

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed October 2, 1999, 12:00 a.m. through October 15, 1999, 11:59 p.m.

Number 99-21
November 1, 1999

Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

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

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Bulletin* and *Digest* are printed and distributed semi-monthly by Legislative Printing. Annual subscription rates (24 issues) are \$160 for the *Bulletin* and \$35 for the *Digest*. Inquiries concerning subscription, billing, or changes of address should be addressed to:

LEGISLATIVE PRINTING
PO BOX 140107
SALT LAKE CITY, UT 84114-0107
(801) 538-1103
FAX (801) 538-1728

ISSN 0882-4738

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EDITOR'S NOTE

NOTICE OF PUBLICATION ERRORS IN THE SEPTEMBER 15, 1999, ISSUE OF THE *UTAH STATE BULLETIN*

In the September 15, 1999, issue of the *Utah State Bulletin* (99-18), due to a clerical error at the Division of Administrative Rules, two notices of effective dates were published with the rule numbers omitted. The rule number for the notice for Transportation, Administration under DAR No. 22165 is R907-64, Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities. The rule number for the notice for Workforce Services, Employment Development under DAR no. 22093 is R986-221, Demonstration Programs.

If you have any questions regarding any of these corrections, please contact Nancy Lancaster, Publications Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007, phone: (801) 538-3218, FAX: (801) 538-1773, or Internet E-mail: nlancast@das.state.ut.us.

End of the Editor's Notes Section

SPECIAL NOTICES

EXECUTIVE ORDER

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

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

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

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

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

Now, Therefore, I, Michael O. Leavitt, Governor of the State of Utah, by virtue of the power vested in me by the constitution and the laws of the State of Utah;

Do Hereby Order That: It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of October 8, 1999, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 8th day of October, 1999.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

DEPARTMENT OF HEALTH HEALTH CARE FINANCING, COVERAGE AND REIMBURSEMENT POLICY

PUBLIC HEARING RULE R414-309, UTAH MEDICAL ASSISTANCE PROGRAM (UMAP)

The Department of Health, Health Care Financing, Coverage and Reimbursement Policy will hold a public hearing at the Cannon Health Building, 288 North 1460 West, Salt Lake City, UT, in Room 125 on Friday, November 12, 1999, from 2:30 - 4:30 p.m.

The purpose of the hearing is to receive public comment on proposed amendments to the rule, R414-309. These amendments are found in the October 1, 1999, issue of the *Utah State Bulletin*, Vol. 99, No. 19 under DAR No. 22380.

Questions or comments can be directed to: Robert Knudson, PO Box 143107, Salt Lake City, UT 84114-3107; phone: (801) 538-6416; or via E-mail to: rknudson@doh.state.ut.us.

**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
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1950 West 250 North, Suite A
Salt Lake City, UT 84116-7901
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UTAH STATE PUBLICATIONS**List 99-20****October 1, 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>

Annual report. Utah. Career Service Review Board.

A 4900.1: Rep/998-999

oclc #20686607

Utah. Career Service Review Board/Grievance arbitration--Utah--Statistics/Grievance procedures--Utah--Statistics.

Calendar year ... hotel sales, room rents and transient room taxes in Utah. Utah State Tax Commission.

A 5340 S24.13: Hot/998

Sales tax--Utah/Hotels, taverns, etc.--Taxation--Utah.

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

A 4500.81: Cap/7/5

oclc #41963693

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

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

Crime in Utah. Utah. Uniform Crime Reporting Section.

P 3403.13: Cri/998

Criminal statistics--Utah--Periodicals.

Epidemiology newsletter. Utah. Bureau of Epidemiology.

P 4120.8: New/999/07

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

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

Occupations in demand at Utah Job Service offices. Utah. Dept. of Employment Security; Utah State Occupational Information Coordinating Committee.

I 3112.8: Occ/999/1-6

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

Job vacancies--Utah--Statistics/Wages--Utah--Statistics/Utah--Occupations--Statistics.

This is the last issue of this publication

Utah car and truck sales/Leslee Katayama. Utah State Tax Commission.

A 5340.S24.13: Car/999/1

<http://www.tax.ex.state.ut.us/ESU/motor/motor.htm>

Automobile industry and trade--Utah--Statistics.

Utah real estate news. Utah. Real Estate Division.

I 4200.81: Rea/29/3

<http://www.commerce.state.ut.us/web/commerce/re/udre7.htm>

Real estate agents--Utah--Periodicals/Real estate business--Law and legislation--Utah--Periodicals/Real estate business--Utah--Periodicals.

The Utah special educator. Utah Learning Resource Center.
E 3190.81 Spe/20/1
http://www.ulrc.org/special_educator.html
Special education--Utah/Special education teachers--Utah.

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**UTAH STATE PUBLICATIONS
List 99-21**

October 15, 1999

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

30 day review. Utah. State Mental Hospital, Provo.

P 3221.8: Thi/6/4

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

Crime victim newsline. Utah Commission on Criminal and Juvenile Justice, Office of Crime Victim Reparations.

P 3288.8: Cri/28

Victims of crimes--Utah/Abused women--Utah/Reparation--Utah. Abused wives--Utah/Crime and criminals--Utah.

* **Currents: news of the Utah State Historical Society.** Utah State Historical Society.

H 5050.81: New/49/5

oclc # 40843274

Utah--History Periodicals.

Directions for Utah libraries. Utah State Library.

H 6200.8: Dir/12/3

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

Libraries--Utah--Periodicals.

Methods and techniques of corridor preservation: a guide for Utah practice. Utah. Dept. of Transportation, Research and Development Division; Brigham Young University, Civil & Environmental Engineering; J. Reuben Clark Law School.

T 4710.C67.3: Met/999

oclc # 42623908

Roads--Right of way--Utah/Highway law--Utah/Highway planning--Utah.

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

N 3600.13: Pro/999/05

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.

Organization, administration, and standards: driver education for Utah high schools. Utah State Office of Education; Utah Driver & Traffic Safety Education Association.

E 5629.31: Org/999

oclc # 42589668

Automobile driver education--Utah.

School building construction and inspection resource manual. Utah State Office of Education; Utah State Board of Education; Utah State Office of Applied Technology Education.

E 3160.3: Sch/999

oclc # 42624427

School buildings--Utah--Inspection/School facilities--Utah--Design and construction/School facilities--Utah--Inspection.

State of Utah Community Development Block Grant application guide. Utah. Division of Community Development.

A 5280.C65.3: Com/000-001/App

oclc # 42647341

Block grants--Utah--Periodicals/Community development, Urban--Utah--Periodicals/Housing--Utah--Periodicals/Block grants--Utah--Handbooks, manuals, etc.

Statistical and cost supplement to A Report on school buildings in Utah. Utah. Dept. of Public Instruction; Utah State Office of Education; Utah. State Building Board.

E 3160.1: Sta/999

School buildings--Utah--Costs--Statistics--Periodicals.

Utah adult education: policies and procedures guide. Utah State Office of Education.

E 3199.39: Adu/999

oclc # 42624172

Adult education--Utah Handbooks, manuals, etc/Adult education teachers--Utah.

Utah labor market report. Utah. Dept. of Employment Security.

I 3112.13: Lab/999/08

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

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

Utah public health outcome measures report. Utah Dept. of Health, Office of Public Health Assessment. 1999.

P 4000.13: Rep/999

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

Health planning--Utah--Statistics/Public health--Utah.

* **Utah state bulletin.** October 1, 1999. Utah. Division of Administrative Rules.

A 3025.61: Bul/99-19

oclc # 11854150

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

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

* **Utah state digest.** October 1, 1999. Utah. Division of Administrative Rules.

A 3026.61: Dig/99-19

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 October 2, 1999, 12:00 a.m., and October 15, 1999, 11:59 p.m., are included in this, the November 1, 1999, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [example]). Rules being repealed are completely struck out. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least December 1, 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 February 29, 2000, 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
R156-56-706
Amendments to the IPC**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22449

FILED: 10/14/1999, 17:21

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to implement amendments to the International Plumbing Code which have been recommended and approved by the Uniform Building Code Commission. Pursuant to Subsection 58-56-4(7), these hearings to consider proposed changes are required to be held in May and November. The proposed changes have been reviewed and approved by the Uniform Building Code Commission.

SUMMARY OF THE RULE OR CHANGE: Amendment to Section 608.16.1, which changes the type of connection allowed to be made to beverage dispensers. Steel was required but the change will allow nonmetallic valves. Changes are made to Section 608.16.4 to refine requirements and correct errors made in prior rule filing regarding backflow protection in fire protection sprinkler systems. (The exceptions and Section 608.16.4.1 were inadvertently left out of the replacement language of a prior rule filing when Section 608.16.4 was deleted and replaced). Section 608.16.4.2 is added to specify testing procedures that are necessary for the backflow devices. Section 612, regarding Gray Water, is amended to extend the prohibition against gray water usage from January 1, 2000, to January 1, 2001. More time is needed to consider how gray water may be used without jeopardizing the public health or safety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-1-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** There will be minimal cost to the Division to reprint the rules once they have been made effective. Any costs associated with that will be absorbed in the current Division's budget. No other costs are anticipated. The proposed changes do not affect the state budget unless it should be involved in construction of its own buildings, which may be affected. If so, the result would be a savings to the state. No such construction is known.

❖**LOCAL GOVERNMENTS:** No costs are anticipated. The proposed changes do not affect the local governments unless they should be involved in construction of their own buildings, which may be affected. If so, the result would be a savings to the local government. No such construction is known.

❖**OTHER PERSONS:** There is no additional cost to affected parties in implementing these proposed rules. The backflow devices contemplated in the rule, as compared to the prior code requirements, could result in a savings of \$5,000 to \$7,000 on affected projects. This rule was partially implemented with a prior rule change but errors were made in the language of the rule which needs to be corrected or refined. The number of such projects that may be affected is unknown. The change involving beverage dispensers allows affected parties to use nonmetallic valves rather than stainless steel, which may result in some minimal savings for these valves. The extension of the prohibition against the use of gray water is not a change from current requirements; therefore, there is no affect compared to the present requirement. The Commission needs more time to formulate requirements for gray water use that does not jeopardize the public health or safety. The potential use of gray water could result in water savings; however, the potential danger to public safety requires further study to formulate safe requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no additional cost to affected parties in implementing these rules. There may be some savings as identified in the explanation given under "other persons."

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These rules are for the purpose of implementing amendments to the International Plumbing Code which were recommended and approved by the Uniform Building Code Commission. Most of the changes were previously commented upon, with the only new proposed amendments being the connections allowed for beverage dispensers (from metal to include nonmetallic valves) and to extend the prohibition against gray water usage for an additional year to allow for further study of possible health or safety factors. There should be no impact on the public budget, with the possible exception of future savings from buildings which might be built by the state. The only potential impact upon local government would be the same as for the state budget. The impact of change in backflow devices was considered and commented on in a prior filing as having the potential of saving \$5,000-\$7,000 per affected project, which would hopefully be passed on to the end purchaser of the project. The change in fittings allowed on beverage dispensers has the potential to result in very minimal savings. The gray water prohibition only extends the current rules and will have no fiscal impact--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:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dsJones@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 12/01/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/15/1999, 9:00 a.m., State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-706. Amendments to the IPC.**

(1) Statewide Amendments

Section 103.1 is deleted in its entirety.

Section 103.2 is deleted in its entirety.

Section 103.3 is deleted in its entirety.

Section 103.4 is deleted in its entirety.

Section 103.5 is renumbered as Section 103.1.

Section 107.1.1 is deleted in its entirety.

Section 109 is retitled as "Board of Appeal".

Section 109.1 is deleted and replaced with the following:

109.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a local board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The code official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and finding in writing to the appellant with a duplicate copy to the code official.

Sections 109.2 through 109.7 are deleted in their entirety.

Section 202 General Definitions is revised as follows:

The definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

The definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

The following definition is added:

Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

The definition for "Code Official" is deleted and replaced with the following:

Code Official. The individual official, board, department or agency established and authorized by a state, county, city or other political subdivision created by law to administer and enforce the provisions of the plumbing code as adopted or amended. This definition shall include the code official's duly authorized representative.

The definition for "Cross Connection" is deleted and replaced with the following:

Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").

The following definition is added:

Emergency Floor Drain. A floor drain installed for the primary purpose of collecting water from emergency spills or water line breaks.

The following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

The definition for "Potable Water" is deleted and replaced with the following:

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

The definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

Section 312.9 is deleted in its entirety.

Section 403.1 is deleted and replaced with the following:

403.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Appendix Chapter 29, Uniform Building Code.

Table 403.1 is deleted in its entirety.

Section 403.2 is deleted and replaced with the following:

403.2 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-100-21, Utah Administrative Code.

Sections 403.4, 403.5 and 403.6 are deleted in their entirety.

Section 409.1 is deleted and replaced with the following:

409.1 Approval. Domestic dishwashing machines shall conform to ASSE (American Society of Sanitary Engineering)

1006. Commercial dishwashing machines shall conform to ASSE 1004, NSF (National Sanitary Foundation) 3 or NSF 26.

Section 409.3 is deleted and replaced with the following:

Section 409.3 Waste connection. Domestic pump-type dishwashers may be directly connected to the inlet side (top or head) of an approved food waste disposal unit or a branch tailpiece in the tailpiece of the sink, by the drain hose being extended and secured as high as possible under the bottom of the counter top before it is connected to the branch tailpiece located above the trap or to an approved food waste disposal unit.

Section 412.5 is added as follows:

412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one floor drain with a wall mounted hose bibb, or at least one emergency floor drain.

Section 418.1 is deleted and replaced with the following:

418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1, ASME A112.19.2, ASME A112.19.3, ASME A112.19.4, ASME A112.19.9, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.

Section 425.1.1 - The following exception is added after the paragraph.

Exception: Multiple urinals with an automatic flushing device.

Section 502.6 is added as follows:

502.6 Water Heater Seismic Bracing. In seismic zones 3 and 4, water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

Section 504.8.1 is amended as follows:

The measurement of "1 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

Section 602.3 is deleted and replaced with the following:

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

Section 606.2 is deleted and replaced with the following:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture.

Exception: 1) bath tubs and showers.

Exception: 2) in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.

2. On the water supply pipe to each sillcock.

3. On the water supply pipe to each appliance or mechanical equipment.

Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

Section 608.1 - The following sentence is added at the end of the paragraph: Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

Table 608.1 is deleted and replaced with the following:

TABLE
General Methods of Protection

| Assembly (applicable standard) | Degree of Hazard | Application | Installation Criteria |
|---|------------------|--|---|
| Air Gap (ASME A112.1.2) | High or Low | Backsiphonage | See Table 608.15.1 |
| Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR) | High or Low | Backpressure or Backsiphonage 1/2" - 16" | a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents. d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation. |
| Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR) | Low | Backpressure or Backsiphonage 1/2" - 16" | a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance. b. Shall be installed in a horizontal position unless listed or approved for vertical installation. |

Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR) High or Low Backsiphonage 1/2" - 2"

a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.

b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.

c. Shall not be installed below ground or in a vault or pit.

d. Shall be installed in a vertical position only.

facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.

The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.

Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR) High or Low Backsiphonage 1/4" - 2"

a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.

b. Shall be installed a minimum of 6 inches above all downstream piping and the highest point of use.

c. Shall not be installed below ground or in a vault or pit.

d. Shall be installed in a vertical position only.

In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.

Assemblies shall be maintained as an intact assembly.

Table 608.1.2 is added as follows:

TABLE 608.1.2
Specialty Backflow Devices for low hazard use only

| Device | Degree of Hazard | Application | Applicable Standard |
|---|------------------------|--|--------------------------------------|
| Antisiphon-type Water Closet Flush Tank Ball Cock | Low | Backsiphonage | ASSE 1002 CSA CAN/ CSA-B125 |
| Dual check valve Backflow Preventer | Low | Backsiphonage or Backpressure 1/4" - 1" | ASSE 1024 |
| Backflow Preventer with Intermediate Atmospheric Vent | Low Residential Boiler | Backsiphonage or Backpressure 1/4" - 3/4" | ASSE 1012 CSA CAN/ CSA-B64.3 |
| Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type | Low | Backsiphonage or Backpressure 1/4" - 3/8" | ASSE 1032 |
| Hose-connection Vacuum Breaker | Low | Backsiphonage 1/2", 3/4", 1" | ASSE 1011 CSA CAN/ CSA-B64.2 |
| Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type | Low | Backsiphonage 3/4", 1" | ASSE 1019 CSA CAN/ CSA-B64.2.2 |
| Laboratory Faucet Backflow Preventer | Low | Backsiphonage | ASSE 1035 CSA CAN/ CSA-B64.7 |

Atmospheric Vacuum Breaker (ASSE 1001, USC-FCCCHR, CSA CAN/CSA-B64.1.1) High or Low Backsiphonage

a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.

b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.

c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.

d. Shall be installed on the discharge (downstream) side of any valves.

e. The AVB shall be installed in a vertical position only.

The assembly owner, when necessary, shall provide devices or structures to

| | | | |
|--------------------|-----|---------------|-----------|
| Hose Connection | Low | Backsiphonage | ASSE 1052 |
| Backflow Preventer | | 1/2" - 1" | |

Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

Section 608.3.1 - The following sentence is added at the end of the paragraph: All piping and hoses shall be installed below the atmospheric vacuum breaker.

Section 608.7 is deleted in its entirety.

Section 608.8 - The following sentence is added at the end of the paragraph: In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

Section 608.11 - The following sentence is added at the end of the paragraph: The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

Section 608.13.3 is deleted and replaced with the following:

608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

Section 608.13.4 is deleted in its entirety.

Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

Section 608.15.4 is deleted and replaced with the following:

608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the atmospheric vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

Section 608.15.4.2 - The following is added at the end of the paragraph: In climates where freezing temperatures occur, a listed, self-draining frost proof hose bibb with an integral backflow preventer shall be used.

Section 608.16.1 is deleted and replaced with the following:

608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a [~~stainless steel~~]-vented dual check valve meeting ASSE Standard 1022 and installed according to the requirements of this chapter.

Section 608.16.2 - The first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate

atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

Section 608.16.3 is deleted and replaced with the following:

608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls. Heat exchangers shall be permitted to be of single wall construction under one of the following conditions:

1. a. Utilize a heat transfer medium of potable water or only substances which are recognized as safe by the United States Food and Drug Administration (FDA); and

b. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system; and

Exception: Steam complying with paragraph 1 above; and

c. The equipment is permanently labeled to indicate only additives recognized as safe by the FDA shall be used.

2. Approved listed electrical drinking water coolers.

Section 608.16.4 is deleted and replaced with the following:

Section 608.16.4 Connections to automatic fire sprinkler systems and standpipe systems. The potable water supply to automatic fire sprinkler and standpipe systems shall be protected against backflow by an alarm check valve and spring loaded check valve assembly as shown on the diagram entitled "Riser Detail", dated July 1, 1999, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference.

EXCEPTIONS:

1. When systems are installed as a portion of the water distribution system in accordance with the requirements of this code and are not provided with a fire department connection, isolation of the water supply system shall not be required.

