappropriately discriminated against certain applicants for licensure and did not serve the purpose of measuring the competency of those applicants. The Psychology Board and Division indicated that the issues raised in Dr. Ruster's letter should be studied further and that any warranted changes would be filed at a later date. No additional written comments have been received with respect to the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58, Chapter 61, with respect to psychologists.

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:
Laura Poe at the above address, by phone at (801) 530-6789, by FAX at (801) 530-6511, or Internet E-mail at brdopl.lpoe@email.state.ut.us.

AUTHORIZED BY: A. Gary Bowen, Director

EFFECTIVE: 07/22/1999

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Workforce Services, Workforce
Information and Payment Services

R994-309

Nonprofit Organizations

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

DAR FILE No.: 22197
FILED: 07/20/1999, 15:50
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 Section 35A-4-309, which addresses how nonprofit organizations elect the method of paying for benefits, the effective period of such election, reimbursement methods, billing collection and procedures, the right to a notice of any determination, and various appeal rights. Subsection 35A-4-502(2)(a) of the Employment Security Act grants rulemaking authority to the Department of Workforce Services.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule further explains how nonprofit organizations elect the method of paying for benefits, the effective period of such election, reimbursement methods, billing and collection procedures, and the right to notice and appeal. For the orderly administration of the unemployment insurance program, it is necessary to have rules that define what constitutes a nonprofit organization within the meaning of the Act, how payment election options will be handled, the nonprofit's

liability when changing a payment method, a reimbursable employer's liability for benefits paid, how monthly billings will be handled, and the Department's responsibility to maintain records.

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

Workforce Services
Workforce Information and Payment Services
Fourth Floor
140 East 300 South
PO Box 45249
Salt Lake City, UT 84145, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Christopher W. Love at the above address, by phone at (801) 526-9291, by FAX at (801) 526-9800, or Internet E-mail at wsadmpo.clove@email.state.ut.us.

AUTHORIZED BY: Robert C. Gross, Executive Director

EFFECTIVE: 07/20/1999

specifies the authority to approve an employer's voluntary election to be covered under the Act. For the orderly administration of the unemployment insurance program, it is necessary to have rules that define when coverage will be terminated and who has the authority to approve an employing unit's election to become covered.

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

Workforce Services
Workforce Information and Payment Services
Fourth Floor
140 East 300 South
PO Box 45249
Salt Lake City, UT 84145, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Christopher W. Love at the above address, by phone at (801) 526-9291, by FAX at (801) 526-9800, or Internet E-mail at wsadmpo.clove@email.state.ut.us.

AUTHORIZED BY: Robert C. Gross, Executive Director

EFFECTIVE: 07/20/1999

Workforce Services, Workforce Information and Payment Services
R994-310
Coverage

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22198
FILED: 07/20/1999, 15:50
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 Section 35A-4-309, which addresses when an employing unit becomes subject to the Act. Subsection 35A-4-502(2)(a) of the Employment Security Act grants rulemaking authority to the Department of Workforce Services.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule defines when coverage under the Act will be terminated and

Workforce Services, Workforce Information and Payment Services
R994-311
Governmental Units

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22199
FILED: 07/20/1999, 15:50
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 Section 35A-4-311, which describes how governmental units elect the method of paying for unemployment insurance benefits, the effective period of such election, billing and collection procedures for the reimbursement method, and appeal rights related to the election. Subsection 35A-4-502(2)(a) of the Employment Security Act grants rulemaking authority to the Department of Workforce Services.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule identifies how governmental units elect the method of paying for benefits, the effective period of such election, billing and collection procedures, and appeal rights related to the election. For the orderly administration of the unemployment insurance program, it is necessary to have rules that define what constitutes a governmental unit, how payment election options will be handled, the governmental units liability when changing a payment method, a reimbursable employer's liability for benefits paid, how monthly billings will be handled, and the Department's responsibility to maintain records.

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

Workforce Services
Workforce Information and Payment Services
Fourth Floor
140 East 300 South
PO Box 45249
Salt Lake City, UT 84145, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Christopher W. Love at the above address, by phone at (801) 526-9291, by FAX at (801) 526-9800, or Internet E-mail at wsadmpo.clove@email.state.ut.us.

AUTHORIZED BY: Robert C. Gross, Executive Director

EFFECTIVE: 07/20/1999

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule defines records an employing unit must keep and to which the Department may have access. The rule further outlines the rules for confidentiality of the records and the exceptions to those rules. For the orderly administration of the unemployment insurance program, it is necessary to have rules that define what records an employer must keep and that further define the parameters and circumstances under which individuals or other entities would have access to Department records.