2. Isolation of the water distribution system is not required for deluge, preaction or dry pipe systems.

3. When the [~~service to the building~~]sprinkler supply line is less than four inches in diameter and a resilient seated spring loaded single check valve, approved and testable for back flow prevention is not available, then an alternate, approved for fire sprinkler system use, spring loaded check valve is allowed. This exception expires on July 1, 2000.

Section 608.16.4.1 is deleted and replaced with the following:

Section 608.16.4.1 Additives or nonpotable source. Where systems contain chemical additives or antifreeze, or where systems are connected to a nonpotable secondary water supply, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer. Where chemical additives or antifreeze are added to only a portion of an automatic fire sprinkler or standpipe system, the reduced pressure principle backflow preventer shall be permitted to be located so as to isolate that portion of the system.

Exception:

1. For systems that use antifreeze only consisting of strictly pure glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol, equipment specified in Section 608.16.4 shall be used.

Section 608.16.4.2 is added as follows:

Section 608.16.4.2 Testing Procedures. The testing procedures are as follows:

1. All mechanical devices attached to or part of a class I or class II fire sprinkler system shall be tested by a licensed fire sprinkler contractor.

2. The check valves of these assemblies are to be tested for backflow by approved procedures of the Department of Environmental Quality.

Section 608.16.6 is deleted and replaced with the following:

608.16.6 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double check valve backflow preventer or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

Section 608.16.7 is deleted and replaced with the following:

608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

Section 608.16.8 is deleted and replaced with the following:

608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

Section 608.16.10 is added as follows:

608.16.10 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

Section 608.17 is deleted in its entirety.

Section 608.18 is added as follows:

608.18 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and the Reduced Pressure Detector Assembly.

Section 612 is added as follows:

612. Gray Water

Gray Water Recycling Systems, Appendix C of the IPC, cannot be adopted by any jurisdiction until January 1, ~~2000~~2001.

Section 701.2 - The following is added at the end of the paragraph: The sewer is considered as available when within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended. Private sewage disposal systems

shall conform with Rule R317-501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

Section 802.1.1 is deleted and replaced with the following:

802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food or food equipment shall discharge through an indirect waste pipe by means of an air gap.

Exception: This requirement shall not apply to dishwashing machines and dishwashing sinks. This requires commercial dishwashing machines and dishwashing sinks to discharge through an air gap or an air break.

Section 802.3 is amended as follows:

The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".

Section 802.3.2 is deleted in its entirety.

Section 904.6 - The following sentence is added at the end of the paragraph: Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

Section 917.2 is deleted and replaced with the following:

917.2 Installation. The valves may be installed in accordance with the requirements of this section and the manufacturers installation instructions when approved by the code official. Air admittance valves shall be installed after the DWV testing required by Section 312.2 or 312.3 has been performed.

Section 1002.4.1 is added as follows:

1002.4.1 Emergency floor drains. Each emergency floor drain shall be installed with a trap seal primer. Trap seal primer shall conform to ASSE 1018 or ASSE 1044.

Section 1003.3.3 is added as follows:

1003.3.3 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.

Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm with sanitary drainage. The sanitary and storm drainage systems of a structure shall be entirely separate.

Section 1108 is deleted in its entirety.

Section 1201.2 is deleted and replaced with the following:

1201.2 Fuel piping systems. All fuel piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of the 1998 International Mechanical Code.

Appendix G, Section G110 is deleted, renumbered and replaced with the following:

Section 1202 CNG GAS-DISPENSING SYSTEMS

1202.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.

1202.2 Ventilation. Gas-dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the 1998 International Mechanical Code.

1202.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel-dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with NFPS 52 and the uniform fire code.

Chapter 14, Referenced Standards, is amended as follows:

NSF - Standard Reference Number 61-95 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

USC- Foundation for Cross-Connection Control Table 608.1
FCCCHR Control and Hydraulic Research
9th University of Southern California
Edition Kaprielian Hall 300
Manual Los Angeles CA 90089-2531
of Cross
Connection

KEY: contractors, building codes, building inspection, licensing
[August 5,]1999 58-1-106(1)
Notice of Continuation June 3, 1997 58-1-202(1)
58-56-1
58-56-4(2)
58-56-6(2)(a)



Crime Victim Reparations,
Administration
R270-1
Award and Reparations Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22457
FILED: 10/15/1999, 11:38
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To extend
secondary victim coverage to include secondary victims for
all crime types.

SUMMARY OF THE RULE OR CHANGE: Added Section R270-1-
26, further defining secondary victim. Changes were made
to expand services to secondary victims for all crime types in
the funeral and burial, counseling, loss of earnings, and
moving and transportation rules. The Crime Victims
Reparations (CVR) Board can review requests for secondary
victim coverage for individuals who are not immediate family
members.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS
RULE: Subsection 63-25a-406(c)

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: Increase of approximately \$300,000
annually in expenditures to cover anticipated secondary
victim costs.
LOCAL GOVERNMENTS: CVR rule changes would have no
effect on local government; therefore, no cost or savings.
OTHER PERSONS: There would be an increase in services
for secondary victims in all crime types, which would mean a
savings to secondary victims because of increased award
payments on their behalf.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be
an increase in services for secondary victims, but no

compliance costs because the CVR program does not
impose fees on victims of crime for services provided.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT
THE RULE MAY HAVE ON BUSINESSES: Award payments to
secondary victims of all crime types would increase
approximately \$300,000 a year.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING
REGULAR BUSINESS HOURS, AT:
Crime Victim Reparations
Administration
350 East 500 South, Suite 200
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dan R. Davis at the above address, by phone at (801) 238-
2367, by FAX at (801) 533-4127, or by Internet E-mail at
ddavis@gov.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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: Dan R. Davis, Director

R270. Crime Victim Reparations, Administration.
R270-1. Award and Reparation Standards.

.....

R270-1-2. Funeral and Burial Award.

A. Pursuant to Subsection 63-25a-411(4)(f), total award for
funeral and burial expenses is \$4,000 for any reasonable and
necessary charges incurred directly relating to the funeral and burial
of a victim. This amount includes transportation of the deceased
within the United States. Allowable expenses in this category may
include the emergency acquisition of a burial plot for victims who
did not previously possess or have available to them a plot for
burial.

B. Transportation of [immediate family members (spouse,
father, mother, stepparents, child, brother, sister, stepchild,
stepbrother and stepsister) or legal guardian]secondary victims
to attend a funeral and burial service shall be considered as an
allowable expense in addition to the \$4,000.

C. Loss of earnings for [immediate family members (spouse,
father, mother, stepparents, child, brother, sister, stepchild,
stepbrother and stepsister) or legal guardian]secondary victims
to attend a funeral and burial service shall be allowed as follows:

- 1. Three days in-state
2. Five days out-of-state

D. When a victim dies leaving no identifying information,
claims made by a provider cannot be considered.

.....

R270-1-4. Counseling Awards.

A. Pursuant to Subsections 63-25a-402(20) and 63-25a-411(4)(c), out-patient mental health counseling awards are subject to limitations as follows:

1. ~~[Primary victims of a crime shall be eligible for a \$2500 maximum mental health counseling award.]~~The reparation officer shall approve a standardized treatment plan~~[based on these limitations].~~~~[Extenuating circumstances warranting consideration of counseling beyond the \$2500 maximum may be submitted by the mental health provider after the maximum award has been reached. The cost of a mental health evaluation may not exceed \$300 and shall be part of the \$2500 maximum. For purposes herein, an evaluation shall be defined as a diagnostic interview examination including history, mental status, or disposition, in order to determine a plan of mental health treatment.]~~

2. ~~[Secondary victims who are not primary victims pursuant to Subsections 63-25a-402(37)(39) and who witness or are traumatically affected by the violent crime shall be eligible for a \$1000 maximum mental health counseling award only under the following circumstances:~~

~~(a) counseling for immediate family members (spouse, father, mother, stepparents, child, brother, sister, stepchild, stepbrother and stepsister) or legal guardian of homicide victims, and victims of child physical or sexual abuse;~~

~~(b) counseling for children of domestic violence crimes.~~

~~The reparation officer shall approve a standardized treatment plan based on these limitations. Extenuating circumstances warranting consideration of counseling beyond the \$1000 maximum may be submitted by the mental health provider after the maximum award has been reached.]~~The cost of ~~[a mental health]~~initial evaluation and testing may not exceed \$300 and shall be part of the ~~[\$1000]~~ maximum allowed for counseling. For purposes herein, an evaluation shall be defined as diagnostic interview examination including history, mental status, or disposition, in order to determine a plan of mental health treatment.

3. ~~[Counseling costs will not be paid in advance but will be paid on an ongoing basis as victim is being billed.]~~Primary victims of a crime shall be eligible for a \$2500 maximum mental health counseling award.

4. Secondary victims of a crime shall be eligible for a \$1000 maximum mental health counseling award.

5. Extenuating circumstances warranting consideration of counseling beyond the maximum may be submitted by the mental health provider after the maximum award has been reached.

6. Counseling costs will not be paid in advance but will be paid on an ongoing basis as victim is being billed.

[4]7. In-patient hospitalization shall only be considered when the treatment has been recommended by a licensed therapist in life-threatening situations. In these cases the Crime Victim Reparations Board shall consider reimbursement of in-patient treatment or contract with a managed mental health care provider to make recommendations to the Reparations Officer regarding treatment. A direct relationship to the crime needs to be established. Acute in-patient hospitalization shall not exceed \$600 per day, which includes all ancillary expenses, and will be considered payment in full to the provider. Inpatient psychiatric visits will be limited to one visit per day with payment for the visit made to the institution at the highest rate of the individuals providing therapy as set by rule. Reimbursement for testing costs may also be allowed.

Secondary victims shall not be considered for in-patient hospitalization.

[5]8. Residential and day treatment shall only be considered when the treatment has been recommended by a licensed therapist to stabilize the victim's behavior and symptoms. Residential and day treatment shall not be used for extended care of dysfunctional families and containment placements. A direct relationship to the crime needs to be established. Only facilities with 24 hour nursing care can be considered. Residential treatment shall not exceed \$300 per day and will be considered payment in full to the provider. Residential treatment shall be limited to 30 days. Day treatment shall not exceed \$200 per day and will be considered payment in full to the provider. Secondary victims shall not be considered for residential or day treatment.

[6]9. Child sexual abuse victims under the age of 13 who become perpetrators shall only be considered for mental health treatment awards directly related to the victimization. Perpetrators age 13 and over who have been child sexual abuse victims shall not be eligible for compensation. The CVR Board or contracting agency for managed mental health care shall help establish a reasonable percentage regarding victimization treatment for inpatient, residential and day treatment. Out-patient claims shall be determined by the Reparation Officer on a case by case basis upon review of the mental health treatment plan.

[7]10. Payment for mental health counseling shall only be made to licensed therapists; or to individuals working towards a license, registered with the State of Utah Department of Commerce, Division of Professional and Occupational Licensing and supervised by a licensed therapist.

[8]11. Payment of hypnotherapy shall only be considered when treatment is performed by a licensed mental health therapist based upon an approved Treatment Plan.

[9]12. The following maximum amounts shall be payable for mental health counseling:

(a) up to \$125 per hour for individual and family therapy performed by licensed psychiatrists, and up to \$62.50 per hour for group therapy;

(b) up to \$85 per hour for individual and family therapy performed by licensed psychologists and up to \$42.50 per hour for group therapy;

(c) up to \$65 per hour for individual and family therapy performed by an L.C.S.W., M.S.W. or marriage and family therapist, and up to \$32.50 per hour for group therapy. These rates shall also apply to therapists working towards a license and supervised by a licensed therapist;

(d) The above-mentioned rates shall apply to individuals performing treatment, and not those supervising treatment.

[10]13. Chemical dependency specific treatment will not be compensated unless the Reparation Officer determines that it is directly related to the crime. The CVR Board may review extenuating circumstance cases.

.....

R270-1-9. Loss of Earnings.

A. Pursuant to Subsection 63-25a-411(4)(d), the 66-2/3% of the person's weekly salary or wages is calculated on gross earnings.

B. ~~[Loss of earnings by parents on behalf of child victims can be reimbursed if the losses were incurred on behalf of a dependent.]~~

—C.]Loss of earnings for primary and secondary victims may be reimbursed for up to a maximum of twelve (12) weeks work loss, at an amount not to exceed the maximum allowed per week by Worker's Compensation guidelines in effect at the time of work loss. Reference should be made to Section R270-1-12 for guidelines on sick leave, annual leave or bereavement leave as a collateral source. The Crime Victim Reparations Board may review extenuating circumstances on loss of earnings claims.

R270-1-10. Moving, Transportation Expenses.

A. Pursuant to Subsection 63-25a-411(4)(a), victims of violent crime who suffer a traumatic experience or threat of bodily harm are allowed moving expenses up to \$2000. Board approval is needed where extenuating circumstances exist.

B. Transportation expenses up to \$500 are allowed for court, medical or mental health visits for primary and secondary victims. Board approval is needed where extenuating circumstances exist.

.....

R270-1-23. Sexual Assault Forensic Examinations.

A. Pursuant to Subsections 63-25a-402(19) and 63-25a-411(4)(i), the cost of sexual assault forensic examinations for gathering evidence and providing treatment may be paid by the CVR office. The following agency guidelines need to be adhered to when making payments for sexual assault forensic examinations:

1. A sexual assault forensic examination shall be reported to law enforcement.
2. Victims shall not be charged for sexual assault forensic examinations.
3. The agency may reimburse any licensed health care facility that provides services for sexual assault forensic examinations.
4. The agency may reimburse licensed medical personnel trained to gather evidence of sexual assaults who perform sexual assault forensic examinations.
5. CVR may pay for the collection of evidence and not attempt to prove or disprove the allegation of sexual assault.
6. A request for reimbursement shall include the law enforcement case number or be signed by a law enforcement officer or victim/witness coordinator.
7. The application or billing for the sexual assault forensic examination must be submitted to CVR within 90 days of the examination.
8. The billing for the sexual assault forensic examination shall:
 - a. identify the victim by name, address, date of birth, Social Security number, telephone number, patient number;
 - b. indicate the claim is for a sexual assault forensic examination; and
 - c. itemize services and fees for services.
9. All collateral sources that are available for payment of the sexual assault forensic examination shall be considered before CVR Trust Fund monies are used. Pursuant to Subsection 63-25a-411(i), the Director may determine that reimbursement for a sexual assault forensic examination will not be reduced even though a claim could be recouped from a collateral source.
10. Evidence will be collected only with the permission of the victim or the legal [q]guardian of the victim. Permission shall not

be required in instances where the victim is unconscious, mentally incapable of consent or intoxicated.

11. Restitution for the cost of the sexual assault forensic examination may be pursued by the CVR office.

12. Sexual assault victims have a right to an informal hearing pursuant to Section R270-2-2 if they disagree with the agency's decision concerning payment or the amount of payment.

13. Payment for sexual assault forensic examinations shall be considered for the following:

- a. Fees for the collection of evidence, for forensic documentation only, to include:
 - i. history;
 - ii. physical;
 - iii. collection of specimens and wet mount for sperm; and
 - iv. treatment for the prevention of sexually transmitted disease up to four weeks.
- b. Emergency department services to include:
 - i. emergency room, clinic room or office room fee;
 - ii. cultures for gonorrhea, chlamydia, trichomonas, and tests for other sexually transmitted disease;
 - iii. serum blood test for pregnancy; and
 - iv. morning after pill or high dose oral contraceptives for the prevention of pregnancy.

14. The victim of a sexual assault that is requesting payment by CVR for services needed or rendered beyond the sexual assault forensic examination needs to submit an application for compensation to the CVR office.

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R270-1-26. Secondary Victim.

Secondary victims who are not primary victims pursuant to Subsections 63-25a-402(37)(39) and who witness or are traumatically affected by criminally injurious conduct shall be eligible for compensation as prescribed by the CVR Board. Secondary victims include only immediate family members (spouse, father, mother, stepparents, child, brother, sister, stepchild, stepbrother, stepsister, or legal guardian) and anyone residing in the household at the time of the crime who was traumatically affected by the crime. The CVR Board may review requests by other individuals who are not immediate family members or do not reside in the household if their involvement is essential to the well being and treatment of the primary victim.

KEY: victim compensation, victims of crimes
[April 15,]December 2, 1999 63-25a-401 et seq.
Notice of Continuation December 23, 1996



Environmental Quality, Air Quality
R307-102-3
Administrative Procedures and
Hearings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22458

FILED: 10/15/1999, 13:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Delete Section R307-102-3 as it conflicts with the new Rule R307-103.

(DAR Note: The proposed new rule R307-103 is under DAR No. 22459 in this *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: Section R307-102-3 determines whether certain proceedings will be conducted either formally or informally. The new Rule R307-103 is more comprehensive, establishing administrative procedures specific to the needs of the Division and those affected by the agency's actions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 63, Chapter 46b; and Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Some small savings because Rule R307-103 more clearly defines procedures.

❖LOCAL GOVERNMENTS: This rule will apply only to local governments which operate sources of air pollutants, such as electric generating stations. There could be some small savings because administrative processes are clearly defined for the regulated community.

❖OTHER PERSONS: The rule changes in Rule R307-103, and Sections R307-102-3, R307-120-8, and R307-414-3, have the effect of adopting into the R307 rules certain administrative procedures contained in the Utah Administrative Procedures Act (UAPA). These procedures already apply to all persons involved in agency actions under R307. Therefore, it will cost at most the same to proceed under the new rules, because they contain the same requirements as UAPA. In fact, it may cost less because persons using the rules will not need to identify, find, and interpret the correct provisions of UAPA, which covers numerous topics besides the types of proceedings conducted by the Division of Air Quality (DAQ). Instead, those subject to the R307 rules will be able to easily obtain a copy of the procedural rules they need from DAQ. This will sometimes result in a savings of legal and consulting fees, as well as in time.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There could be some small savings because administrative processes are more clearly defined for the regulated community in the new Rule R307-103. There is nothing in the rule which could cause an increase in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The new rule sets forth clear and consistent administrative processes for the Division of Air Quality and the regulated community; deleting Section R307-102-3 avoids conflicts--Dianne R. Nielson

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

Environmental Quality
Air Quality
150 North 1950 West
PO Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@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 12/01/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/18/1999, 1:30 p.m., Room 201, DEQ Building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/06/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.**R307-102. General Requirements: Broadly Applicable Requirements.****R307-102-3. (Reserved). [Administrative Procedures and Hearings.]**

—(1) The following proceedings and actions are designated to be conducted either formally or informally as required by Section ~~63-46b-4~~:

—(a) Notices of Intent and Approval Orders shall be processed informally using the procedures identified in R307-401 through 414. Appeals of denials of or conditions in an approval order shall be conducted formally.

—(b) Issuance of Notices of Violations and Orders are exempt under Section ~~63-46b-1(2)(k)~~. Appeals of Notices of Violation and Orders shall be processed as formal proceedings.

—(c) Requests for variances shall be processed informally using the procedures in Section 19-2-113 and R307-102-4.