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

Workforce Services
Workforce Information and Payment Services
Fourth Floor
140 East 300 South
PO Box 45277
Salt Lake City, UT 84145-0277, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Christopher W. Love at the above address, by phone at (801) 526-9291, by FAX at (801) 526-9800, or Internet E-mail at wsadmpo.clove@email.state.ut.us.

AUTHORIZED BY: Robert C. Gross, Executive Director

EFFECTIVE: 07/30/1999

◆ ————— ◆
**Workforce Services, Workforce
Information and Payment Services**
R994-312
**Employment Units Records -
Confidential**

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

DAR FILE NO.: 22220
FILED: 07/30/1999, 13:20
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 Section 35A-4-312, which addresses the confidentiality of an employing unit's records. Subsection 35A-4-502(2)(a) of the Employment Security Act grants rulemaking authority to the Department of Workforce Services.



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

NOTICES OF RULE EFFECTIVE DATES

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

Abbreviations

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

Administrative Services

Records Committee

No. 22069 (NEW): R35-2. Declining Appeal Hearings.

Published: June 15, 1999
Effective: July 16, 1999

No. 22070 (NEW): R35-3. Prehearing Conferences.
Published: June 15, 1999
Effective: July 16, 1999

No. 22071 (NEW): R35-4. Compliance with State Records Committee Decisions and Orders.
Published: June 15, 1999
Effective: July 16, 1999

No. 22072 (NEW): R35-5. Subpoenas Issued by the Records Committee.
Published: June 15, 1999
Effective: July 16, 1999

No. 22073 (NEW): R35-6. Expedited Hearing.
Published: June 15, 1999
Effective: July 16, 1999

Commerce

Consumer Protection

No. 22032 (AMD): R152-2-10. Deposits and Refunds.

Published: June 1, 1999
Effective: August 2, 1999

Occupational and Professional Licensing

No. 22084 (AMD): R156-55a. Utah Construction Trades Licensing Act Rules.

Published: June 15, 1999
Effective: July 19, 1999

No. 22085 (AMD): R156-60a. Social Worker Licensing Act Rules.

Published: June 15, 1999
Effective: July 19, 1999

Real Estate

No. 22060 (AMD): R162-101-2. Definitions.

Published: June 15, 1999
Effective: July 16, 1999

No. 22061 (AMD): R162-102. Licensing Procedures.

Published: June 15, 1999
Effective: July 16, 1999

No. 22062 (AMD): R162-103. Appraisal Education Requirements for Prelicense and Continuing Education Course, School and Instructor Certification.

Published: June 15, 1999
Effective: July 16, 1999

No. 22063 (AMD): R162-104. Experience Requirement.

Published: June 15, 1999
Effective: July 16, 1999

No. 22064 (NEW): R162-105. Scope of Authority.

Published: June 15, 1999
Effective: July 16, 1999

No. 22065 (AMD): R162-106. Professional Conduct.

Published: June 15, 1999
Effective: July 16, 1999

No. 22066 (AMD): R162-107. Unprofessional Conduct.

Published: June 15, 1999
Effective: July 16, 1999

No. 22067 (AMD): R162-109. Administrative Proceedings.

Published: June 15, 1999
Effective: July 16, 1999

Education

Administration

No. 22097 (AMD): R277-462. Comprehensive Guidance Program.

Published: June 15, 1999
Effective: July 19, 1999

No. 22098 (AMD): R277-709. Education Programs Serving Youth in Custody.

Published: June 15, 1999
Effective: July 19, 1999

No. 22099 (AMD): R277-746. Driver Education Programs for Utah Schools.
Published: June 15, 1999
Effective: July 19, 1999

No. 22100 (NEW): R277-916. Technology, Life, and Careers, and Work-Based Learning Programs.
Published: June 15, 1999
Effective: July 19, 1999

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 22068 (AMD): R414-305. Resources.
Published: June 15, 1999
Effective: July 22, 1999

Human Resource Management

Administration

No. 22047 (AMD): R477-8. Working Conditions.
Published: June 1, 1999
Effective: July 19, 1999

Human Services

Recovery Services

No. 22090 (REP): R527-69. State and Federal Parent Locator Services.
Published: June 15, 1999
Effective: July 16, 1999

End of the Notices of Rule Effective Dates Section

Insurance

Administration

No. 21942 (CPR): R590-102. Insurance Department Fee Payment Deadlines.
Published: June 15, 1999
Effective: July 28, 1999