—(d) Qualification for Tank Vapor Tightness Testing shall be conducted informally using the procedures identified in R307-329-4.

—(e) Certification of Asbestos Contractors shall be conducted informally using the procedures identified in R307-801.

—(f) Certification and accreditation under R307-840, Lead-Based Paint, as well as revocation, denial and modification of such certification shall be conducted as informal proceedings.

—(g) Any other request or approvals for experiments, testing, control plans, etc., shall be conducted informally using the procedures identified in R307-401.

—(2) At any time before a final order is issued, the Board or appointed hearing officer may convert proceedings which are designated to be informal to formal, and proceedings which are designated as formal to informal if conversion is in the public interest and rights of all parties are not unfairly prejudiced.

~~(3) Rules for conducting formal proceedings shall be as provided in Section 63-46b-3 and in Sections 63-46b-6 through 63-46b-13. In addition to the procedures referenced in (1) above, the procedures in Sections 63-46b-3 and 63-46b-5 apply to informal proceedings.~~

~~(4) Declaratory Orders. In accordance with the provisions of Section 63-46b-21, any person may file a request for a declaratory order. The request shall be titled a petition for declaratory order and shall specifically identify the issues requested to be the subject of the order. Requests for declaratory order, if set for adjudicative hearing, will be processed informally using the procedures identified in Sections 63-46b-3 and 63-46b-5 unless converted to a formal proceeding under (2) above. No declaratory orders will be issued in the circumstances described in Subsection 63-46b-21(3)(a). Intervention rights and other procedures governing declaratory orders are outlined in Section 63-46b-21.]~~

Reserved.

KEY: air pollution, confidentiality of information, variances*[administrative procedure, hearings*]
199[8]9

19-2-104
63-46b-4
19-2-113



Environmental Quality, Air Quality **R307-103** Administrative Procedures

NOTICE OF PROPOSED RULE (New)

DAR FILE NO.: 22459
FILED: 10/15/1999, 13:14
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To enact rules "affecting or governing adjudicative proceedings," as allowed under Utah Administrative Procedures Act (UAPA), Utah Code Annotated Subsection 63-46b-1(6).

SUMMARY OF THE RULE OR CHANGE: The Utah Administrative Procedures Act (UAPA), Utah Code Annotated Subsection 63-46b-1(6), allows state administrative agencies to enact rules "affecting or governing adjudicative proceedings," so long as the rules are adopted according to the Utah Administrative Rulemaking Act and conform to the requirements of UAPA. To date, the Division of Air Quality (DAQ) has not adopted its own administrative rules. Section R307-102-3 does designate certain agency actions as either formal or informal, but refers to UAPA's generic administrative procedures for actual procedures to be used during administrative actions. This results in the mixing of DAQ's designations of proceedings with a general administrative procedure that uses different terminology and that is located outside of the agency's rules. The new proposed Rule R307-103, which was developed in

coordination with the Office of the Attorney General, establishes administrative procedures that are tailored to DAQ's administrative needs and the needs of those affected by the agency's actions. First, it corrects and clarifies the administrative terminology in the rules. It incorporates and expands on the designation of certain agency actions as initial actions and makes clear when they become final and no longer subject to administrative appeal. It then sets out procedures for challenging initial agency actions before they become final, and for the conduct of prehearing proceedings and for hearings themselves. Finally, it covers procedures for issuing orders that result from a hearing and procedures pending judicial review of an order, and clarifies the roles of the Presiding Officer and the Air Quality Board. The procedures in Rule R307-103 will help to ensure consistency in the Division's administrative actions and to give constitutional due process and fair notice to the regulated community and the public of their and the DAQ's roles and responsibilities in the agency's actions. Several places in the current version of the R307 rules contain references to administrative procedures and must be either deleted or revised for consistency. See separate filings to delete Sections R307-102-3, R307-414-3, and R307-415-10, and to amend Sections R307-120-8 and R307-415-6d.

(DAR Note: The proposed amendments to Section R307-102-3 (DAR No. 22458), Section R307-120-8 (DAR No. 22460), Section R307-414-3 (DAR No. 22461), and Rule R307-415 (DAR No. 22462), are in this issue of the *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 63, Chapter 46b; and Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Some small savings because the process is more clearly defined and applies throughout all R307 rules.

❖LOCAL GOVERNMENTS: This rule will apply only to local governments which operate sources of air pollutants, such as electric generating stations. There could be some small savings because administrative processes are clearly defined for the regulated community.

❖OTHER PERSONS: The rule changes in Rule R307-103, and Sections R307-102-3, R307-120-8, and R307-414-3, have the effect of adopting into the R307 rules certain administrative procedures contained in the Utah Administrative Procedures Act (UAPA). These procedures already apply to all persons involved in agency actions under R307. Therefore, it will cost at most the same to proceed under the new rules, because they contain the same requirements as UAPA. In fact, it may cost less because persons using the rules will not need to identify, find, and interpret the correct provisions of UAPA, which covers numerous topics besides the types of proceedings conducted by DAQ. Instead, those subject to the R307 rules will be able to easily obtain a copy of the procedural rules they need from DAQ. This will sometimes result in a savings of legal and consulting fees, as well as in time.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There could be some small savings because administrative processes are clearly defined for the regulated community. There is nothing in the rule which could cause an increase in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule sets forth clear and consistent administrative processes for the Division of Air Quality and the regulated community to ensure constitutional due process for the regulated community and the public--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Environmental Quality
 Air Quality
 150 North 1950 West
 PO Box 144820
 Salt Lake City, UT 84114-4820, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmillier@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 12/01/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/18/1999, 1:30 p.m., Room 201, DEQ Building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/06/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-103. Administrative Procedures.

R307-103-1. Applicability.

Rule R307-103 sets out procedures for conducting adjudicative proceedings under Title 19, Chapter 2, Utah Air Conservation Act, in accordance with Title 63, Chapter 46b, the Utah Administrative Procedures Act, and governs:

- (1) proceedings contesting an order or notice of violation as described in R307-103-2(1);
- (2) other formal adjudicative proceedings before the Air Quality Board.

R307-103-2. Initial Proceedings.

(1) Initial Proceedings Exempt from Utah Administrative Procedures Act. Proceedings that culminate in the issuance of an initial order or a notice of violation under Title 19, Chapter 2 are not governed by the Utah Administrative Procedures Act as specified in Subsection 63-46b-1(2)(k). These include, but are not limited to, initial proceedings regarding:

- (a) approval, denial, termination, modification, revocation, reissuance or renewal of permits or approval orders;
- (b) notices of violation and orders associated with notices of violation;
- (c) orders to comply and orders to cease and desist;
- (d) declaratory orders;
- (e) certification for tank vapor tightness testing under R307-342;
- (f) certification of asbestos contractors under R307-801;

(g) fees imposed for major source reviews under R307-414;
 (h) decisions regarding eligibility of pollution control equipment for tax exemptions under R307-120, R307-121, and R307-122;

(i) requests for variances, exemptions, and other approvals;
 (j) requests or approvals for experiments, testing or control plans;
 (k) certification of individuals and firms who perform lead-based paint activities and accreditation of lead-based paint training providers under R307-840.

(2) Effect of Initial Orders and Notices of Violation.

(a) Unless otherwise stated, all initial orders or notices of violation are effective upon issuance. All initial orders or notices of violation shall become final if not contested within 30 days after the date issued.

(b) The date of issuance of an order or notice of violation is the date the order or notice of violation is signed.

(c) Failure to timely contest an initial order or notice of violation waives any right of administrative contest, reconsideration, review, or judicial appeal.

R307-103-3. Contesting an Initial Order or Notice of Violation.

(1) Procedure. Initial orders and notices of violation, as described in R307-103-2(1), may be contested by filing a written Request for Agency Action with the board by submitting the request to Executive Secretary, Air Quality Board, Division of Air Quality, PO Box 144820, Salt Lake City, Utah 84114-4820.

(2) Content Required and Deadline for Request. Any such request is governed by and shall comply with the requirements of Subsection 63-46b-3(3) and, to be effective, shall be received for filing within 30 days of the issuance of the order or notice of violation.

(3) Stipulation for Extending Time to File Request. The executive secretary and a person subject to an initial order or notice of violation may stipulate to an extension of time for filing the request, or any part thereof.

R307-103-4. Designation of Proceedings as Formal or Informal.

(1) Contest of an initial order or notice of violation resulting from proceedings described in R307-103-2(1) shall be conducted as a formal proceeding.

(2) The board in accordance with Subsection 63-46b-4(3) may convert proceedings which are designated to be formal to informal and proceedings which are designated as informal to formal if conversion is in the public interest and rights of all parties are not unfairly prejudiced.

R307-103-5. Response to Request for Agency Action.

In accordance with Subsection 63-46b-3(3)(d) and (e), notice of the time and place for a hearing shall be provided in the presiding officer's Notice of Request for Agency Action, or shall be provided promptly after the hearing is scheduled.

R307-103-6. Parties and Intervention.

(1) Determination of a Party. The following persons are parties to an adjudicative proceeding:

(a) The person to whom an initial order or notice of violation is directed, such as a person who submitted a permit application that was approved or disapproved by order of the executive secretary;

(b) The executive secretary of the board; and

(c) All persons whose legal rights or interests are substantially affected by the proceeding, who have standing to participate in the proceeding, and to whom the board has granted intervention under R307-103-6(2).

(2) Intervention.

(a) A Petition to Intervene shall meet the requirements of Section 63-46b-9.

(b) Any response to a Petition to Intervene shall be filed within 20 days of the date the Petition was filed, except as provided in R307-103-6(2)(c).

(c) A person seeking to intervene in a proceeding for which agency action has not been initiated under Section 63-46b-3 may file a Request for Agency Action at the same time he files a Petition for Intervention. Any such Request for Agency Action and Petition to Intervene must be received by the board for filing within 30 days of the issuance of the order or notice of violation being challenged. Any response to a Petition to Intervene that is filed at the same time as a Request for Agency Action shall be filed on or before the day the response to the Request for Agency Action is due.

(d) Intervention may be granted by order of the board to a petitioner only if the requirements of Subsection 63-46b-9(2) are met.

(3) Designation of Parties. Unless otherwise designated by the presiding officer:

(a) The person filing a Request for Agency Action shall be the petitioner and the executive secretary shall be the respondent.

(b) In a proceeding requested by a Petition to Intervene, the person granted intervenor status shall be the petitioner. The executive secretary and the person to whom the challenged order or notice is directed shall be the respondents.

(4) Amicus Curiae (Friend of the Court). A person may be permitted by the presiding officer to enter an appearance as amicus curiae (friend of the court), subject to conditions established by the presiding officer.

R307-103-7. Conduct of Proceedings.

(1) Role of Board.

(a) The board is the "agency head" as that term is used in Title 63, Chapter 46b. The board is also the "presiding officer," as that term is used in Title 63, Chapter 46b, except:

(i) The chair of the board shall be considered the presiding officer to the extent that these rules allow; and

(ii) The board may appoint one or more presiding officers to preside over all or a portion of the proceedings.

(b) The chair of the board may delegate the chair's authority as specified in this rule to another board member.

(2) Appointed Presiding Officers. Unless otherwise explicitly provided, any appointment of a presiding officer shall be for the purpose of conducting all aspects of an adjudicative proceeding, except rulings on intervention, stays of orders, dispositive motions, and issuance of the final order. As used in this rule, the term "presiding officer" shall mean "presiding officers" if more than one presiding officer is appointed by the board.

(3) Pre-hearing Conferences. The presiding officer may direct the parties to appear at a specified time and place for pre-hearing conferences for the purposes of clarifying the issues, simplifying the evidence, facilitating discovery, expediting proceedings, or encouraging settlement.

(4) Pre-hearing Record. The executive secretary shall compile an administrative record prior to a scheduled hearing and give any party the opportunity to supplement the record. The pre-hearing record shall also consist of pleadings or other documents filed in the course of the adjudicative proceeding prior to the hearing.

(5) Briefs.

(a) Unless otherwise directed by the presiding officer, parties to the proceeding shall submit a pre-hearing brief at least seven business days before the hearing. Post-hearing briefs will be allowed only as authorized by the presiding officer. The presiding officer may establish page and other limits for briefs.

(b) Response briefs may not be filed unless permitted by the presiding officer.

(6) Schedules.

(a) The parties are encouraged to prepare a joint proposed schedule for discovery, for other pre-hearing proceedings, for the hearing, and for any post-hearing proceedings. If the parties cannot agree on a joint proposed schedule, any party may submit a proposed schedule to the presiding officer for consideration.

(b) The presiding officer shall establish a schedule for the matters described in (a) above.

(7) Motions. All motions shall be filed a minimum of 12 days before a scheduled hearing, unless otherwise directed by the presiding officer. A memorandum in opposition to a motion may be filed within 10 days of the filing of the motion, or at least one day before any scheduled hearing, whichever is earlier. Memoranda in support of or in opposition to motions may not exceed 15 pages unless otherwise provided by the presiding officer.

(8) Filing and Copies of Submissions. The original of any motion, brief, petition for intervention, or other submission shall be filed with the executive secretary. In addition, the submitter shall provide a copy to each presiding officer and to all parties or their counsel of record.

R307-103-8. Hearings.

The presiding officer shall govern the conduct of a hearing, and may establish reasonable limits on the length of witness testimony, cross-examination, oral arguments or opening and closing statements.

R307-103-9. Orders.

(1) Proposed Orders by Parties. Unless otherwise directed by the presiding officer, each party may provide proposed orders for the presiding officer within five days of the conclusion of the hearing.

(2) Recommended Orders of Appointed Presiding Officers.

(a) If an appointed presiding officer is required by the terms of his appointment or by these rules to present a recommended order to the board, he shall provide copies of the recommended order to the board and to all parties.

(b) Any party may, within 10 days of the date the recommended order is mailed, delivered, or published, comment on the recommended order. Such comments shall be limited to 15 pages and shall cite to the specific parts of the record which support the comments.

(c) The board shall review the recommended order, comments on the recommended order, and those specific parts of the record cited by the parties in any comments. The board shall then determine whether to accept, reject, or modify the recommended

order. The board may remand part or all of the matter to the presiding officer or may itself act as presiding officers for further proceedings.

(d) The board may modify this procedure with notice to all parties.

(3) Final Orders. The board shall issue a final order which shall include the information required by Section 63-46b-10 or Subsection 63-46b-5(1)(i).

R307-103-10. Stays of Orders.

(1) Stay of Orders Pending Administrative Adjudication.

(a) A party seeking a stay of a challenged order during an adjudicative proceeding shall file a motion with the board. If granted, a stay would suspend the challenged order for the period as directed by the board.

(b) The board may order a stay of the order if the party seeking the stay demonstrates the following:

(i) The party seeking the stay will suffer irreparable harm unless the stay is issued;

(ii) The threatened injury to the party seeking the stay outweighs whatever damage the proposed stay is likely to cause the party restrained or enjoined;

(iii) The stay, if issued, would not be adverse to the public interest; and

(iv) There is substantial likelihood that the party seeking the stay will prevail on the merits of the underlying claim, or the case presents serious issues on the merits which should be the subject of further adjudication.

(2) Stay of the Order Pending Judicial Review.

(a) A party seeking a stay of the board's final order during judicial review shall file a motion with the board.

(b) The board as presiding officer may grant a stay of its order during the pendency of judicial review if the standards of R307-103-10(1)(b) are met.

R307-103-11. Reconsideration.

No agency review under Section 63-46b-12 is available. A party may request reconsideration of an order of the presiding officer as provided in Section 63-46b-13.

R307-103-12. Disqualification of Board Members or Other Presiding Officers.

(1) Disqualification of Board Members or Other Presiding Officers.

(a) A member of the board or other presiding officer shall disqualify himself from performing the functions of the presiding officer regarding any matter in which he, or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Has acted as an attorney in the proceeding or served as an attorney for, or otherwise represented a party concerning the matter in controversy;

(iii) Knows that he has a financial interest, either individually or as a fiduciary, in the subject matter in controversy or in a party to the proceeding;

(iv) Knows that he has any other interest that could be substantially affected by the outcome of the proceeding; or

(v) Is likely to be a material witness in the proceeding.

(b) A member of the board or other presiding officer is also subject to disqualification under principles of due process and administrative law.

(2) Motions for Disqualification. A motion for disqualification shall be made first to the presiding officer. If the presiding officer is appointed, any determination of the presiding officer upon a motion for disqualification may be appealed to the board.

R307-103-13. Miscellaneous.

(1) Modifying Requirements of Rules. For good cause, the requirements of these rules may be modified by order of the presiding officer.

(2) Extensions of Time. Except as otherwise provided by statute, the presiding officer may approve extensions of any time limits established by this rule, and may extend time limits adopted in schedules established under R307-103-7(6). The presiding officer may also postpone hearings. The chair of the board may act as presiding officer for purposes of this paragraph.

(3) Computation of Time. Time shall be computed as provided in Rule 6(a) of the Utah Rules of Civil Procedure except that no additional time shall be allowed for service by mail.

(4) Appearances and Representation.

(a) An individual who is a participant to a proceeding, or an officer designated by a partnership, corporation, association, or governmental entity which is a participant to a proceeding, may represent his, her, or its interest in the proceeding.

(b) Any participant may be represented by legal counsel.

(5) Other Forms of Address. Nothing in these rules shall prevent any person from requesting an opportunity to address the board as a member of the public, rather than as a party. An opportunity to address the board shall be granted at the discretion of the board. However, addressing the board in this manner does not constitute a request for agency action under R307-103-3.

(6) Requests for Records. Requests for records under the Title 63, Chapter 2, Utah Government Record Access and Management Act, are not governed by Title 63, Chapter 46b, Utah Administrative Procedures Act, or by this rule.

KEY: air pollution, administrative procedure, hearings*

1999

63-46b

◆ ————— ◆

Environmental Quality, Air Quality

R307-120-8

Appeal and Revocation

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 22460

FILED: 10/15/1999, 13:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amend Section R307-120-8 as it conflicts with the new Rule R307-103.

(DAR Note: The proposed new rule R307-103 is under DAR No. 22459 in this *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: Section R307-120-8 addresses appeals of a rejected application for sales tax exemption for pollution control equipment. The new Rule R307-103 is more comprehensive, establishing administrative procedures specific to the needs of the Division and those affected by the agency's actions. Therefore, Section R307-120-8 is revised to refer to the new rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 63, Chapter 46b; and Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Some small savings because Rule R307-103 more clearly defines procedures.

❖LOCAL GOVERNMENTS: This rule does not apply to local governments because they do not pay sales tax.

❖OTHER PERSONS: The rule changes in Rule R307-103, and Sections R307-102-3, R307-120-8, and R307-414-3, have the effect of adopting into the R307 rules certain administrative procedures contained in the Utah Administrative Procedures Act (UAPA). These procedures already apply to all persons involved in agency actions under R307. Therefore, it will cost at most the same to proceed under the new rules, because they contain the same requirements as UAPA. In fact, it may cost less because persons using the rules will not need to identify, find, and interpret the correct provisions of UAPA, which covers numerous topics besides the types of proceedings conducted by the Division of Air Quality (DAQ). Instead, those subject to the R307 rules will be able to easily obtain a copy of the procedural rules they need from DAQ. This will sometimes result in a savings of legal and consulting fees, as well as in time.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There could be some small savings because administrative processes are more clearly defined for the regulated community in new Rule R307-103. There is nothing in the rule which could cause an increase in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The new rule sets forth clear and consistent administrative processes for the Division of Air Quality and the regulated community; amending Section R307-120-8 avoids conflicts--Dianne R. Nielson

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

Environmental Quality
Air Quality
150 North 1950 West
PO Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@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 12/01/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/18/1999, 1:30 p.m., Room 201, DEQ Building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/06/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-120. General Requirements: Tax Exemption for Air and Water Pollution Control Equipment.

R307-120-8. Appeal and Revocation.

(1) ~~If the application is rejected, the applicant may appeal to the appropriate Board within 20 days for an informal hearing. The Board's decision will be final and conclusive on all parties unless appealed.~~ A decision of the executive secretary of the Air Quality Board may be reviewed by filing a Request for Agency Action as provided in R307-103-3. A decision of the executive secretary of the Water Quality Board may be reviewed by filing a Request for Agency Action as provided in the administrative rules for Water Quality, R317.

(2) Revocation of prior certification shall be made for any of the circumstances prescribed in Section 19-2-126, after consultation with the State Tax Commission.

KEY: air pollution, tax exemptions, equipment*

| | |
|-------------------------------------|----------|
| September 15, 199[8]9 | 19-2-124 |
| Notice of Continuation June 2, 1997 | 19-2-125 |
| | 19-2-126 |
| | 19-2-127 |

Environmental Quality, Air Quality

R307-414-3

Request for Review

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22461

FILED: 10/15/1999, 13:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Delete Section R307-414-3 as it conflicts with the new Rule R307-103.

(DAR Note: The proposed new rule R307-103 is under DAR No. 22459 in this *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: Section R307-414-3 sets forth a process to appeal the fee paid for Division of Air Quality (DAQ) review of applications for new construction or modifications to existing sources of air pollution. New Rule R307-103 more clearly and completely spells out the process for an appeal and Section R307-414-3 should be deleted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 63, Chapter 46b; and Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Some small savings because Rule R307-103 more clearly defines procedures.

❖LOCAL GOVERNMENTS: This rule affects only local governments which construct or modify sources of air pollution, such as electric generating stations. Some small savings because administrative processes are more clearly and completely defined in Rule R307-103.

❖OTHER PERSONS: The rule changes in Rule R307-103, and Sections R307-102-3, R307-120-8, and R307-414-3, have the effect of adopting into the R307 rules certain administrative procedures contained in the Utah Administrative Procedures Act (UAPA). These procedures already apply to all persons involved in agency actions under R307. Therefore, it will cost at most the same to proceed under the new rules, because they contain the same requirements as UAPA. In fact, it may cost less because persons using the rules will not need to identify, find, and interpret the correct provisions of UAPA, which covers numerous topics besides the types of proceedings conducted by DAQ. Instead, those subject to the R307 rules will be able to easily obtain a copy of the procedural rules they need from DAQ. This will sometimes result in a savings of legal and consulting fees, as well as in time.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There could be some small savings because administrative processes are more clearly defined for the regulated community in the new Rule R307-103. There is nothing in the amendment which could cause an increase in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The new rule sets forth clear and consistent administrative processes for the Division of Air Quality and the regulated community; deleting Section R307-414-3 avoids conflicts--Dianne R. Nielson

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

Environmental Quality
Air Quality
150 North 1950 West
PO Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@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 12/01/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/18/1999, 1:30 p.m., Room 201, DEQ Building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/06/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

**R307. Environmental Quality, Air Quality.
R307-414. Permits: Fees for Approval Orders.
[R307-414-3. Request for Review:**

~~— A request for review or reconsideration of the bill provided by the Executive Secretary to the owner or operator of a source affected by R307-414 may be filed by the owner or operator of said source with the Executive Secretary within 20 days of receipt. The Board shall consider the request for review and determine the appropriateness of the bill.]~~

**KEY: air pollution, fee
[September 15, 1998]**

19-2-104(3)(o)

◆ ————— ◆
**Environmental Quality, Air Quality
R307-415
Permits: Operating Permit
Requirements**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22462

FILED: 10/15/1999, 13:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amend the Operating Permits rule to bring it into consistency with the new Rule R307-103.

(**DAR Note:** The proposed new rule R307-103 is under DAR No. 22459 in this *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: In Subsection R307-415-6d(2), amend the last sentence to specify that a permit action shall be final after all requirements of Sections R307-415-5a through R307-415-5e have been met. Delete all of Section R307-415-10, "Administrative Procedures and Appeals."

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 63, Chapter 46b; and Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Some small savings because administrative processes are more complete and clearly defined in the new Rule R307-103.

❖LOCAL GOVERNMENTS: This rule applies only to local governments which operate sources of air pollutants subject to 40 CFR Part 70. There could be some small savings because administrative processes are more complete and clearly defined in the new Rule R307-103.

❖OTHER PERSONS: There could be some small savings because administrative processes are more clearly and completely set forth in the new Rule R307-103. There is nothing in the rule which could cause an increase in costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There could be some small savings because administrative processes are more clearly and completely set forth in the new Rule R307-103. There is nothing in the rule which could cause an increase in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: New Rule R307-103 is more complete and clear in setting forth administrative processes to ensure constitutional due process for the regulated community and the public--Dianne R. Nielson

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

Environmental Quality
Air Quality
150 North 1950 West
PO Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 01/06/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-415. Permits: Operating Permit Requirements.
R307-415-6d. Permit Content: General Permits.

(1) The Executive Secretary may, after notice and opportunity for public participation provided under R307-415-7i, issue a general permit covering numerous similar sources. Any general permit shall comply with all requirements applicable to other operating permits and shall identify criteria by which sources may qualify for the general permit. To sources that qualify, the Executive Secretary shall grant the conditions and terms of the general permit. Notwithstanding the permit shield, the source shall be subject to enforcement action for operation without an operating permit if the source is later determined not to qualify for the conditions and terms of the general permit. General permits shall not be issued for Title IV affected sources under the Acid Rain

Program unless otherwise provided in regulations promulgated under Title IV of the Act.

(2) Part 70 sources that would qualify for a general permit must apply to the Executive Secretary for coverage under the terms of the general permit or must apply for an operating permit consistent with R307-415-5a through 5e. The Executive Secretary may, in the general permit, provide for applications which deviate from the requirements of R307-415-5a through 5e, provided that such applications meet the requirements of Title V of the Act, and include all information necessary to determine qualification for, and to assure compliance with, the general permit. Without repeating the public participation procedures required under R307-415-7i, the Executive Secretary may grant a source's request for authorization to operate under a general permit, but such a grant to a qualified source shall not be a final permit action [~~for purposes of judicial review~~]until the requirements of R307-415-5a through 5e have been met.

[R307-415-10. Administrative Procedures and Appeals:

~~—(1) Designation of proceedings as formal or informal. The following proceedings and actions are designated to be conducted either formally or informally in accordance with the applicable provisions of Administrative Procedures Act, Title 63, Chapter 46b:~~

~~—(a) Calculation and assessment of annual emission fees shall be processed informally using the procedures identified in R307-415-9.~~

~~—(b) Permit issuance, modification, revocation, reissuance and renewal shall be processed informally using the procedures identified in R307-415-2 through R307-415-8.~~

~~—(c) Appeal of a permit denial or a final permit, as that term is defined in R307-415-3, shall be conducted formally in accordance with Sections 63-46b-6 through 63-46b-13.~~

~~—(d) A formal adjudicative proceeding may be converted to an informal proceeding or an informal adjudicative proceeding may be converted to a formal proceeding in accordance with Subsection 63-46b-4(3).~~

~~—(2) Appeals:~~

~~—(a) The applicant, or any person meeting the requirements of Section 63-46b-9, may appeal a final permit or permit denial by submitting to the Executive Secretary within 30 days of final permit issuance or denial:~~

~~—(i) a Request for Agency Action in accordance with Section 63-46b-3, and;~~

~~—(ii) where the person appealing a final permit is not the applicant, a Petition to Intervene in accordance with Section 63-46b-9.~~

~~—(b) Where appeal of a final permit is based solely on grounds arising after the 30-day deadline for filing an appeal, such requests may be filed no later than 30 days after the new grounds arise.~~

~~—(3) Judicial Review:~~

~~—(a) After exhaustion of administrative procedures, judicial review of final agency action shall be in accordance with Sections 63-46b-14 through 63-46b-18, except as provided in (b) below.~~

~~—(b) Judicial review of the Executive Secretary's failure to act on any operating permit application or renewal shall be in accordance with Section 19-2-109.1(11):]~~

KEY: air pollution, environmental protection, operating permit*, emission fee*

[July 15,] 1999

Notice of Continuation March 1, 1999

19-2-109.1

19-2-104

◆ ————— ◆

Human Services, Recovery Services

R527-302

Income Withholding Fees

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22421

FILED: 10/05/1999, 10:43

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being proposed to make it clear that the total amount an employer, or other payor of income, is allowed to deduct from an obligor's income to offset the administrative costs of income withholding is \$25, in accordance with Rule 64D(d)(ii) of the Utah Rules of Civil Procedure and Section 21-7-20. This rule will also provide the employer or payor with necessary information on how the fee may be deducted and the legal withholding limits under federal law.

SUMMARY OF THE RULE OR CHANGE: The first paragraph in Rule R527-302 specifies that a payor of income is allowed to deduct a fee of \$25 to offset its administrative costs associated with income withholding initiated by the Office of Recovery Services/Child Support Services (ORS/CSS) for payment of child support owed by an obligor. The second paragraph gives the payor an option to deduct the entire fee at once, or deduct lesser amounts on a monthly basis until the full amount has been withheld. It also alerts the payor that the amount withheld may not exceed that permitted under the Consumer Credit Protection Act.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-11-406 and 21-7-20, and Rule 64D of the Utah Rules of Civil Procedure

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The proposed rule is not expected to affect the state budget except when the total monthly support amount, including the fee, exceeds the total amount allowed under the Consumer Credit Protection Act. When this happens the payor will, in effect, be able to collect its fee first, while ORS/CSS will receive the remaining amount, which will be less than the full monthly support specified in the Notice to Withhold Income for Child Support. This is not expected to occur often, and when it does occur, the anticipated loss in revenue and additional processing costs for collecting/distributing those amounts at a later date should be minimal.

◆ **LOCAL GOVERNMENTS:** None--the administrative rules of the Office of Recovery Services do not apply to local governments.

◆ **OTHER PERSONS:** Because most payors of income who choose to deduct an administrative fee for processing income withholding are currently deducting \$10 per month and have already deducted more than a total of \$25, the proposed change will have the effect of stopping their fee revenues altogether. These payors will experience a monthly loss of \$10, multiplied by the number of income withholding accounts for which \$25 or more has already been deducted. For obligors with new income withholding orders, it will mean that no more than \$25 in payor processing fees will be deducted per income withholding order. For obligors with existing income withholding orders, the \$10 monthly income deduction will cease if at least \$25 has been already deducted. Hence, payors who choose to deduct an administrative processing fee will generally experience a loss in revenue resulting from the cap on those fees, and obligors receiving income from those payors will generally benefit because no more than \$25 in payor fees will be deducted for each income withholding order. The aggregate loss to payors with income withholding accounts will depend on whether or not fees are deducted, the number of accounts which would otherwise have continued or begun payor fee deductions of \$10 per month, and the length of time those income withholding accounts are in effect. The aggregate financial benefit for obligors subject to income withholding orders will depend upon these same variable factors.

COMPLIANCE COSTS FOR AFFECTED PERSONS: In order to comply with the proposed rule, an employer or other payor of income that has chosen to collect administrative processing fees will have to limit its deductions to a total of \$25 per income withholding order and must make the necessary payroll changes to stop deducting a continuous \$10 per month on all accounts from which at least \$25 has already been deducted for those fees. The actual loss to the payor will depend on the nature of its accounting system (automated or manual), the number of existing income withholding accounts from which at least \$25 has already been deducted, and the length of time those accounts remain in effect. The payor will also experience a future loss on new income withholding accounts because only \$25 per account may be collected for administrative processing, rather than a continuous \$10 per month.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT

THE RULE MAY HAVE ON BUSINESSES: The proposed rule will have a fiscal impact on businesses receiving income withholding orders from the Office of Recovery Services/Child Support Services that choose to deduct fees for their administrative costs associated with deducting and processing support payments. Because the rule specifies a \$25 limit on the amount a payor of income may deduct from an obligor's account for its administrative costs, affected businesses will have to make the necessary adjustments in their accounting systems to accommodate the change and will experience a loss in revenue on income withholding accounts from which a continuous \$10 per month would otherwise have been collected.

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

Human Services
Recovery Services
Fourteenth Floor, Eaton/Kenway Building
515 East 100 South
PO Box 45011
Salt Lake City, UT 84145-0011, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Wayne Braithwaite at the above address, by phone at (801) 536-8986, by FAX at (801) 536-8509, or by Internet E-mail at hsadmin.hsorsslc.wbraithw@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: Emma Chacon, Director

R527. Human Services, Recovery Services.

R527-302. Income Withholding Fees.

R527-302-1. Income Withholding Fees.

1. When the Office of Recovery Services/Child Support Services (ORS/CSS) initiates income withholding against a payor of income for payment of an obligor's child support, the payor of income may deduct a one-time \$25.00 fee to offset the administrative costs it incurs to process the withholding pursuant to Rule 64D, Subsection(d)(ii), Utah Rules of Civil Procedure, and Subsection 21-7-20(1)(b), Utah Code.

2. A payor of income may choose to deduct the entire \$25.00 in the first month of withholding, or, pursuant to Subsection 62A-11-406(4), Utah Code, a payor may choose to deduct the \$25.00 in monthly increments (for example, \$5.00 per month for 5 months) until the full amount has been deducted, provided the total amount withheld does not exceed the maximum amount permitted under Subsection 303(b) of the Consumer Credit Protection Act, 15 U.S.C. Subsection 1673(b).

KEY: child support, income withholding fees

1999

Section 62A-11-406

Section 21-7-20

Rule 64D, Utah Rules of Civil Procedure



Insurance, Administration
R590-127
Rate Filing Exemptions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22464

FILED: 10/15/1999, 16:16

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes in this rule have been made as a result of legislative changes and the five-year review process.

SUMMARY OF THE RULE OR CHANGE: 1) As a result of legislation this past year, Chapter 19 of Title 31A has been changed to Chapter 19a, and the definition of "classification" was added to the Code. 2) When this rule was created in 1989, the term "prospective loss costs," which is a base rating system used by insurers, was not being used. It is now being used. 3) The addition of the words "transmittal forms and filing" is a new form that is being required of insurers to use when they file forms with us. This was not being required in 1989 when the rule was written. 4) The other numbering and changes from lower to upper case are strictly format changes.

(DAR Note: H.B. 269 is found at 1999 Utah Laws 130, and was effective May 3, 1999.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-19-103

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The changes to this rule will not affect the states budget since the changes just reflect what is already being done.

❖LOCAL GOVERNMENTS: Local government is not affected since they do not regulate the insurance industry.

❖OTHER PERSONS: Because these changes reflect what is already being done by the insurance industry, or is a result of formatting changes, the insurance industry and consumers will not be impacted by these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because these changes reflect what is already being done by the insurance industry, or is a result of formatting changes, the insurance industry and consumers will not be impacted by these changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have no fiscal impact on the state, the insurance industry, or the consumer.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/02/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/03/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-127. Rate Filing Exemptions.
R590-127-1. Authority.

This rule is promulgated by the Insurance Commissioner pursuant to the general authority granted under Section 31A-2-201(3), to adopt rules for the implementation of the Utah Insurance Code, and pursuant to Section 31A-[+9]19a-103, which specifically authorizes the commissioner to exempt any market segment from any or all of the provisions of Chapter [+9]19a of Title 31A.

R590-127-2. Purpose.

Section 31A-[+9]19a-203 requires that all insurers and rate service organizations to which Chapter [+9]19a applies file all rates and supplementary rate information, which includes any manual or plan of rates, classification, rating schedule, rating rule, and rate-related underwriting rule, with the Insurance Commissioner within 30 days of the designated effective date. No exception is made in the statute for "(a) rates" or "refer to company" rates or rating plans for specialized or individual risks. All insurers using any of these types of rates or plans would be doing so in violation of the statute.

The purpose of this rule is to define these rates and plans, to make certain exemptions with regards to the filing requirements of Section 31A-[+9]19a-203, and to establish certain procedures for that market segment which uses these types of rates or plans.

.....

R590-127-4. Definitions.

This rule is concerned with terminology which is commonly used in the insurance industry but for which no decisive definitions have been established. To promote understanding, some explanation is required.

Manual classifications, prospective loss costs and rates are developed by pooling vast amounts of statistical data. They are, by nature, average. For many types of risks there does not exist enough statistical data to develop credible prospective loss costs, manual rates and classifications. Over time the industry has developed ways of dealing with these [unaverage]unconventional risks. The procedure for rating an exposure that does not have a published prospective loss cost or manual rate is termed "(a) rating". The term is derived from the fact that the manual contains the symbol "(a)" or the words "refer to company" opposite the applicable code number instead of a specific dollar and cent rate. There are generally three types of situations which require (a) rates: (1) For a class in which the risks are so different from each other

that no single manual rate could be representative of all of them; (2) where a class does not develop enough experience to warrant any credibility for ratemaking purposes; or (3) risks that involve a new product or coverage for which there is no past experience nor appropriate analogy to similar exposures for ratemaking purposes.

For the purpose of this rule the commissioner adopts the definitions as particularly set forth in Section 31A-1-301, Section 31A-[+9]19a-103, and in addition, the following:

(1) "(a) rate" means a rating rule or a rate expressed as the symbol "(a)" or the words "refer to company" listed opposite a classification code on the manual rule and rate pages of the Commercial Lines Manual.

(2) "(a) rating," special risk rating, means the procedure an underwriter uses for classifying and rating any risk which presents unique or unusual conditions, exposures or hazards for which he feels a commercial lines manual classification or rate is not appropriate.

(3) [~~Classification~~] "Classification" means a group of risks having the same general risk characteristics which are grouped together for rating purposes.

(4) "Commercial Lines Manual" means the manual of rates, classifications and underwriting rules for commercial lines insurance, including the plan known as the Highly Protected Risk Plan, filed with the commissioner by the Insurance Services Office, Inc. For the purpose of this rule, this term shall include any similar rating plan or manual, including Highly Protected Risk Plans or large risk property rating plans, filed with the commissioner by other rate service organizations or individual insurers.

(5) (4) "Excess Insurance" means a coverage designed to be in excess over one or more primary coverages or a Self-Insured Retention and which does not pay a loss until the loss amount exceeds a certain sum.

(6) (5) "Guide (a) Rates" means advisory (a) rates that have been developed by rate service organizations or company home office underwriters. They represent a rough average and are used as guides or signposts.