No. 22082 (AMD): R590-190. Unfair Property, Liability and Title Claims Settlement Practices Rule.
Published: June 15, 1999
Effective: July 28, 1999

Natural Resources

Wildlife Resources

No. 22076 (AMD): R657-5. Taking Big Game.
Published: June 15, 1999
Effective: July 16, 1999

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 August 2, 1999, the effective dates of which are no later than August 15, 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 repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>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
R35-2	Declining Appeal Hearings	22069	NEW	07/16/99	99-12/6
R35-3	Prehearing Conferences	22070	NEW	07/16/99	99-12/7
R35-4	Compliance with State Records Committee Decisions and Orders	22071	NEW	07/16/99	99-12/8

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R35-5	Subpoenas Issued by the Records Committee	22072	NEW	07/16/99	99-12/9
R35-6	Expedited Hearing	22073	NEW	07/16/99	99-12/10
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-5	Grazing Advisory Boards	21884	5YR	02/22/99	99-6/27
<u>Plant Industry</u>					
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>					
R70-530-6	Water, Plumbing and Waste	22056	NSC	06/01/99	Not Printed
R70-630	Water Vending Machine	22057	AMD	07/06/99	99-11/19
COMMERCE					
<u>Consumer Protection</u>					
R152-2-10	Deposits and Refunds	22032	AMD	08/02/99	99-11/23
R152-16	Motor Fuel Marketing Act Rules	22211	5YR	07/29/99	99-16/49
R152-21	Credit Services Organizations Act Rules	22212	5YR	07/29/99	99-16/49
<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
R156-44a	Nurse Midwife Practice Act Rules	22200	5YR	07/22/99	99-16/50
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
R156-55a	Utah Construction Trades Licensing Act Rules	22084	AMD	07/19/99	99-12/11
R156-56	Utah Uniform Building Standard Act Rules	22008	AMD	07/01/99	99-10/5
R156-60a	Social Worker Licensing Act Rules	22085	AMD	07/19/99	99-12/12
R156-61	Psychologist Licensing Act Rules	22201	5YR	07/22/99	99-16/51
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

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Real Estate					
R162-2-2	Licensing Procedure	21967	AMD	06/03/99	99-9/3
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
R162-101-2	Definitions	22060	AMD	07/16/99	99-12/25
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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
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R590-120	Surety Bond Forms	21339	CPR (Second)	06/04/99	99-9/97
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R590-170	Fiduciary and Trust Account Obligations	21725	NEW	see CPR	98-24/95
R590-170	Fiduciary and Trust Account Obligations	21725	CPR	03/18/99	99-3/62
R590-175	Basic Health Care Plan Rule	21792	AMD	03/11/99	99-3/29
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule	21767	NEW	see CPR	99-2/47
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule	21767	CPR	05/26/99	99-8/64
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule	22082	AMD	07/28/99	99-12/81
R590-191	Unfair Life Insurance Claims Settlement Practices Rule	21781	NEW	see CPR	99-3/30
R590-191	Unfair Life Insurance Claims Settlement Practices Rule	21781	CPR	05/25/99	99-8/69
R590-194	Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism	21765	NEW	03/23/99	99-2/52
R590-195	Rental Car Related Licensing Rule	21848	NEW	04/22/99	99-5/36
R590-195	Rental Car Related Licensing Rule	21943	NSC	05/01/99	Not Printed
LABOR COMMISSION					
<u>Adjudication</u>					
R602-2-1	Pleadings and Discovery	21845	AMD	04/05/99	99-5/38
R602-2-4	Attorney Fees	21846	AMD	04/05/99	99-5/40
<u>Antidiscrimination and Labor, Labor</u>					
R610-4	Employment Agency Licensing	22040	NEW	07/02/99	99-11/43
<u>Occupational Safety and Health</u>					
R614-1-4	Incorporation of Federal Standards	21847	AMD	04/05/99	99-5/41
R614-1-4	Incorporation of Federal Standards	22038	AMD	07/02/99	99-11/46
R614-1-7	Inspections, Citations, and Proposed Penalties	22039	AMD	07/02/99	99-11/47
R614-4-4	Explosive Materials, General Requirements	21983	NSC	05/13/99	Not Printed