(7) (6) "Guide (a) Manual" means a collection of Guide (a) Rates with rules and procedures for their use.

(8) (7) "Increased Limits Factor" means a rating factor used to adjust a manual rate to limits higher than the basic manual limits.

(9) (8) "Individual Risk Filing" means a filing of the insurance policy of an individual risk which is submitted to the commissioner. It shall consist of a copy of the Declarations Page, copies of any pertinent coverage forms and rating schedules, the underwriter's explanation for the filing, premium development, and the appropriate filing transmittal forms and filing fee.

(10) (9) "Self-Insured Retention" means that portion of a risk or potential loss which is assumed by an insured. It may be in the form of a deductible, self-insurance, or no insurance. For the purpose of this rule, "self-insured retention" is limited to amounts of at least \$50,000 or more.

(11) (10) "Umbrella Liability Insurance" means a coverage basically affording high limit coverage in excess of the limits of the primary policies as well as additional liability coverages. These additional coverages are usually subject to a substantial self-insured retention. The term "umbrella" is derived from the fact that it is a separate policy over and above any other basic liability policies the insured may have.

R590-127-5. Filing of Procedures.

Each insurer to which this rule applies shall maintain ~~on~~ file with the commissioner a general statement of company policies and procedures for underwriting and developing (a) rates and (a) rating. This statement shall include a delineation of the extent of home office and branch office authority with regards to the promulgation of (a) rates. This statement should include any formal guidelines established by the insurer for these situations. Any changes in general policy made subsequent to this initial filing will be subject to filing at the time of the change.

R590-127-6. (a) Rates.

(1) All (a) rates shall be exempt from the filing requirements of Section 31A-19-203.

(2) Whenever an (a) rate is used the underwriting file shall contain full and supporting factual documentation verifying that it is an (a) rate as defined and showing the development of the (a) rate assigned by the underwriter:

(a) ~~if~~ If the insurer has a Guide (a) Manual, the underwriter must start with the Guide (a) Rate suggested in the manual. If the underwriter feels adjustments to the suggested rate are appropriate, he shall document the steps in the development of the adjusted rate and show that he has followed the insurer's established procedure in the (a) rate development~~[-]~~.

(b) ~~if~~ If no Guide (a) Rate is available, the underwriter shall document the steps in the development of the (a) rate. This development should contain an analysis of such things as the specific definable loss potential characteristics, a comparison to similar risks and their manual rates, available loss frequency and severity data, an analysis of current engineering reports, and any other pertinent underwriting criteria~~[-]~~.

(c) ~~as~~ As individual risk experience and characteristics are considered by the underwriter in developing the (a) rate, the only rate modification factors that may be applied to an (a) rate are Increased Limits Factors, package factors, premium size factors, expense modification factors and deductible factors. If automated rating procedures automatically apply other modification factors, this fact should be considered in the development of the initial rate.

(3) If an underwriter determines to use an Increased Limits Factor which is different from the Guide (a) Increased Limits Factors of the Commercial Lines Manual, the underwriting file shall contain full and supporting factual data justifying the change in the Guide (a) Increased Limits Factor.

(4) Whenever an insurer renews a risk which contains (a) rates the underwriting file shall contain documentation of the underwriter's reevaluation of the (a) rate assigned and justification for the continuation of the (a) rate or the development of any new (a) rate. If the (a) rate previously assigned is revised more than +/- 25%, the underwriter shall submit an individual risk filing to the commissioner within 30 days of the effective date of the policy. This filing shall contain the underwriter's documentation of the (a) rate development for the prior year and the development and explanation for the new (a) rate.

R590-127-7. (a) Rating~~[-]~~, Special Risk Rating~~[-]~~.

(1) Rates that are developed by an underwriter through an (a) rating process are exempt from the filing requirements of Section 31A-~~19~~19a-203.

(2) An underwriter is permitted to use (a) rating only in the following circumstances:

(a) When it can be clearly demonstrated that a risk described by specific classifications in the Commercial Lines Manual presents unique or unusual conditions of exposure or hazard such that the application of the normal manual rate for that classification does not produce a reasonable and equitable rate for the risk. The underwriter should bear in mind that manual classifications are understood to be general in nature and, thus, may not exactly describe the risk being considered. For this reason (a) rating is not to be used simply because the risk does not exactly match the manual classification description, but must be substantially different~~[-]~~.

(b) ~~when~~ When the coverage to be written is broader or more restricted than that provided for by the manual definition of coverage as limited by applicable manual exclusions~~[-]~~.

(c) ~~when~~ When the insurer has developed a program for types of risks or coverages that are not included in the Commercial Lines Manual and for which there is limited statistical data for ratemaking purposes~~[-]~~, or

(d) ~~when~~ When a risk develops more than \$100,000 in annual manual basic limits unmodified premium for automobile liability, general liability, glass and theft insurance, individually, or \$250,000 in any combination. Boiler and machinery risks may be (a) rated provided the one~~[-]~~-year deposit premium charged for the coverages afforded is \$50,000 or more.

(3) Whenever an underwriter uses (a) rating (special risk rating) the underwriting file shall contain a full explanation showing that the risk fits one of the circumstances described in Subsection (2). The file shall also contain full and supporting factual documentation showing the development of the rates assigned by the underwriter. This development should contain an analysis of such things as the specific definable loss potential characteristics, a comparison to similar risks and their manual rates, available loss frequency and severity data, an analysis of current engineering reports, and any other pertinent underwriting criteria.

(4) Whenever an insurer renews a risk which has been (a) rated according to this section, the underwriting file shall contain documentation of the underwriter's reevaluation of the (a) rating and justification for the continuation of the (a) rating. Except for changes in premium basis, if the (a) rating produces a renewal premium which varies more than +/- 25% from the expiring policy premium, the underwriter shall submit an individual risk filing to the commissioner within 30 days of the effective date of the policy. This filing shall contain the underwriter's documentation of the rate development for the prior term and the renewal term and an explanation for the change in premium.

R590-127-8. Commercial Excess and Umbrella Liability Insurance.

(1) Rates and rating plans for commercial excess insurance and umbrella liability insurance are exempt from the filing requirements of Section 31A-~~19~~19a-203.

(2) The underwriting files of all excess insurance and umbrella liability insurance risks must contain full and supporting factual documentation justifying the rate and showing the development of the rate. This development should contain an analysis of such things as the specific definable loss potential characteristics with

regards to its excess exposure and any other pertinent underwriting criteria.

(3) Whenever an insurer renews a commercial excess or umbrella liability policy the underwriting file shall contain documentation of the underwriter's reevaluation of the rate assigned and justification for the continuation of the rate or the development of any new rate.

.....

KEY: insurance companies
[1989]1999
Notice of Continuation 1994

31A-2-201
31A-19-103

**Labor Commission, Antidiscrimination
and Labor, Fair Housing**

R608-1

Utah Fair Housing Rules

NOTICE OF PROPOSED RULE

(Repeal and reenact)
DAR FILE NO.: 22451
FILED: 10/15/1999, 08:52
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To simplify and condense the Labor Commission's Fair Housing rules, while also incorporating changes made necessary by the 1999 legislative amendments to the Fair Housing Act.

(DAR Note: S.B. 92 is found at 1999 Utah Laws 160, and was effective May 3, 1999; S.B. 212 is found at 1999 Utah Laws 82, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: The proposed Fair Housing rules have been restructured to conform to the step-by-step process established by the Utah Fair Housing Act (Title 57, Chapter 21, Utah Code Annotated) for the filing, investigation, and adjudication of claims of unlawful housing discrimination. Definitions of terms already defined in the Fair Housing Act itself have been removed from the proposed rules. Likewise, description of unlawful housing practices already defined in the Fair Housing Act have been removed from the proposed rules. The proposed rules also incorporate changes required by the 1999 Utah Legislature's amendments to the Fair Housing Act. Specifically, the proposed rules designate various phases of Fair Housing adjudicatory proceedings as either informal or formal; clarifies the content requirements for complaints, as well as responses to complaints; sets forth the Commission's authority to issue subpoenas and use other investigative tools to resolve Fair Housing complaints; and define the consequences of a party's failure to provide necessary information. The proposed rules also define the parties' rights to administrative or judicial review of Division findings

and set forth the time limits applicable to such review. The proposed rule also establishes the procedures by which the parties may choose the forum for such administrative or judicial review. Finally, the proposed rule establishes the standards under which the Commission will provide legal representation for complainants.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 57-21-1 and 63-46b-1

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed rules will shift some responsibilities for administration of the Fair Housing Act between the Commission and the Division, but this shifting of responsibilities will not result in any net increase or decrease in the cost of administration and enforcement.

❖LOCAL GOVERNMENTS: Local governments are rarely involved as parties to fair housing complaints. The Commission does not anticipate that any provisions of the proposed rules will result in an increase or decrease of cost to local governments.

❖OTHER PERSONS: Under the existing Fair Housing Rules, respondents are not required to file a response to a fair housing complaint. Nevertheless, most respondents do, in fact, file such a response. Under the proposed rules, a response will be required. The Commission anticipates that this mandatory response requirement will generate an additional 15 to 20 responses a year, at an estimated average cost of \$200 per response, for an aggregate increased cost of approximately \$4,000. However, the cost of such responses will be offset to some extent by the increased efficiency of investigations made possible by the response requirement, as well as the proposed rule's simplification of adjudication and review proceedings. On balance, the Commission believes increased costs in some areas will be balanced by savings in others, resulting in no aggregate cost or savings for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As noted above, respondents will be required to file a "response" to a charge of unlawful discrimination. While respondents frequently file such responses now, under the existing Fair Housing Rules, it is probable that the proposed rules will increase the number of responses by 15 to 20 each year, at an average cost of preparation of \$200 and a total cost of \$4,000 annually. However, this additional cost for respondents will be offset by lowered costs resulting from simpler and more efficient investigations and review proceedings. Respondents are not expected to experience any net change to compliance costs. With respect to complainants, none of the provisions of the proposed rule are expected to impose any additional compliance costs. To the contrary, simpler and more efficient investigations and review proceedings should reduce overall costs to complainants.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As noted above, the proposed rules are expected to cause more respondents to file responses to housing discrimination complaints. While this may result in a moderate increased cost, the responses will result in more efficient and inexpensive investigations. In the end, the added cost of the response requirement should

be minimal. Additionally, other provisions of the proposed rule, which generally simplify administrative procedures, should also reduce overall costs. In summary, the Commission believes the proposed rule will have no net fiscal impact on businesses.

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

Labor Commission
Antidiscrimination and Labor, Fair Housing
Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146600
Salt Lake City, UT 84114-6600, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Alan Hennebold at the above address, by phone at (801) 530-6937, by FAX at (801) 530-6930, or by Internet E-mail at icmain.ahennebo@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R608. Labor Commission, Antidiscrimination and Labor, Fair Housing.

[R608-1. Utah Fair Housing Rules.

R608-1-1. Authority.

— This rule is adopted pursuant to Section 57-21-8(2)(a) which authorizes the Division of Antidiscrimination and Labor within the Labor Commission to make rules necessary to implement the Utah Fair Housing Act.

R608-1-2. Purpose.

— The scope and purpose of this rule is to identify and define certain practices which the Division finds are unfair and discriminatory, and to set forth rules for the purpose of eliminating housing discrimination in Utah.

R608-1-3. Definitions.

— The following definitions are complementary to the statutory definitions specified in Section 57-21-2 and shall apply to all rules of R608-1 and interpretation of the Utah Fair Housing Act.

— A. "Act" means the Utah Fair Housing Act, Chapter 21, Title 57.

— B. "Complainant" means an aggrieved person who has commenced a complaint with the Division.

— C. "Commissioner" means the Labor Commissioner.

— D. "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the complainant, the respondent, and the Division.

— E. "Court" means the district court in the judicial district of the state of Utah in which the asserted unfair housing practice

occurred, or if this court is not in session at that time, then any judge of any court.

— F. "Director" means the director of the Division or the director's designee.

— G. "Division" means the Division of Antidiscrimination and Labor within the Labor Commission.

— H. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

— I. "Respondent" means a person against whom a complaint of housing discrimination has been initiated.

R608-1-4. Discriminatory Housing Practices.

— A. Prohibited actions because of race, color, religion, sex, national origin, familial status, source of income, or disability under Section 57-21-5(1)(a) include:

— 1. Failing to accept or consider a bona fide offer;

— 2. Refusing to sell or rent a dwelling, or to negotiate for the sale or rental of a dwelling;

— 3. Imposing different sales prices or rental charges for the sale or rental of a dwelling;

— 4. Using different qualification criteria or applications, sale or rental standards or procedures such as income standards, application requirements, application fees, credit analysis, sale or rental approval procedures, or other requirements;

— 5. Evicting tenants.

— B. Prohibited actions because of a person's race, color, religion, sex, national origin, familial status, source of income, or disability under Section 57-21-5(1)(b) include:

— 1. Using different provisions in leases or contracts of sale, such as those relating to rental charges, security deposits, and the terms of a lease and those relating to down payment and closing requirements;

— 2. Failing or delaying maintenance or repairs of sale or rental dwellings;

— 3. Failing to process an offer for the sale or rental of a dwelling or to communicate an offer accurately;

— 4. Limiting the use of privileges, services, or facilities associated with a dwelling;

— 5. Denying or limiting services or facilities in connection with the sale or rental of a dwelling.

— C. Prohibited actions because of race, color, religion, sex, national origin, familial status, source of income, or disability under Section 57-21-5(1)(c) include:

— 1. Indicating through words or conduct that a dwelling which is available for inspection, sale or rental, has been sold or rented;

— 2. Representing that covenants or other deed, trust or lease provisions which purport to restrict the sale or rental of dwellings preclude the sale or rental of a dwelling to a person;

— 3. Enforcing covenants or other deed, trust, or lease provisions which preclude the sale or rental of a dwelling;

— 4. Limiting information by word or conduct, regarding suitably priced dwellings available for inspection, sale or rental;

— 5. Providing false or inaccurate information regarding the availability of a dwelling for sale or rent to any person, including testers, regardless of whether such person is actually seeking housing.

— D. Prohibited actions because of race, color, religion, sex, national origin, familial status, source of income, or disability under Section 57-21-5(2) shall apply to all written or oral notices or statements pertaining to the sale or rental of a dwelling:

— 1. Written notices and statements include any applications, newspapers, flyers, brochures, deeds, signs, banners, posters, billboards or any documents used with respect to the sale or rental of a dwelling:

— 2. Unlawfully discriminatory notices, statements, and advertisements include:

— a. using words, phrases, photographs, illustrations, symbols, or forms which convey that dwellings are available or not available to a particular group of persons;

— b. expressing to agents, brokers, employees, prospective sellers or renters or any other persons a preference for, or limitation on, any purchaser or renter;

— c. selecting media or locations for advertising the sale or rental of dwellings which deny particular segments of the housing market information about housing opportunities;

— d. refusing to publish advertising for the sale or rental of dwellings or requiring different charges or terms for such advertising:

— E. Prohibited actions because of race, color, religion, sex, national origin, familial status, source of income, or disability under Section 57-21-5(3) include:

— 1. Engaging, for profit, in conduct, including uninvited solicitations for listings, which conveys to a person that a neighborhood is undergoing, or is about to undergo, a change in order to encourage the person to offer a dwelling for sale or rental;

— 2. Encouraging, for profit, any person to sell or rent a dwelling through assertions that the entry or prospective entry of persons can or will result in undesirable consequences for the project, neighborhood, or community such as lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other services or facilities;

— F. Prohibited actions because of race, color, religion, sex, national origin, familial status, source of income, or disability under Section 57-21-6(1) include: failing or refusing to provide to any person, in connection with a residential real estate related transaction, information regarding the availability of loans or other financial assistance application requirements, procedures, or standards for the review and approval of loans or financial assistance or providing information which is inaccurate or different than that provided to others:

— G. Prohibited actions because of race, color, religion, sex, national origin, familial status, source of income, or disability under Section 57-21-6(2) include:

— 1. Setting different fees for access to, or membership in, a multiple listing service;

— 2. Denying or limiting benefits accruing to members in a real estate broker's organization;

— 3. Imposing different standards or criteria for membership in a real estate sales or rental organization;

— 4. Establishing geographic boundaries, office locations, or residence requirements for access to, membership, or participation in any multiple listing service, real estate broker's organization, or other service organization or facility relating to the business of selling or renting dwellings:

— H. Prohibited actions because of familial status include:

— 1. Conduct based on the age of the child; or

— 2. Children who live or will live with a person:

— I. The prohibitions afforded against discriminatory conduct on the basis of familial status shall apply to:

— 1. Single individuals;

— 2. Any person who is pregnant;

— 3. Any person in the process of securing legal custody of any individual who has not attained the age of 18 years:

R608-1-5. Filing a Complaint:

— A. A complaint may be filed by a person claiming to be aggrieved by any housing practice as prohibited by the Act. The complaint must be in the form of a written verified complaint on a form designated by the Division:

— B. A complaint filed pursuant to the Act must be filed with the Division within 180 days after the alleged unlawful discriminatory practice occurred:

— C. Complaints may be delivered to the Division either by personal delivery or regular mail addressed to the Division's office in Salt Lake City, Utah. Investigators and any other persons designated by the Division shall be available to assist in the drafting and filing of complaints at the Division's office during normal business hours. Complaints shall be deemed accepted for filing by the Division upon receipt of the complaint:

— D. All complaints may be reasonably and fairly amended, either by the Division or by the complainant at any time. The Division shall permit liberal amendment of complaints and filing of supplemental complaints in order to accomplish the purpose of the Act:

— E. Amended complaints or supplemental complaints shall be in writing, on a form designated by the Division, and must be signed and verified by the complainant. The procedures for filing an amended complaint, or supplemental complaint, and acknowledging receipt of an amended complaint, or supplemental complaint shall be the same as required for filing an original complaint:

— F. Complaints, amended complaints, or supplemental complaints may be withdrawn upon written request by the complainant at any time:

— G. A person who is not named as a respondent in a complaint, but who is identified in the course of the investigation as a person who is alleged to be engaged or is about to engage in the discriminatory practice upon which the complaint is based, may be joined as an additional or substitute respondent by service of notice on the person under this section within 10 days of the identification:

R608-1-6. Notice Requirements:

— A. Upon the filing of a complaint, amended complaint, or supplemental complaint, alleging a discriminatory housing practice, the Division shall serve written notice within ten days upon the complainant by registered or certified mail. The notice shall:

— 1. Acknowledge the filing of the complaint and state the date that the complaint was accepted by the Division;

— 2. Include a copy of the complaint;

— 3. Advise the complainant of the applicable time limits associated with the complaint process and of the procedural rights and obligations of the complainant under the Act;

— 4. Notwithstanding the time period set forth in R608-1-6.A, the Division shall serve written notice within 30 days, pursuant to

Section 57-21-12(1), advising the complainant of the right to commence a civil action in an appropriate state court. The notice shall include the time requirements for filing a civil action and filing an action arising from a breach of a conciliation agreement;

— 5. Advise the complainant of the right to commence an action in an appropriate federal court. The notice shall include the time requirements for filing an action under related federal law and filing an action arising from a breach of a conciliation agreement;

— 6. Advise the complainant that retaliation against any person, or individual associated with a person, who is filing, testifying, assisting, or participating in an investigation, conciliation or administrative proceeding, is a discriminatory housing practice prohibited by the Act.

— B. Within 10 days of the filing of the complaint, amended complaint, or supplemental complaint alleging a discriminatory housing practice, the Division shall serve written notice on each respondent by registered or certified mail. The notice shall:

— 1. Identify the alleged discriminatory housing practice upon which the complaint is based, and include a copy of the complaint;

— 2. State the date that the complaint was accepted for filing by the Division;

— 3. Advise the respondent of the applicable time limits associated with the complaint process and of the procedural rights and obligations of the respondent, including the opportunity to submit a written response to the complaint within 10 days of receipt of notice that a complaint has been filed with this Division. The written response should be sufficiently detailed to address and answer all issues involved in the complaint of discrimination. The answer must be signed and affirmed by the respondent;

— 4. Advise the respondent of the complainant's right to commence a civil action in an appropriate state court. The notice shall include the time requirements for filing a civil action and filing an action arising from a breach of a conciliation agreement;

— 5. Advise the respondent of the complainant's right to commence an action in an appropriate federal court. The notice shall include the time requirements for filing an action under related federal law and filing an action arising from a breach of a conciliation agreement;

— 6. Advise the respondent that retaliation against any person, or individual who is associated with a person, who is filing a complaint, testifying, assisting, or participating in an investigation, conciliation, or administrative proceeding, is a discriminatory housing practice prohibited by the Act.

— C. Notice served under this section shall be considered served when mailed.

R608-1-7. Investigation:

— A. The Division shall commence proceedings to investigate and conciliate a complaint alleging a discriminatory housing practice within 30 days after the filing of the complaint.

— B. During the period beginning with the filing of the complaint and ending with the Director's Determination and Order, the Division shall, to the extent feasible, engage in conciliation with respect to such complaint.

— C. The Division shall conduct a comprehensive and thorough investigation to the extent necessary to render a determination of each and every complaint alleging a complaint of housing discrimination as prohibited by the Act. The investigative file shall include a final investigative report containing:

— 1. The names and dates of contacts with witnesses;

— 2. A summary and dates of correspondence and other contacts with the aggrieved person and the respondent;

— 3. A summary description of other pertinent records;

— 4. A summary of witness statements and answers to interrogatories.

— D. The Division shall complete the investigation within 100 days after the filing of the complaint. If the Division is unable to complete the investigation within 100 days after the filing of the complaint, the Division shall notify the complainant and the respondent in writing of the reason for the delay.

— E. Upon completion of the investigation, the Director shall issue an Order stating the Division's disposition of the complaint. The Director may issue a written Determination in support of such Order.

— F. If, upon completion of the investigation, the Division finds that there is reasonable cause to believe that the respondent has engaged in an unlawful discriminatory housing practice, the Division may order any appropriate relief pursuant to Section 57-21-11:

— G. The Director's Determination and Order shall be made public unless the Director determines that the agreement involves a privacy interest entitled to protection by law, or that disclosure is not required to further the purposes of the Act.

R608-1-8. Conciliation Agreements:

— A. Any conciliation agreement arising out of the complaint shall be an agreement between the complainant and the respondent, and shall be subject to approval by the Director.

— B. Any conciliation agreement may provide for binding arbitration of the dispute arising from the complaint by an individual mutually agreed upon by the parties or by an individual appointed by the Division. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

— C. Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree, or the Director determines that disclosure is not required to further the purposes of the Act.

R608-1-9. Election for Civil Action or Formal Adjudicative Hearing:

— A. If the Director's Determination and Order finds reasonable cause to believe that a discriminatory housing practice has occurred, or is about to occur, the complainant, respondent, or an aggrieved person on whose behalf a complaint has been filed, may elect to have the findings of the Division asserted in either a formal adjudicative hearing or in a civil action pursuant to Section 57-21-10:

— 1. The written election shall be submitted to the Director within 20 days from the date of the issuance of the Director's Determination and Order.

— 2. If the Director fails to receive a timely election, the Director's Determination and Order become the final order of the Commission.

— B. If an election is made:

— 1. The Commission shall designate an individual for the purpose of reviewing the file for a finding of whether the allegations of the complaint are supported by substantial evidence;

— 2. The individual designated for the purpose of reviewing the complaint may take into consideration all relevant evidence and circumstances in making a determination of whether the complaint is supported by substantial evidence;

— 3. The division shall notify the complainant and respondent of that election:

— C. If the complaint is supported by substantial evidence:

— 1. An election for a formal adjudicative hearing is a request for agency action under Section 63-46b-3. All further agency action shall be subject to the Administrative Procedures Act, Chapter 46b, Title 63, and the following provisions:

— a. the Division shall refer the matter to the presiding officer to set a formal adjudicative hearing within 30 days from the date of the election is received by the director;

— b. the Division shall provide legal representation on behalf of an aggrieved person at the formal adjudicative hearing;

— c. any aggrieved party may intervene in the action;

— d. the presiding officer shall commence the formal adjudicative hearing within 120 days after the complainant, respondent, or an aggrieved person makes an election for a formal adjudicative hearing unless it is impracticable to do so.

— 2. An election for a civil action is a judicial election:

— a. the Division shall commence a civil action on behalf of the aggrieved person in a court of competent jurisdiction within 30 days from the date the election is received by the Director;

— b. the Division shall provide legal representation on behalf of an aggrieved person;

— c. any aggrieved party may intervene in the action.

— D. If the complaint is not supported by substantial evidence, the Director shall order the dismissal of the complaint.

— 1. The aggrieved person may commence a private civil action pursuant to Section 57-21-12(1);

— 2. The complainant, respondent, or an aggrieved person may submit a written request for reconsideration.

~~R608-1-10. Agency Review of Order of Dismissal-Reconsideration.~~

— A. After issuance of an order of dismissal, the only agency review available to any party is a request for reconsideration as specified in Section 63-46b-13.

— B. Reconsideration shall be based on the contents of the file. No new evidence will be accepted.

— C. The Commission shall review all matters where a request for reconsideration was properly filed, pursuant to Section 63-46b-13(3), U.C.A.

~~R608-1-11. Time Limitations for Final Administrative Disposition.~~

— The Commission shall make final administrative disposition of the complaint within one year after the complaint is filed unless it is impracticable to do so. If the agency is unable to make a final administrative disposition within one year, the Commission shall notify the complainant and respondent in writing of the reason for the delay.

~~R608-1-12. Reliance on Federal Law.~~

— The Division and Commission may rely on federal case law where the federal law closely parallels the Act and where state law interpretation is non-existent.

~~R608-1-13. Declaratory Orders.~~

— A. Purpose. As required by Section 63-46b-21, this rule provides the procedures for submission, review, and disposition of petitions for agency Declaratory Orders on the applicability of statutes, rules, and orders governing or issued by the agency.

— B. Petition Form and Filing:

— 1. The petition shall be addressed and delivered to the Director who shall mark the petition with the date of receipt.

— 2. The petition shall:

— a. be clearly designated as a request for an agency Declaratory Order;

— b. clearly identify the statute, rule, or order to be reviewed;

— c. describe in detail the situation or circumstances in which applicability is to be reviewed;

— d. describe the reason or need for the applicability review, addressing in particular why the review should not be considered frivolous;

— e. include an address and telephone number where the petitioner can be contacted during normal business hours;

— f. declare whether the petitioner has participated in a completed or on-going adjudicative proceeding concerning the same issue within the past 12 months; and

— g. be signed by the petitioner.

— C. Review:

— 1. the agency shall not review a petition for a Declaratory Order that is:

— a. not within the jurisdiction and competency of the agency;

— b. trivial, irrelevant, or immaterial; or

— c. otherwise excluded by state or federal law.

— 2. The Director shall promptly review and consider the petition and may:

— a. meet with the petitioner;

— b. consult with counsel or the Attorney General; or

— c. take any action consistent with law that the agency deems necessary to provide adequate review and due consideration of the petition.

— 3. The Director may issue a Declaratory Order pursuant to Section 63-46b-21(6).

— D. Administrative Review:

— 1. Administrative review of the Director's Declaratory Order shall be conducted pursuant to Section 63-46b-13.

~~R608-1-14. Time.~~

— A. An Order is deemed issued on the date on the face of the Order which is the date the presiding officer signs the Order.

— B. In computing any period of time prescribed or allowed by these rules or by applicable statute:

— 1. The day of the act, event, finding, or default, or the date an Order is issued, shall not be included;

— 2. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a state legal holiday, in which event the period runs until the end of the next working day;

— 3. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and state legal holidays shall be excluded in the computation;

— 4. No additional time for mailing will be allowed.

KEY: housing, fair housing, discrimination, time
~~1994~~ ~~57-21-1 et seq.~~
~~Notice of Continuation May 12, 1997~~ ~~63-46b-1 et seq.]~~

R608-1. Utah Fair Housing Rules.

R608-1-1. Authority and Purpose.

Pursuant to Section 57-21-8(2)(a), the Utah Labor Commission adopts this rule to establish the procedures necessary to implement the Utah Fair Housing Act.

R608-1-2. Definitions.

The following definitions are in addition to the definitions set forth in Section 57-21-2 of the Utah Fair Housing Act

A. "Act" means the Utah Fair Housing Act, Chapter 21, Title 57.

B. "Commissioner" means the Commissioner of the Utah Labor Commission.

C. "Complaint" means an allegation of an unlawful housing practice, filed with the Division in compliance with these rules. "Complaint" includes amended or supplemental complaints.

D. "Court" means the district court in the judicial district of the state of Utah in which the asserted unfair housing practice occurred, or if this court is not in session at that time, then any judge of any court.

E. "Unlawful housing practice" means any discriminatory housing practice prohibited by the Act.

R608-1-3. Reliance on Federal Law.

The Division and Commission will rely on federal precedent in interpreting and applying the Act in circumstances where no authoritative Utah precedent exists.

R608-1-4. Computation of Time Limits.

A. A Determination, Order, or Notice required by the Act or this rule is deemed issued on the date on the face of the Determination, Order or Notice.

B. A complaint, response, request for reconsideration, or election is considered to be "filed" on the date it is received by the Division or Commission, whether by mail or by personal delivery. Each such document shall be date stamped by Division staff on the date of receipt.

C. In computing any period of time prescribed or allowed by these rules or by applicable statute:

1. The day of the act, event, finding, or default, or the date an Order is issued, shall not be included;

2. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a state legal holiday, in which event the period runs until the end of the next working day;

3. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and state legal holidays shall be excluded in the computation;

4. No additional time for mailing will be allowed.

R608-1-5. Designation of Proceedings as Informal-Exception.

A. All proceedings pursuant to the Act and this rule are hereby designated as informal adjudicatory proceedings for purposes of the Utah Administrative Procedures Act, Title 63, Chapter 46b, except that proceedings before the Commission's Adjudication Division for de novo review of the Director's Determination and Order are formal proceedings.

B. Court proceedings are subject to the court's rules of procedure.

R608-1-6. Complaints-Filing-Time Limits-Amendment and Withdrawal.

A. Any person aggrieved by an unlawful housing practice may file a complaint with the Division.

1. The complaint must be in the form designated by the Division and verified by the complainant.

2. The complaint shall contain the complainant's concise statement setting forth, to the extent reasonably possible, the following information:

a. The specific basis for complainant's belief that an unlawful housing practice has occurred, with relevant dates, places and the names of any individual participating in the alleged unlawful housing practice;

b. The specific basis for the complainant's belief that the alleged conduct is subject to the Act; and the dates and places of such unlawful housing practices;

c. The specific damages the complainant believes he or she has suffered as a result of the unlawful housing practice.

B. Division staff shall be available during normal business hours to provide reasonable assistance to complainants in completing and filing complaints.

C. Pursuant to Section 57-21-9(1), the complaint must be filed with the Division within 180 days after the alleged unlawful housing practice occurred.

D. The Director shall permit a complaint to be reasonably and fairly amended or supplemented, either by the Division or by the complainant, in order to accomplish the purpose of the Act. Such amendment or supplement may include additional respondents identified in the investigation as persons engaged in the unlawful housing practice on which the complaint is based. Procedures for filing and processing an amended or supplemental complaint shall be the same as for filing an original complaint.

E. With the Director's approval, a complainant may withdraw a complaint at any time by submitting a signed request for withdrawal to the Division.

R608-1-7. Notice Requirements.

A. Within ten days of the filing of a complaint, the Division shall provide notice by registered mail to the complainant, including:

1. The date the complaint was filed with the Division;

2. A copy of the complaint;

3. The time limits applicable to the complaint and investigation process;

4. A statement of the complainant's rights and obligations under the Act;

5. A statement of the complainant's right to commence a private civil action in state or federal court, with a statement of applicable time limits for commencing such action;

6. A statement advising the complainant that retaliation against any person, or individual associated with that person, who is filing, testifying, assisting, or participating in an investigation, conciliation or administrative proceeding, is a discriminatory housing practice prohibited by the Act; and

7. A statement, if applicable, that the terms of any rental agreement remain in effect.

B. Within ten days of the filing of a complaint, the Division shall provide notice by registered mail to the respondent, which notice shall include:

1. Identification of the alleged unlawful housing practice on which the complaint is based;
2. The date the complaint was filed with the Division;
3. A copy of the complaint;
4. A statement of time limits applicable to the complaint and investigation process;
5. A statement of the respondent's rights and obligations under the Act, including respondent's obligation to submit a response to the complaint, as required by R608-1-8.
6. A statement informing the respondent of the complainant's right to commence a private civil action in state or federal court, with a statement of applicable time limits for commencing such action;
7. A statement advising the respondent that retaliation against any person, or individual associated with that person, who is filing a complaint, testifying, assisting, or participating in an investigation, conciliation, or administrative proceeding, is a discriminatory housing practice prohibited by the Act.

R608-1-8. Response to Complaint.

A. A respondent shall file a signed response to the complaint with the Division within 20 days from the date of the notice required by R608-1-7.B.

B. The response must address each allegation contained in the complaint, including any available and relevant data and information regarding respondent's business practices.

C. Division staff shall be available during normal business hours to provide reasonable assistance to respondents in completing and filing responses.

D. Failure to file a response may result in the Division concluding its investigation based on information provided by the complainant and such other information as is reasonably available to the Division. Alternatively, the Commission may use its subpoena powers to compel production of the information required by this rule.

R608-1-9. Investigation-Report.

A. Within 30 days of the filing of a complaint, the Division shall commence proceedings to thoroughly investigate and, if possible, conciliate the complaint.

B. The Division shall complete its investigation within 100 days after filing of a complaint. If the Division is unable to do, it shall notify the parties in writing of the reason for the delay.

C. The Division may, with reasonable notice to the parties, conduct on-site visits, interviews, and fact-finding conferences, and take such other action as is reasonably necessary to investigate the complaint. Pursuant to Section 57-21-8(2)(c) of the Act, the Commission may issue subpoenas to compel production of necessary evidence. Additionally, a party's unjustified failure to cooperate with the Division's reasonable investigative requests may result in the Division concluding its investigation based on such other information as is available to the Division.

D. The Division shall prepare a final investigative report on each complaint, which shall include:

1. A summary of all contacts with complainants and respondents, including the dates of such contacts;

2. A summary of contacts with witnesses, including the dates of contact; and

3. A summary of pertinent records.

R608-1-10. Determination.

A. On completion of the investigation, the Director shall review the investigative report and determine whether reasonable cause exists to believe that an unlawful housing practice has occurred.

B. If the Director finds no reasonable cause to believe that an unlawful housing practice has occurred, the Director shall issue a determination dismissing the complaint. The complainant may then take such other action as described in R608-1-12.

C. If the Director finds reasonable cause to believe that an unlawful housing practice has occurred, the Director shall take such further action as described in Rule R608-1-13.

R608-1-11. Conciliation.

A. During the period beginning with the filing of the complaint and ending with the Director's determination, the Division shall, to the extent feasible, engage in conciliation to settle the matter or, in accordance with HUD procedures, enter into an enforcement agreement.

1. Conciliation proceedings are confidential pursuant to Section 57-21-9(7)(a).

2. Any conciliation agreement shall be subject to approval by the Director.

3. Any party can enforce the signed and approved conciliation agreement in court proceedings.

B. Nothing in these rules prevents complainants and respondents from settling a complaint through their own efforts. However, the Division will not dismiss the complaint until the parties' settlement agreement has been submitted to, and approved by, the Director.

R608-1-12. Order of Dismissal-Reconsideration-Right to Private Civil Action.

A. If the Director finds no reasonable cause to believe that an unlawful housing practice has occurred, or is about to occur, the Director shall issue a Determination and Order dismissing the Complaint.

B. The complainant may ask the Director to reconsider such order of dismissal by complying with the requirements of Section 63-46b-13 of the Utah Administrative Procedures Act.

C. The Director shall issue a decision either granting or denying the request for reconsideration.

1. If the Director grants reconsideration, the Director shall reopen the investigation, amend the Director's prior Determination and Order, or take such other necessary action.

2. If the Director denies reconsideration, the Director's Determination and Order is not subject to any additional agency or judicial review. However, the complainant may commence a private civil action pursuant to Section 57-21-12(1).

R608-1-13. Order Finding Unlawful Housing Practice-Appeal-Choice of Forum.

A. If the Director concludes that an unlawful housing practice has occurred, the Division shall informally attempt to eliminate or

correct the unlawful housing practice by conducting a conciliation conference pursuant to R608-1-11.

B. If conciliation is unsuccessful, the Director shall issue a determination ordering appropriate relief as authorized by Section 57-21-11. The Director's determination shall be made public unless the Director determines that the matter involves a privacy interest entitled to protection by law, or that disclosure is not required to further the purposes of the Act.

C. A respondent disagreeing with the Director's determination may obtain de novo review by filing a written request for review with the Director within 30 days from the date the Director's determination.

1. If no timely request for de novo review is filed, the Director's determination is the Commission's final order and not subject to additional agency or judicial review.

2. If a timely request for de novo review is filed, the Director shall:

a. Notify the parties of such request for review by regular mail at their last known address of record; and

b. Inform the parties that the review proceeding will be conducted by the Commission's Adjudication Division unless any party elects to have such review conducted in court.

3. Any election for court review must be received by the Director within 20 days of the date of mailing of the Director's notice.

R608-1-14. Representation of Complainants.

A. If a respondent has requested de novo review of the Director's Determination, the Commission shall consider whether the Determination is supported by substantial evidence.

B. If the Commission concludes the Determination is supported by substantial evidence, the Commission shall provide legal representation to support the Determination in the de novo review proceeding.

C. If the Commission concludes the Determination is not supported by substantial evidence, the Commission shall not provide legal representation to support the Determination in the de novo review proceeding.

D. The Commission shall notify the parties of its conclusion regarding the existence or nonexistence of substantial evidence to support the Director's Determination within twenty days from the date the respondent files a request for de novo review.