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R616-2	Boiler and Pressure Vessel Rules	22036	AMD	07/02/99	99-11/53
R616-3	Elevator Rules	21454	AMD	01/28/99	98-19/84
R616-3	Elevator Rules	22037	AMD	07/02/99	99-11/56
R616-3-18	Classification of Proceeding for Purposes of Utah Administrative Procedures Act	21944	NSC	05/01/99	Not Printed
LIEUTENANT GOVERNOR					
<u>Administration</u>					
R622-2	Use of the Great Seal of the State of Utah	21963	NEW	06/22/99	99-9/84
MONEY MANAGEMENT COUNCIL					
<u>Administration</u>					
R628-2	Investment of Funds of Member Institutions of the State System of Higher Education	21941	AMD	06/01/99	99-8/21
NATURAL RESOURCES					
<u>Energy and Resources Planning</u>					
R637-1	Utah Energy Savings Systems Tax Credit (ESSTC) Rules	22029	AMD	07/30/99	99-11/59
<u>Oil, Gas and Mining: Coal</u>					
R645-101	Restrictions on State Employees	21976	5YR	04/19/99	99-10/110
R645-104	Protection of Employees	21977	5YR	04/19/99	99-10/110
R645-401	Inspection and Enforcement: Civil Penalties	21978	5YR	04/19/99	99-10/111
<u>Oil, Gas and Mining: Non-Coal</u>					
R647-2	Exploration	21757	AMD	02/26/99	99-2/54
R647-3	Small Mining Operations	21758	AMD	02/26/99	99-2/55
R647-4	Large Mining Operations	21759	AMD	02/26/99	99-2/56
<u>Oil, Gas and Mining: Oil and Gas</u>					
R649-6	Gas Processing and Waste Crude Oil Treatment	21979	5YR	04/19/99	99-10/111
<u>Parks and Recreation</u>					
R651-206	Carrying Passengers for Hire	21924	AMD	05/18/99	99-8/23
R651-407	Off-Highway Vehicle Advisory Council	22125	5YR	06/29/99	99-14/81
R651-408	Off-Highway Vehicle Education Curriculum Standards	22126	5YR	06/29/99	99-14/81
R651-601	Definitions as Used in These Rules	22127	5YR	06/29/99	99-14/82
R651-602	Aircraft and Powerless Flight	22128	5YR	06/29/99	99-14/82
R651-603	Animals	22129	5YR	06/29/99	99-14/83
R651-604	Audio Devices	22130	5YR	06/29/99	99-14/83
R651-605	Begging and Soliciting	22131	5YR	06/29/99	99-14/84
R651-606	Camping	22132	5YR	06/29/99	99-14/84
R651-607	Disorderly Conduct	22133	5YR	06/29/99	99-14/85

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R651-609	Explosives and Fireworks	22135	5YR	06/29/99	99-14/86
R651-610	Expulsion	22136	5YR	06/29/99	99-14/86
R651-612	Firearms, Traps and Other Weapons	22137	5YR	06/29/99	99-14/87
R651-613	Fires	22138	5YR	06/29/99	99-14/87
R651-614	Fishing	22139	5YR	06/29/99	99-14/88
R651-615	Motor Vehicle Use	22140	5YR	06/29/99	99-14/88
R651-616	Organized Sports	22141	5YR	06/29/99	99-14/89
R651-617	Permit Violation	22142	5YR	06/29/99	99-14/89
R651-618	Picnicking	22143	5YR	06/29/99	99-14/90
R651-619	Possession of Alcoholic Beverages or Controlled Substances	22144	5YR	06/29/99	99-14/90
R651-620	Protection of Public Property, Features and Resources	22145	5YR	06/29/99	99-14/91
R651-621	Reports of Injury or Damage	22146	5YR	06/29/99	99-14/91
R651-622	Rock Climbing	22147	5YR	06/29/99	99-14/92
R651-623	Sale or Distribution of Printed Material	22148	5YR	06/29/99	99-14/92
R651-624	Sanitation	22149	5YR	06/29/99	99-14/93
R651-625	Shirts and Shoes	22150	5YR	06/29/99	99-14/93
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R651-632	Enforcement	22157	5YR	06/29/99	99-14/97
<u>Forestry, Fire and State Lands</u>					
R652-70-2300	Management of Bear Lake Sovereign Lands	21672	AMD	01/14/99	98-23/36
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R653-2	Financial Assistance from the Board of Water Resources	21736	AMD	02/02/99	99-1/15
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R657-5	Taking Big Game	21717	AMD	01/15/99	98-24/96
R657-5	Taking Big Game	22076	AMD	07/16/99	99-12/87
R657-14	Commercial Harvesting of Protected Aquatic Wildlife	21937	AMD	05/18/99	99-8/25
R657-27	License Agent Procedures	21827	AMD	03/18/99	99-4/51
R657-33	Taking Bear	21938	AMD	05/18/99	99-8/33
R657-37	Cooperative Wildlife Management Units for Big Game	22027	5YR	05/03/99	99-11/75
R657-37	Cooperative Wildlife Management Units for Big Game	21939	AMD	05/18/99	99-8/39
R657-38	Dedicated Hunter Program	21719	AMD	01/15/99	98-24/107

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R657-41	Conservation and Sportsman Permits	21940	AMD	05/18/99	99-8/45
R657-42	Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	21720	AMD	01/15/99	98-24/109
R657-43	Landowner Permits	21721	AMD	01/15/99	98-24/110
PROFESSIONAL PRACTICES ADVISORY COMMISSION					
<u>Administration</u>					
R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	21921	AMD	05/06/99	99-7/31
R686-103	Professional Practices and Conduct for Utah Educators	21922	NEW	05/06/99	99-7/40
PUBLIC SAFETY					
<u>Administration</u>					
R698-4	Certification of the Law Enforcement Agency of a Private College or University	21779	NEW	03/05/99	99-3/33
R698-4	Certification of the Law Enforcement Agency of a Private College or University	21913	NSC	04/01/99	Not Printed
<u>Driver License</u>					
R708-2	Commercial Driver Training Schools	21579	R&R	see CPR	98-22/115
R708-2	Commercial Driver Training Schools	21579	CPR	03/18/99	99-4/61
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
<u>Fire Marshal</u>					
R710-1	Concerns Servicing Portable Fire Extinguishers	21708	AMD	01/15/99	98-24/112
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
R710-9	Rules Pursuant to the Utah Fire Prevention Law	21901	AMD	04/19/99	99-6/21
<u>Highway Patrol</u>					
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
<u>Law Enforcement and Technical Services, Regulatory Licensing</u>					
R724-7	Undercover Driver's License	21929	R&R	06/14/99	99-8/54
R724-9	Licensing of Private Investigators	21934	AMD	06/14/99	99-8/56

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<u>Administration</u>					
R746-100	Practice and Procedure Governing Formal Hearings	21793	AMD	05/17/99	99-3/34
R746-200	Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities	21794	AMD	06/01/99	99-3/41
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
REGENTS (BOARD OF)					
<u>Administration</u>					
R765-607	Utah Higher Education Tuition Assistance Program	21673	NEW	01/04/99	98-23/38
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
<u>Salt Lake Community College</u>					
R784-1	Government Records Access and Management Act Rules	21820	NEW	03/18/99	99-4/57
<u>University of Utah, Museum of Natural History (Utah)</u>					
R807-1	Curation of Collections from State Lands	21966	NEW	06/03/99	99-9/86
SCHOOL AND INSTITUTIONAL TRUST LANDS					
<u>Administration</u>					
R850-20-175	Coal Leasing of Lands Acquired in Public Law 105-335 Exchanges	21909	EXP	03/03/99	99-7/52
R850-40-1600	Easement Assignments	21932	AMD	05/18/99	99-8/58
TAX COMMISSION					
<u>Auditing</u>					
R865-6F-34	Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-7-701	21760	AMD	03/16/99	99-2/58
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
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
R865-7H-1	Environmental Assurance Fee for Retailers or Consumers Not Participating in the Environmental Assurance Program Pursuant to Utah Code Ann. Section 19-6-410.5	21737	NEW	03/16/99	99-1/22
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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R865-7H-3	Environmental Assurance Fee on Exports of Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	21739	NEW	03/16/99	99-1/24
R865-13G-14	Environmental Assurance Fee Pursuant to Utah Code Ann. Section 19-6-410.5	21740	AMD	04/28/99	99-1/25
<u>Motor Vehicle</u>					
R873-22M-20	Aircraft Regulation Pursuant to Utah Code Ann. Sections 2-1-7, 2-1-7.5, 2-1-7.6, and 2-1-7.7	21997	AMD	06/21/99	99-10/88
<u>Property Tax</u>					
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
TRANSPORTATION					
<u>Administration</u>					
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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<u>Motor Carrier, Ports of Entry</u>					
R912-3	Restriction of Truck Traffic on SR-128. Legal and Permitted Vehicles	21799	NSC	01/27/99	Not Printed
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
R912-76	Single Tire Configuration	21801	NSC	01/27/99	Not Printed

WORKFORCE SERVICES

Employment Development

R986-413	Program Standards	21705	AMD	01/20/99	98-24/122
R986-414	Income	21581	AMD	01/20/99	98-22/133
R986-414	Income	21763	AMD	04/08/99	99-2/64
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