E. The Commission's conclusion regarding the existence or nonexistence of substantial evidence to support the Director's Determination is not subject to further agency or judicial review.

R608-1-15. Procedures For De novo Review.

A. If, in accordance with the provisions of these rules, a de novo review proceeding is to be conducted by the Commission's Adjudication Division, the following standards apply:

1. The Division shall refer the matter to the Adjudication Division, which shall designate an Administrative Law Judge to serve as presiding officer;

2. The proceeding shall be conducted as a formal agency adjudicative proceeding pursuant to the relevant provisions of the Utah Administrative Procedures Act, Chapter 46b, Title 63;

3. Within 30 days from referral, the Administrative Law Judge shall schedule an evidentiary hearing to be held within 120 days of the referral, unless it is impracticable to do so;

4. Any aggrieved party may intervene in the action;

5. The Commission shall make final administrative disposition of the complaint within one year after the complaint is filed unless it is impracticable to do so. If the agency is unable to make a final administrative disposition within one year, the Commission shall notify the parties in writing of the reason for the delay.

B. If, in accordance with the provisions of these rules, a de novo review proceeding is to be conducted in court, the following standards apply:

1. If, pursuant to Rule R608-1-14, the Commission has concluded the Director's Determination is supported by substantial evidence, the Commission shall commence a court action to support the Determination. Such action shall be commenced within 30 days from the date of the election for court review.

2. If, pursuant to Rule R608-1-14, the Commission has concluded the Determination is not supported by substantial evidence, the Commission shall not commence a court action to support the Determination. In such case, the complainant may commence a civil action in a court of competent jurisdiction as provided by the Act.

R608-1-16. Declaratory Orders.

A. Purpose. As required by Section 63-46b-21, this rule provides the procedures for submission, review, and disposition of petitions for agency Declaratory Orders on the applicability of statutes, rules, and orders governing or issued by the agency.

B. Petition Form and Filing.

1. The petition shall be addressed and delivered to the Director who shall mark the petition with the date of receipt.

2. The petition shall:

a. be clearly designated as a request for an agency Declaratory Order;

b. clearly identify the statute, rule, or order to be reviewed;

c. describe in detail the situation or circumstances in which applicability is to be reviewed;

d. describe the reason or need for the applicability review, addressing in particular why the review should not be considered frivolous;

e. include an address and telephone number where the petitioner can be contacted during normal business hours;

f. declare whether the petitioner has participated in a completed or on-going adjudicative proceeding concerning the same issue within the past 12 months; and

g. be signed by the petitioner.

C. Review.

1. the agency shall not review a petition for a Declaratory Order that is:

a. not within the jurisdiction and competency of the agency;

b. trivial, irrelevant, or immaterial; or

c. otherwise excluded by state or federal law.

2. The Director shall promptly review and consider the petition and may:

a. meet with the petitioner;

b. consult with counsel or the Attorney General; or

c. take any action consistent with law that the agency deems necessary to provide adequate review and due consideration of the petition.

3. The Director may issue a Declaratory Order pursuant to Section 63-46b-21(6).

D. Administrative Review.

I. Administrative review of the Director's Declaratory Order shall be conducted pursuant to Section 63-46b-13.

KEY: housing, fair housing, discrimination, time 1999 57-21-1 et seq. Notice of Continuation May 12, 1997 63-46b-1 et seq.

◆ ————— ◆

Labor Commission, Antidiscrimination and Labor, Labor
R610-3-4
Filing Procedure and Commencement of Agency Action

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22455
FILED: 10/15/1999, 09:18
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment clarifies that "wages" includes vacation pay, holiday pay, sick leave, and severance pay, when such payments are due according to the employment contract between an employer and employee.

SUMMARY OF THE RULE OR CHANGE: The existing rule provides that wages include vacation pay, holiday pay, sick leave, severance pay, and bonuses. The proposed amendment adds "paid time off" to this list, which is a term some employers now use to describe a combination of holiday, vacation, and sick pay. Also in the existing rule, the phrase "which are due an employee under an agreement with the employer or under a policy of the employer" is incorrectly placed so as to apply only to severance pay and bonuses. In fact, the phrase was intended by the Commission to apply to all the enumerated categories, i.e. vacation pay, holiday pay, sick leave, and paid time off, in addition to severance pay and bonuses. The proposed amendment corrects the existing rule by moving the referenced phrase so that it clearly applies to all the enumerated categories.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34-23-101, 34-28-1, 34-40-101, and 63-46b-1

ANTICIPATED COST OR SAVINGS TO:
 ♦ **THE STATE BUDGET:** The proposed amendment clarifies current Commission practice. No additional compliance, enforcement, or other costs or savings to the state budget are anticipated.
 ♦ **LOCAL GOVERNMENTS:** The proposed amendment clarifies current Commission practice. Consequently, there will be no cost or savings to local government.

♦ **OTHER PERSONS:** The proposed amendment clarifies current Commission practice. Consequently, there will be no cost or savings to other persons as a result of the amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment imposes no additional compliance requirements for affected persons, whether such persons are employers or wage earners. To the extent that the proposed amendment clarifies that the same standard applies in determining whether vacation pay, holiday pay, sick leave, paid time off, or severance pay and bonuses, are "due" an employee, the proposed amendment may result in some marginal reduction in compliance costs for employers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment is intended to clarify the principle that wages include vacation pay, holiday pay, sick leave, paid time off, or severance pay and bonuses, only to the extent that such payments are required under the employment contract between employer and employee. Because such payments are bargained for and anticipated by employers, the proposed rule should have no negative fiscal impact on employers.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Labor Commission
 Antidiscrimination and Labor, Labor
 Third Floor, Heber M. Wells Building
 160 East 300 South
 PO Box 146600
 Salt Lake City, UT 84114-6600, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Alan Hennebold at the above address, by phone at (801) 530-6937, by FAX at (801) 530-6930, or by Internet E-mail at icmain.ahennebo@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R610. Labor Commission, Antidiscrimination and Labor, Labor.

R610-3. Filing, Investigation, and Resolution of Wage Claims. R610-3-4. Filing Procedure and Commencement of Agency Action.

A. For purposes of Section 63-46b-3, commencement of an adjudicative proceeding at the Division to resolve a claim for wages is accomplished by the wage claimant filing a wage claim assignment form. The wage claim assignment form shall act as a request for agency action and the form and accompanying agency cover letter shall together include all information specified in Section 63-46b-3(2).

B. An employee who is denied full payment of wages due or is affected or aggrieved by a violation of a statutory provision may file a claim with the Division on a form provided by the Division for that purpose.

1. Besides amounts due an employee for labor or services on a time, task, piece, commission, or other reasonable method of calculating the amount, wages also includes the following items, if due under an agreement with the employer or under a policy of the employer:

- a. vacation;
- b. holiday;
- c. sick leave;~~and~~
- d. paid time off; and

e. ~~severance payments and bonuses~~~~which are due an employee under an agreement with the employer or under a policy of the employer~~.

C. The claim shall include the Claimant's name and address, the Defendant's name and address, a brief and concise statement of the claims, complaints, or allegations, the amount of money which is alleged to be due the Claimant and the Claimant's signature notarized before a notary public.

D. Upon receipt of a claim, the Division shall enter its receipt and assign a claim number.

E. The Division may telephone the Defendant and attempt to resolve the claim.

F. When a rapid resolution is not effected, the Division shall mail to the Defendant a copy of the claim and a blank answer form together with an accompanying agency cover letter.

G. The Defendant shall have ten working days from the date of the letter to submit an answer to the claim.

H. Where the Defendant concedes the validity of the claim, the Defendant may pay or otherwise satisfy the claim within ten working days from the date of the letter without being subject to a penalty, under Section 34-28-9(2).

1. As an exception to Subsection H, defendants that are repeat offenders by having more than two wage claims filed against them within a running year, which claims are determined by the Division to be valid and to not have resulted from the same facts or circumstances, shall be subject to a penalty in accordance with Section 34-28-9(2).

I. The Division shall by mail provide a copy of the defendant's answer to the claimant. The claimant shall have ten working days from the date of the letter to submit a rebuttal, if any.

KEY: wages, minors*, labor, time

[September 3, 1997]1999

Notice of Continuation February 3, 1997

34-23-101 et seq.

34-28-1 et seq.

34-40-101 et seq.

63-46b-1 et seq.



Labor Commission, Industrial
Accidents
R612-1-3
Official Forms

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22452

FILED: 10/15/1999, 09:00

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Under the existing rule, insurance carriers and self-insured employers must notify claimants if their claims for workers' compensation benefits are denied. However, the existing rule is silent with respect to the insurance carrier or self-insured employer's obligation to notify claimants if their claims are being denied in part. The proposed rule will require insurance carriers and self-insured employers to use the existing Form 089 (Employee Notification of Denial of Claim) to notify claimants of any partial denials of benefits.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment specifies that insurance carriers and self-insured employers are to provide claimants with Form 089 (Employee Notification of Denial of Claim) when a claim is denied, either in whole or in part.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-2-101, 34A-3-101, 34A-1-104, and 63-46b-1

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed amendment is applicable to insurance carriers and self-insured employers. It does not require any additional action by the state in its capacity as an employer. The Labor Commission does not expect any appreciable costs in administering or enforcing the proposed amendment's provisions. Consequently, no costs or savings to the state budget are anticipated.

❖LOCAL GOVERNMENTS: The Labor Commission anticipates that the proposed amendment will result in insurance carriers and self-insured employers issuing a small number of additional forms 089. It is unlikely that this small number of additional forms will result in any cost or savings to local government.

❖OTHER PERSONS: The Labor Commission anticipates that the proposed amendment will result in insurance carriers and self-insured employers issuing a small number of additional forms 089. Assuming 100 additional forms are required by the rule, and that all clerical and other costs associated with preparation of such forms amounts to \$5 per form, the aggregate cost to all workers' compensation insurance carriers and self-insured employers will be \$500.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The primary compliance cost associated with the proposed amendment is the cost to insurance carriers and self-insured employers for staff to complete the additional forms 089 that will be required by the amendment. The Commission anticipates that fewer than 100 additional forms will be required and that each form can be completed for costs of less than \$5. Consequently, the total compliance costs for "other persons" (in this case, insurance carriers and self-insured employers) will total less than \$500 per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Based on the assumptions set forth under "compliance costs for affected people," the total cost of compliance with the proposed amendment will be approximately \$500 per year, spread among all Utah workers' compensation insurance carriers and self-insured employers. The fiscal impact to any particular insurance carrier or self-insured employer will, therefore, be negligible.

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

Labor Commission
Industrial Accidents
Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146610
Salt Lake City, UT 84114-6610, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or by Internet E-mail at icmain.jsewell@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R612. Labor Commission, Industrial Accidents.

R612-1. Workers' Compensation Rules - Procedures.

R612-1-3. Official Forms.

A. "Employer's First Report of Injury - Form 122" - This form is used for reporting accidents, injuries, or occupational diseases as per Section 34A-2-407. This form must be filed within seven days of the occurrence of the alleged industrial accident or the employer's first knowledge or notification of the same. This form also serves as OSHA Form 101.

B. "Physician's Initial Report of Work Injury or Occupational Disease - Form 123" - This form is used by physicians and chiropractors to report their initial treatment of an injured employee.

C. "Restorative Services Authorization - Form 221" - This form is to be used by any medical provider billing under the restorative services section of the Commission's Relative Value Schedule. The medical provider shall file this form with the insurance carrier or self-insured employer and the division within ten days of the initial evaluation. After the initial filing, an updated Restorative Services Authorization form must be filed for approval or denial at least every six visits until a fixed state of recovery has been reached.

D. "Statement of Insurance Carrier or Self-Insurer with Respect to Payment of Benefits - Form 141" - This form is used for reporting the initial benefits paid to an injured employee. This form must be filed with or mailed to the division on the same date the

first payment of compensation is mailed to the employee. A copy of this form must accompany the first payment.

E. "Employee Notification of Denial of Claim - Form 089" - This form is used by insurance carriers or self-insured employers to notify the claimant that [their] his or her claim, in whole or part, is denied and the reason(s) why the claim is being denied. An insurance carrier or self-insured employer shall complete its investigation within 45 days of receipt of the claim and shall commence the payment of benefits or notify the claimant and the division in writing that the claim, in whole or part, is denied.

F. "Insurance Carriers/ Self-Insurer's Notice of Further Investigation of a Workers' Compensation Claim - Form 441" - This form is used by insurance carriers or self-insured employers to notify the claimant and the commission that further investigation is needed and the reasons for further investigation. This form or letter containing similar information is to be filed within 21 days of notification of claim that further investigation is needed.

G. "Statement of Insurance Carrier or Self-Insurer with Respect to Discontinuance of Benefits - Form 142" - This form is to be used by insurance carriers or self-insured employers to notify an employee of the discontinuance of weekly compensation benefits. The form must be mailed to the employee and filed with the division five days before the date compensation stops for any reason.

H. "Application for Hearing - Form 001" - Used by an applicant for instituting an industrial claim against an insurance carrier, self-insured employer, or uninsured employer. This form, obtainable from the division, must be filed and signed by the injured employee or his/her agent. All blanks must be completed to the best knowledge, belief, or information of the injured employee.

I. "Claim for Protection of Rights - Form 002" - Used by an injured employee for the sole purpose of protecting his/her rights even though a dispute does not exist. Copies are forwarded to all parties concerned. NOTE: THIS FORM DOES NOT NEED TO BE FILED WHEN ANY OTHER APPLICATION HAS BEEN FILED.

J. "Claim for Dependents' Benefits and/or Burial Benefits - Form 025" - This form is used by the dependent(s) of a deceased employee to seek benefits as a result of a fatal accident occurring in the course of employment.

1. This form must be filed before a hearing or an award is made, and pleadings will not be accepted in lieu thereof. If pleadings are submitted, the attorney so filing will be supplied the form for filing before any proceedings are initiated.

2. The filing of this form by the surviving spouse on behalf of the surviving spouse and the surviving spouse's dependent minor children is sufficient for all dependents.

3. Unless otherwise directed by an Administrative Law Judge, the following information shall be supplied before an Order or an Award is made:

(a) A certified copy of the marriage license and birth certificates of dependent minor children. If such evidence is not readily available, the Administrative Law Judge will determine the adequacy of substitute evidence.

(b) Adoption papers or other decrees of courts of record establishing legal responsibility for support of dependent children.

(c) If either the deceased employee or surviving spouse has been involved in divorce proceedings, copies of decrees and orders of the court should be supplied.

K. "Occupational Disease Claim of Employee - Form 026" - This form is used by an employee claiming benefits under the Utah Occupational Disease Act.

L. "Occupational Disease Claim of Dependent - Form 027" - This form is used by the dependent(s) of a deceased employee who died as a result of an occupational disease. All provisions of Section G above apply equally to this form.

M. "Insurance Company's and Self-Insurer's Final Report of Injury and Statement of Total Losses - Form 130" - This form is used by insurance carriers and self-insurers to report the total losses occurring in a claim for any benefits. This form must be filed with the division as soon as final settlement is made but in no event more than 30 days from such settlement. This form shall be filed for all losses including medical only, compensation, survivor benefits, or any combination of all so as to provide complete loss information for each claim.

N. "Dependents' Benefit Order - Form 151" - This form is used by the division in all accidental death cases where no issue of liability for the death or establishment of dependency is raised and only one household of dependents is involved. The carrier indicates acceptance of liability by completing the top half of the form and filing it with the division.

O. "Medical Information Authorization - Form 046" - This form is used to release the applicant's medical records to the Commission or the chairman of a medical panel appointed by an Administrative Law Judge.

P. "Application to Change Doctors - Form 102" - This form must be used by the employee pursuant to the provisions of Rule R612-2-9 as contained herein.

Q. "Employee's Notification of Intent to Leave Locality or State, and to Change Doctor or Hospital - Form 044" - As per Section 34A-2-604, this form is used by the employee and must be accompanied by the "Attending Physician's Statement - Form 043" before Commission approval can be granted. Otherwise, compensation may not be allowed.

R. "Attending Physician's Statement - Form 043" - This form must be completed by employee and his last attending physician in the state to establish the medical condition of the employee. It must be accompanied by Form 044.

S. "Compensation Agreement - Form 219" - This form is used by the parties to a workers' compensation claim to enter into an agreement as to a permanent partial impairment award, and must be submitted to the Division of Adjudication for approval.

T. "Application for Lump Sum or Advance Payment - Form 134" - This form is used by an employee to apply for a lump sum or advance payment for a permanent partial impairment award.

U. "Release to Return to Work - Form 110" - This form may be used to meet the requirements of Rule R612-2-3(D), as contained herein.

V. "Request for Copies From Claimant's File - Form 205" - This form is used to request copies from a claimant's file in the Commission with the appropriate authorized release.

W. Reemployment Program Forms

1. "Initial Assessment Report - Form 206" - This form is completed either by the self-insured employer, the workers'

compensation insurance provider, or by a rehabilitation agency contracted by the employer/carrier. The report contains claimant demographics and insurance coverage details, and addresses the issue of need for vocational assistance.

2. "Request for Decision of Administrative Review - Form 207" - This form is completed when the employee wishes to contest the information/decision made by the carrier or rehabilitation agency.

3. "U.S.O.R. Rehabilitation Progress Report - Form 208A" - This form shall be requested from the Utah State Office of Rehabilitation at each stage of the reemployment process (eligibility determination, reemployment plan development/implementation and case closure) or at any interruption of the process. An Individualized Written Rehabilitation Program (USOR 5 IWRP) shall also be requested when a plan is developed. All other private rehabilitation providers shall submit a Form 206 for any plan progress, postponement, or interruption in the plan.

4. "Reemployment Plan - Form 209" - This form is used for either an original or amended work plan. The form contains the details and estimated costs in returning the injured worker to the work force.

5. "Reemployment Plan Closure Report - Form 210" - This form is submitted to the division upon completion of the reemployment plan. The closure report shall detail costs by category either by dollar amounts or time expended (only in the categories of evaluation and counseling). The report shall also contain all the details on the return to work.

6. "Application for Certification as a Reemployment Provider - Form 212" - This form is completed by rehabilitation providers who wish to be certified by the division. It contains provider demographics, Utah staff credentials, services/fees, and references.

7. "Administrative Review Determination - Form 213" - This form is used by the division to summarize the outcome of the administrative review.

X. "Medical Records - Copies - Form 302" - This form is used by a claimant to request a free copy of his/her medical records from a medical provider. This form must be signed by a staff member of the division.

Y. The division may approve change of any of the above forms upon public notice. Carriers may print these forms or approved versions.

KEY: workers' compensation, time, administrative procedure, filing deadlines

~~December 2, 1997~~ 1999 34A-2-101 et seq.
Notice of Continuation November 24, 1997 34A-3-101 et seq.
 34A-1-104 et seq.
 63-46b-1 et seq.