Workforce Information and Payment Services

R994-309	Nonprofit Organizations	22197	5YR	07/20/99	99-16/51
R994-310	Coverage	22192	5YR	07/20/99	99-16/52
R994-311	Governmental Units	22199	5YR	07/20/99	99-16/52
R994-312	Employment Units Records - Confidential	22220	5YR	07/30/99	99-16/53
R994-405	Ineligibility for Benefits	21745	AMD	02/17/99	99-2/65
R994-405	Ineligibility for Benefits	21746	AMD	02/17/99	99-2/72
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	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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<u>ACCREDITATION</u>					
Education, Administration	21823	R277-413	NEW	03/22/99	99-4/16
<u>ACID RAIN</u>					
Environmental Quality, Air Quality	21735	R307-417	AMD	03/05/99	99-1/3
	21910	R307-417	5YR	03/05/99	99-7/55
	22042	R307-417-2	NSC	06/01/99	Not Printed
<u>ADMINISTRATIVE LAW</u>					
Human Services, Recovery Services	21675	R527-200	AMD	01/04/99	98-23/33
<u>ADMINISTRATIVE PROCEDURES</u>					
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, 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 State Lands	21672	R652-70-2300	AMD	01/14/99	98-23/36
School and Institutional Trust Lands, Administration	21909	R850-20-175	EXP	03/03/99	99-7/52
	21932	R850-40-1600	AMD	05/18/99	99-8/58
<u>ADMINISTRATIVE RESPONSIBILITY</u>					
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Human Resources Management, Administration	22012	R477-2	AMD	06/26/99	99-10/44
<u>ADULT EDUCATION</u>					
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 Development	21883	R986-501	5YR	02/19/99	99-6/32
<u>ADVERTISING</u>					
Commerce, Consumer Protection	22032	R152-2-10	AMD	08/02	99-11/23
<u>AGING</u>					
Human Services, Aging and Adult Services	21885	R510-111	5YR	02/23/99	99-6/31
	21886	R510-111	NSC	02/27/99	Not Printed
<u>AGRICULTURE ASSOCIATIONS</u>					
Agriculture and Food, Administration	21884	R51-5	5YR	02/22/99	99-6/27
<u>AIRCRAFT</u>					
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	21697	R307-12 (Changed to R307-205)	CPR	05/04/99	99-7/44
	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
	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
	21594	R307-158	CPR	03/04/99	99-3/60
	21504	R307-170	R&R	see CPR	98-20/5
	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
<u>AIR QUALITY</u>					
Environmental Quality, Air Quality	21735	R307-417	AMD	03/05/99	99-1/3
	21910	R307-417	5YR	03/05/99	99-7/55
	22042	R307-417-1	NSC	06/01/99	Not Printed
<u>AIR TRAVEL</u>					
Administrative Services, Finance	21888	R25-7	NSC	03/05/99	Not Printed
<u>ALCOHOL</u>					
Public Safety, Highway Patrol	21945	R714-500	NSC	05/01/99	Not Printed
<u>ALLOWANCE</u>					
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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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	22076	R657-5	AMD	07/16/99	99-12/87
	21721	R657-43	AMD	01/15/99	98-24/110
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Administrative Services, Finance	21887	R25-5	NSC	03/05/99	Not Printed
	22049	R25-5	AMD	07/13/99	99-11/14
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<u>BUILDING INSPECTION</u>					
Commerce, Occupational and Professional Licensing	22008	R156-56	AMD	07/01/99	99-10/5
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	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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	21917	R495-879	AMD	05/10/99	99-7/28
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	21871	R527-56	AMD	04/05/99	99-5/35
	22090	R527-69	REP	07/16/99	99-12/80
	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
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	22047	R477-8	AMD	07/19/99	99-11/32
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	22211	R152-16	5YR	07/29/99	99-16/49
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	21504	R307-170	CPR	04/01/99	99-5/51
<u>CONTRACTORS</u>					
Commerce, Occupational and Professional Licensing	22084	R156-55a	AMD	07/19/99	99-12/11
	22008	R156-56	AMD	07/01/99	99-10/5
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	21925	R251-105	NSC	03/29/99	Not Printed
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	21782	R307-101-2	AMD	04/08/99	99-3/4
	21851	R307-101-2	AMD	05/06/99	99-5/9
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	21680	R280-202	NEW	01/05/99	98-23/10
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	21698	R307-309	CPR	05/04/99	99-7/46
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	22062	R162-103	AMD	07/16/99	99-12/29
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	22098	R277-709	AMD	07/19/99	99-12/44
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	22024	R277-458	EMR	04/30/99	99-10/107
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	21944	R616-3-18	NSC	05/01/99	Not Printed
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	21694	R426-3	AMD	01/22/99	98-24/61
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	21589	R307-415-3	AMD	01/07/99	98-22/68
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	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
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	21925	R251-105	NSC	03/29/99	Not Printed
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	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
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DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
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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
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	21686	R313-19	AMD	03/12/99	98-24/33
	21948	R313-19-30	AMD	06/11/99	99-9/30
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	22063	R162-104	AMD	07/16/99	99-12/33
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	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
<u>FEES</u>					
Human Services, Mental Health	22048	R523-1-19	AMD	07/02/99	99-11/42
Human Services, Recovery Services	22090	R527-69	REP	07/16/99	99-12/80
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<u>FINANCE</u>					
Administrative Services, Finance	21889	R25-8	NSC	03/05/99	Not Printed
<u>FIRE PREVENTION</u>					
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
<u>FINANCIAL AID</u>					
Regents (Board of), Administration	21673	R765-607	NEW	01/04/99	98-23/38
	21771	R765-607	NSC	01/27/99	Not Printed
<u>FINANCIAL DISCLOSURE</u>					
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	21710	R710-4	AMD	01/15/99	98-24/117
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Agriculture and Food, Regulatory Services	22057	R70-630	AMD	07/06/99	99-11/19
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	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
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	21761	R865-6F-35	AMD	03/16/99	99-2/59
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	21697	R307-12 (Changed to R307-205)	CPR	05/04/99	99-7/44
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	22076	R657-5	AMD	07/16/99	99-12/87
	21937	R657-14	AMD	05/18/99	99-8/25
	21938	R657-33	AMD	05/18/99	99-8/33
<u>GANGS</u>					
Education, Administration	21902	R277-436	AMD	04/15/99	99-6/12
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<u>GASOLINE TRANSPORT</u>					
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	21950	R307-342	AMD	07/15/99	99-9/21
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	22069	R35-2	NEW	07/16/99	99-12/6
	22070	R35-3	NEW	07/16/99	99-12/7
	22071	R35-4	NEW	07/16/99	99-12/8
	22072	R35-5	NEW	07/16/99	99-12/9
	22073	R35-6	NEW	07/16/99	99-12/10
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<u>GOVERNMENT HEARINGS</u>					
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Public Service Commission, Administration	21793	R746-100	AMD	05/17/99	99-3/34
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Regents (Board of), Salt Lake Community College	21820	R784-1	NEW	03/18/99	99-4/57
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	21666	R434-20	NEW	01/07/99	98-23/26
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<u>GRIEVANCES</u>					
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	22020	R477-11	AMD	06/26/99	99-10/65
	22021	R477-12	AMD	06/26/99	99-10/66
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	21593	R307-155	CPR	03/04/99	99-3/59
	21844	R307-214	5YR	02/03/99	99-5/57
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Transportation, Motor Carrier	21780	R909-75	AMD	05/04/99	99-3/49
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Environmental Quality, Environmental Response and Remediation	21854	R311-201	NSC	02/27/99	Not Printed
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	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
	21954	R315-3	AMD	06/15/99	99-9/44
	22046	R315-4-2	AMD	07/15/99	99-11/30
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	21961	R315-16-1	AMD	06/15/99	99-9/73
	21962	R315-50-9	AMD	06/15/99	99-9/76
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Health, Health Data Analysis	21755	R428-10	AMD	03/01/99	99-2/10
<u>HEALTH CARE ASSISTANTS</u>					
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	21971	R156-62-302	NSC	05/01/99	Not Printed
<u>HEALTH FACILITIES</u>					
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	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
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	21700	R432-6	AMD	01/29/99	98-24/69
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	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
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	21771	R765-607	NSC	01/27/99	Not Printed
	21674	R765-685	AMD	01/04/99	98-23/40
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	21821	R501-14	AMD	03/22/99	99-4/47
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	21529	R414-303	AMD	01/05/99	98-21/31
	21764	R414-304	AMD	02/25/99	99-2/4
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	21942	R590-102	CPR	07/19/99	99-12/98
	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
	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
	22082	R590-190	AMD	07/28/99	99-12/81
	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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	21339	R590-120	CPR (First)	see CPR (Second)	99-1/37
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	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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	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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	21913	R698-4	NSC	04/01/99	Not Printed
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	22017	R477-8	AMD	06/26/99	99-10/55
	22047	R477-8	AMD	07/19/99	99-11/32
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	21948	R313-19-30	AMD	06/11/99	99-9/30
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	21716	R156-24a	CPR	03/09/99	99-3/56
	21753	R156-28	AMD	02/18/99	99-2/3
	21903	R156-31b	AMD	04/15/99	99-6/4
	21908	R156-37c	5YR	03/02/99	99-7/54
	21905	R156-39a	5YR	03/01/99	99-6/27
	22200	R156-44a	5YR	07/22/99	99-16/50
	21822	R156-50	AMD	03/18/99	99-4/9
	21927	R156-50-502	NSC	03/29/99	Not Printed
	22084	R156-55a	AMD	07/19/99	99-12/11
	20008	R156-56	AMD	07/01/99	99-10/5
	22085	R156-60a	AMD	07/19/99	99-12/12
	22201	R156-61	5YR	07/22/99	99-16/51
	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
	21812	R156-74	NEW	03/18/99	99-4/12
	21813	R156-78	REP	03/18/99	99-4/13
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	21915	R162-102	AMD	06/10/99	99-7/5
	22061	R162-102	AMD	07/16/99	99-12/27
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	21947	R313-18-12	AMD	06/11/99	99-9/29
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	21821	R501-14	AMD	03/22/99	99-4/47
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	21985	R414-1	NSC	05/05/99	Not Printed
	21687	R414-29	AMD	01/21/99	98-24/50
	21891	R414-31X	REP	04/23/99	99-6/18
	21935	R414-54	5YR	03/31/99	99-8/73
	21936	R414-54	NSC	05/01/99	Not Printed
	22068	R414-305	AMD	07/22/99	99-12/74
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	21758	R647-3	AMD	02/26/99	99-2/55
	21759	R647-4	AMD	02/26/99	99-2/56
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	21697	R307-12 (Changed to R307-205)	CPR	05/04/99	99-7/44
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	21504	R307-170	CPR	04/01/99	99-5/51
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<u>MOTORCYCLE RIDER TRAINING SCHOOLS</u>					
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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
	21735	R307-417	AMD	03/05/99	99-1/3
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	21449	R317-10	CPR	02/04/99	99-1/35
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	21950	R307-342	AMD	07/15/99	99-9/21
	21727	R307-343	NEW	see CPR	98-24/18
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	21789	R884-24P-53	AMD	03/16/99	99-3/46
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	22097	R277-462	AMD	07/19/99	99-12/42
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	20997	R746-365	NEW	see CPR	98-9/50
	20997	R746-365	CPR	01/13/99	98-18/39
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	22063	R162-104	AMD	07/16/99	99-12/33
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	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
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	21944	R616-3-18	NSC	05/01/99	Not Printed
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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
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	21920	R315-320	5YR	03/12/99	99-7/55
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	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
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	22069	R35-2	NEW	07/16/99	99-12/6
	22070	R35-3	NEW	07/16/99	99-12/7
	22071	R35-4	NEW	07/16/99	99-12/8
	22072	R35-5	NEW	07/16/99	99-12/9
	22073	R35-6	NEW	07/16/99	99-12/10
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	21807	R313-38	5YR	01/25/99	99-4/66
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<u>TAILINGS</u>					
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
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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
DAR Note: 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
	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
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	21824	R277-519	AMD	03/22/99	99-4/19
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	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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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
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<u>TRAVEL FUNDS</u>					
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	21886	R510-111	NSC	02/27/99	Not Printed
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	22171	R912-14	5YR	07/06/99	99-15/58
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Workforce Services, Workforce Information and Payment Services	21770	R994-600	AMD	03/05/99	99-3/51
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	22192	R994-310	5YR	07/20/99	99-16/52
	22199	R994-311	5YR	07/20/99	99-16/52
	22220	R994-312	5YR	07/30/99	99-16/53
	21745	R994-405	AMD	02/17/99	99-2/65
	21746	R994-405	AMD	02/17/99	99-2/72
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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
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	21449	R317-10	CPR	02/04/99	99-1/35
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	21938	R657-33	AMD	05/18/99	99-8/33
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	21939	R657-37	AMD	05/18/99	99-8/39
	21719	R657-38	AMD	01/15/99	98-24/107
	21940	R657-41	AMD	05/18/99	99-8/45
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	21727	R307-343	CPR	06/02/99	99-9/95
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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
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	21682	R313-28	AMD	03/12/99	98-24/46
	21806	R313-30	5YR	01/25/99	99-4/66