Labor Commission, Industrial
 Accidents
R612-1-7
 Acceptance/Denial of a Claim

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22453

FILED: 10/15/1999, 09:00

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Under the existing rule, an insurance carrier or self-insured employer is required to begin payment of workers' compensation benefits within certain specified time periods, unless "good cause" exists for delaying the payments. Section 34A-2-302 of the Utah Workers' Compensation Act, as amended by the 1999 Utah Legislature, provides that insurance carriers or self-insured employers are not required to pay disability compensation for injuries arising from workplace accidents if the major contributing cause of the accident is the injured employee's use of illegal drugs, abuse of prescription drugs, or intoxication from alcohol. The proposed amendment, therefore, adds drug or alcohol use to the rule's enumeration of the reasons constituting good cause for delayed payment. (DAR Note: S.B. 162 is found at 1999 Utah Laws 187, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: The proposed amendment adds "tested positive for drugs or alcohol" as one of the several acceptable reasons for an insurance carrier or self-insured employer to delay payment of workers' compensation benefits.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-2-101, 34A-3-101, 34A-1-104, and 63-46b-1

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Commission does not anticipate any cost or savings to the state budget with respect to administration and enforcement of this amendment. In the state's capacity as an insured employer, the proposed amendment permits the state's insurance carrier to delay or deny payment of some workers' compensation claims by state employees, thereby resulting in a marginal reduction in the state's workers' compensation costs.

❖LOCAL GOVERNMENTS: With respect to local governments' capacity as insured employers, the proposed amendment permits a local government's insurance carrier to delay or deny payment of some workers' compensation claims by the local government's employees, thereby resulting in a marginal reduction in workers' compensation costs.

❖OTHER PERSONS: The proposed amendment permits self-insured employers and insurance carriers to delay or deny payment of some workers' compensation claims, thereby resulting in a marginal reduction in liability for workers' compensation costs. Conversely, workers injured in accidents caused by alcohol or drug use will experience a denial of compensation benefits. The number of cases subject to such a denial of compensation is unknown. Consequently, the Commission is unable to determine the aggregate cost to injured workers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment does not require any additional compliance

efforts and will not result in any additional compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule amendment recognizes that self-insured employers and insurance carriers may properly delay or deny disability compensation benefits to workers injured in accidents caused by the workers' improper use of drugs or alcohol. Consequently, the proposed amendment should marginally reduce business costs associated with such disability compensation.

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

Labor Commission
Industrial Accidents
Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146610
Salt Lake City, UT 84114-6610, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or by Internet E-mail at icmain.jsewell@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R612. Labor Commission, Industrial Accidents.**R612-1. Workers' Compensation Rules - Procedures.****R612-1-7. Acceptance/Denial of a Claim.**

A. Upon receiving a claim for workers' compensation benefits, the insurance carrier or self-insured employer shall promptly investigate the claim and begin payment of compensation within 21 days from the date of notification of a valid claim or the insurance carrier or self-insured employer shall send the claimant and the division written notice on a division form or letter containing similar information, within 21 days of notification, that further investigation is needed stating the reason(s) for further investigation. Each insurance carrier or self-insured employer shall complete its investigation within 45 days of receipt of the claim and shall commence the payment of benefits or notify the claimant and division in writing that the claim is denied and the reason(s) why the claim is being denied.

B. The payment of compensation shall be considered overdue if not paid within 21 days of a valid claim or within the 45 days of investigation unless denied.

C. Failure to make payment or to deny a claim within the 45 day time period without good cause shall result in a referral of the insurance company to the Insurance Department for appropriate disciplinary action and may be cause for revocation of the self-

insurance certification for a self-insured employer. Good cause is defined as:

1. Failure by an employee claiming benefits to sign requested medical releases[-];
 2. Injury or occupational disease did not occur within the scope of employment[-];
 3. Medical information does not support the claim[-];
 4. Claim was not filed within the statute of limitations[-];
 5. Claimant is not an employee of the employer he/she is making a claim against[-];
 6. Claimant has failed to cooperate in the investigation of the claim[-];
 7. A pre-existing condition is the sole cause of the medical problem and not the claimed work-related injury or occupational disease[-];
 8. Tested positive for drugs or alcohol; or
 9. Other - a very specific reason must be given.
- D. If an insurance carrier or self-insured employer begins payment of benefits on an investigation basis so as to process the claim in a timely fashion, a later denial of benefits based on newly discovered information may be allowed.

KEY: workers' compensation, time, administrative procedure, filing deadlines
[December 2, 1997]1999 34A-2-101 et seq.
Notice of Continuation November 24, 1997 34A-3-101 et seq.
34A-1-104 et seq.
63-46b-1 et seq.



Labor Commission, Industrial Accidents
R612-4-2
 Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 22454
 FILED: 10/15/1999, 09:05
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To establish premium assessment rates for 2000 to fund the Employers' Reinsurance Fund, the Uninsured Employers' Fund, and the workplace safety account.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment extends the existing premium assessment rates for the

Employers' Reinsurance Fund (9.25%), the Uninsured Employers Fund (0.50%), and the Workplace Safety Account (0.25%) through the calendar year of 2000. These premium assessments are required by statute to meet the operating expenses and minimum fund balances of the Employers' Reinsurance Fund and the Uninsured Employers Fund and to fund the Labor Commission's workplace safety activities.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-1-104 and 59-9-101

ANTICIPATED COST OR SAVINGS TO:
 ❖THE STATE BUDGET: Because the proposed amendment leaves the existing premium assessment rates unchanged, no cost or savings is anticipated to the state budget.
 ❖LOCAL GOVERNMENTS: Because the proposed amendment leaves the existing premium assessment rates unchanged, no cost or savings is anticipated to local government.
 ❖OTHER PERSONS: Because the proposed amendment leaves the existing premium assessment rates unchanged, no cost or savings is anticipated to other persons.
 COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment does not change existing compliance requirements. Consequently, the proposed amendment will not result in any increase or decrease in compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment leaves unchanged the existing premium assessment rates. Because the premium assessment rates are applied against workers' compensation insurance premiums, which are also remaining unchanged in 2000, the proposed amendment should have a neutral fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Labor Commission
 Industrial Accidents
 Third Floor, Heber M. Wells Building
 160 East 300 South
 PO Box 146600
 Salt Lake City, UT 84114-6600, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or by Internet E-mail at icmain.jsewell@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: R. Lee Ellertson, Commissioner



R612. Labor Commission, Industrial Accidents.
R612-4. Premium Rates.
R612-4-2. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund.

A. Pursuant to Section 59-9-101(2), the workers' compensation premium rates effective January 1, [~~1999~~2000], as established by the Labor Commission, shall be:

1. 0.50% for the Uninsured Employers' Fund;
2. 9.25% for the Employers' Reinsurance Fund;
3. 0.25% for the workplace safety account.

B. The premium rates are a percentage of the total workers' compensation insurance premium income as detailed in Section 59-9-101(2)(a).

KEY: workers' compensation, rates
[~~December 4, 1998~~1999 **59-9-101(2)**
Notice of Continuation December 19, 1996



Labor Commission, Safety Division
R616-2-3
Safety Codes and Rules for Boilers and Pressure Vessels

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22450
FILED: 10/15/1999, 08:28
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule change is to adopt the yearly addenda for ASME (American Society of Mechanical Engineers) and API (American Petroleum Institute) Code books.

SUMMARY OF THE RULE OR CHANGE: The proposed rule amendments incorporate by reference the July 1, 1999, addenda to Sections I, IV, and VIII of the "ASME Boiler and Pressure Vessel Code" (1998); and 1998 addenda to "Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510" (1997).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-7-101

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 1) ASME Boiler and Pressure Vessel Code (1998): a) Section I Rules for Construction of Power Boilers, 1999 Addenda, published July 1, 1999; b) Section IV Rules for Construction of Heating Boilers, 1999 Addenda, published July 1, 1999; c) Section VIII Rules for Construction of Pressure Vessels, 1999 Addenda, published July 1, 1999. 2) Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 (1997), 1998 addenda published December 1998.

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** There will be no cost or savings to the state budget. The Safety Division has previously purchased the ASME (American Society of Mechanical Engineers) Codes, which include the cost of annual addenda. The substantive provisions of the 1999 addenda do not require any additional expense for administration or enforcement. As to the impact of the 1999 addenda on the state's cost to own or operate boilers, such impact should be minimal. The 1999 addenda contain a slight decrease in safety redundancy requirements for boilers and pressure vessels, which should result in a minor decrease in the cost of boilers and pressure vessels. This small savings may be passed on to owners or operators, including the state.

❖**LOCAL GOVERNMENTS:** As to the impact of the 1999 addenda on local government, such impact should be minimal. The 1999 addenda contains a slight decrease in safety redundancy requirements for boilers and pressure vessels, which should result in a minor decrease in the cost of boilers and pressure vessels. This small savings may be passed on to owners or operators, including local governments.

❖**OTHER PERSONS:** As to the impact of the 1999 addenda on other persons, such impact should be minimal. The 1999 addenda contain a slight decrease in safety redundancy requirements for boilers and pressure vessels, which should result in a minor decrease in the cost of boilers and pressure vessels. This small savings may be passed on to all owners or operators.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These 1999 addenda will not increase compliance costs for affected persons, i.e., manufactures or owner/operators of boilers and pressure vessels. The additional compliance requirements imposed by the 1999 addenda are already followed by most affected persons as part of their existing practices. However, the relaxed safety redundancy requirements contained in the addenda may reduce compliance costs for owners and operators.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary purpose of the 1999 addenda is to refine and clarify existing standards. Any changes imposed by the addenda have, for the most part, already been incorporated in the practices of the boiler and pressure vessel industry. Consequently, the Commission does not expect the addenda to impose any fiscal burden on business. To the contrary, the addenda relaxes certain standards for redundancy of safety features, while maintaining the essential safety of boilers and pressure vessels. This should result in some small savings to businesses which own or operate boilers or pressure vessels.

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

Labor Commission
Safety Division
Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146620
Salt Lake City, UT 84114-6620, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Larry Patrick at the above address, by phone at (801) 530-6872, by FAX at (801) 530-6930, or by Internet E-mail at icmain.lpatrick@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R616. Labor Commission, Safety.
R616-2. Boiler and Pressure Vessel Rules.
R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.

The following safety codes and rules shall apply to all boilers and pressure vessels in Utah, except those exempted pursuant to Section 34A-7-101, and are incorporated herein by this reference in this rule.

- A. ASME Boiler and Pressure Vessel Code (1998)
 - 1. Section I Rules for Construction of Power Boilers and the 1999 Addenda, published July 1, 1999
 - 2. Section IV Rules for Construction of Heating Boilers and the 1999 Addenda, published July 1, 1999
 - 3. Section VIII Rules for Construction of Pressure Vessels and the 1999 Addenda, published July 1, 1999
- B. Power Piping ASME B31.1 (1998)
- C. Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-1998
- D. National Board Inspection Code ANSI/NB-23(1998)
- E. Standard for the Prevention of Furnace Explosions/Implosions in Single Burner Boilers, NFPA 8501 (1997)
- F. Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers, NFPA 8502 (1995)
- G. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4
- H. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 (1997) and the 1998 Addenda, published December 1998

KEY: boilers*, certification, safety
[July 2,]1999 **34A-7-101 et seq.**
Notice of Continuation February 5, 1997



Natural Resources, Parks and
Recreation
R651-601
Definitions as Used in These Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22433
FILED: 10/12/1999, 17:12
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: When the rules were amended it was noted that there still needed to be a couple of changes to help define the terms used within the state park system.

SUMMARY OF THE RULE OR CHANGE: This amendment will update reference sections and terms used throughout the state park system. The term "peace officer" should read "law enforcement officer" to accurately define the term used currently in the definitions as used in these rules. There should be a more definitive explanation regarding Natural and Cultural Resources. Two words have been added to Section 651-601-4 to more clearly explain where those resources are located. Hence, "or within" has been added for that purpose, i.e., "given culture occurring on 'or within' any park area."

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17-(2)(b)

- ANTICIPATED COST OR SAVINGS TO:
- ❖THE STATE BUDGET: No cost or savings impact as this amendment is for clarification purposes and requires no new action by the State Parks Board.
 - ❖LOCAL GOVERNMENTS: Local government does not have authority over state parks. As a result of this update on natural resources, they may benefit by a better understanding of parks and recreation in Utah.
 - ❖OTHER PERSONS: No cost or savings to other persons. This is to more clearly define terms of existing rule.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes made in this amendment do not affect compliance already within the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on business.

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

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.
R651-601. Definitions as Used in These Rules.

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R651-601-2. Ranger.

"Ranger" means any employee of the Division who is designated by the Director or his designee as a [~~peace~~]law enforcement officer as defined in Section 53-13-103.

.....

R651-601-4. Natural and Cultural Resources.

"Natural and Cultural Resources" means those features and values including all lands, soils and waters, natural systems and processes, and all plants, animals, topographic, geologic and paleontological components of a park area as well as all historic and pre-historic, sites, trails, structures, inscriptions, rock art and artifacts representative of a given culture occurring on or within any park area.

.....

KEY: parks

~~[October 4,]~~December 2, 1999

63-11-17(2)(b)

Notice of Continuation June 29, 1999



Natural Resources, Parks and Recreation
R651-603
Animals

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 22434
FILED: 10/12/1999, 17:12
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Allows the Parks and Recreation Board to make reasonable rules and regulations regarding fish and game on property controlled by the Division of Parks and Recreation.

SUMMARY OF THE RULE OR CHANGE: This amendment adds direction of pet owners to pick up and properly dispose of all fecal matter left by their pets/animals within the park area.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This change reflects areas that animal/pet fecal deposits must be removed from the park by the owner of said animal/pet, and therefore creates no cost impact.

❖LOCAL GOVERNMENTS: Enforcement of this rule does not apply to local government as they have no authority over state parks.

❖OTHER PERSONS: No impact as this amendment does not impose any new requirements on anyone.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment shows more detailed information on responsibility of pet owners to remove all fecal matter left by their pets or animals within a park area.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on business.

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

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.
R651-603. Animals.
R651-603-1. Pets.

(1) All pets are prohibited in park areas unless caged, or physically controlled on a six foot maximum leash, or confined to the inside of a vehicle.

(2) Pet owners are responsible for picking up and properly disposing of all fecal matter[-] deposited by their pets/animals within the park area.

.....

KEY: parks
[October 4,]December 2, 1999 **63-11-17(2)(b)**
Notice of Continuation June 29, 1999



Natural Resources, Parks and
Recreation
R651-610
Expulsion

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22435
FILED: 10/12/1999, 17:12
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment changes "peace officer" to "law enforcement officer" to match terms used in Subsection 63-11-17(2)(b).

SUMMARY OF THE RULE OR CHANGE: Changes "peace officer" to "law enforcement officer" to match Subsection 63-11-17(2)(b).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Peace officer and law enforcement officer are the same, but the term "peace" is not used in the rule, as is "law enforcement" officer. The change was to correctly identify our officers by the rule. The aggregate anticipated costs are defined in the rule previously. It states, "[i]f other agency officers assist or take charge, there may be some cost impact for their time at our parks."

(DAR Note: The previous proposed amendment to R651-610 was published in the September 1, 1999, issue of the *Utah State Bulletin* under DAR No 22287. It was effective as of October 4, 1999.)

❖LOCAL GOVERNMENTS: Local government has no authority over state parks; therefore, no cost or savings impact.

❖OTHER PERSONS: This rule would help any person reading the rule to understand the terms as written in the Utah Code.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Parks can now enlist assistance of "other law enforcement officers," if and when needed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

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

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.
R651-610. Expulsion.
R651-610-1. Violation of Rules.

Any person or persons who are in violation of any rules promulgated under Section 63-11-17 may be expelled from the park area by a ranger or other peace/law enforcement officer, and prohibited from returning for 48 hours.

KEY: parks, fees
[October 4,]December 2, 1999 **63-11-17(2)(b)**
Notice of Continuation June 29, 1999



Natural Resources, Parks and
Recreation
R651-617
Permit Violation

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22437
FILED: 10/12/1999, 17:12
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to more clearly define what terms and conditions are being violated and what the penalty for the violations will be.

SUMMARY OF THE RULE OR CHANGE: If a person violates several conditions named in this amendment, they may lose their permit for seven days or more if certain, more serious violations occur.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There would be no fiscal impact. Rule amendment enhances this rule by adding the time (days) a permit may be revoked or suspended, who may revoke it, and the reasons behind a revocation.

❖LOCAL GOVERNMENTS: None--local government has no authority over state parks.

❖OTHER PERSONS: If a person would have their permit revoked or suspended, there may be a cost in reinstating or buying a new permit, which could range from \$5 for a day-use pass to \$60 for a multiple-park pass.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If a permit is revoked or suspended there may be some costs if a person has to purchase a new permit. The costs for permits range from \$5 for day use to \$60 for multiple-park passes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

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

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-617. Permit Violation.

R651-617-1. Revocation or Suspension of Permit.

A permit may be revoked or suspended for a time, from a minimum of seven (7) days to a maximum of the duration of the permit by the division director or individual designated by the division director [by a park representative] if one or more of the following actions are found to have occurred, based on their severity[occurs]: (1) false or fictitious statements or qualifications

were provided to obtain the permit; (2) the terms or conditions of the permit were violated; or (3) the permit holder allowed the permit to be used by an unauthorized person. [~~In addition, the division director or individual designated by the division director may revoke or suspend the permit for an additional length of time.~~]

KEY: parks

[~~October 4,~~December 2, 1999

63-11-17(2)(b)

Notice of Continuation June 29, 1999

Natural Resources, Parks and Recreation **R651-627** Swimming

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22438

FILED: 10/12/1999, 17:12

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: For clarification on location where swimming is prohibited.

SUMMARY OF THE RULE OR CHANGE: This rule was changed to more clearly define promotion of safety by prohibiting swimming where posted in the state park system.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost or savings because swimming is prohibited for safety issues in accordance with the Utah Water Safety Act, Section 73-18b-1, and Rule R651-801.

❖LOCAL GOVERNMENTS: Local government does not have authority over state parks. There is no anticipated cost or savings.

❖OTHER PERSONS: This amendment addresses location where swimming is prohibited by posting signs. For safety reasons the visitors to the park system should obey and not swim in posted areas. Violators would be prosecuted according to the Utah Water Safety Act, which states: "Any person who violates any regulations of the Utah State Park and Recreation Commission made pursuant to this act shall be deemed guilty of a misdemeanor." No amounts are stated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Persons who violate this rule may be guilty of a misdemeanor as stated in the Utah Safety Water Act.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

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

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-627. Swimming.

R651-627-1. Prohibited Swimming Areas.

Where posted. [S]swimming is prohibited [for safety issues,]to promote safety, in accordance with the Utah Water Safety Act, 73-18b-1. (Also see R651-801)

.....

KEY: parks

[~~October 4,~~December 2, 1999

63-11-17(2)(b)

Notice of Continuation June 29, 1999



Natural Resources, Forestry, Fire and State Lands

R652-70-2400

Recreational Use of Navigable Rivers

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22428

FILED: 10/12/1999, 10:54

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to reduce resource damage and the accumulation of trash and human waste on the banks and shores of the Green and Colorado Rivers. The proposed rule would achieve consistency among federal and state land

managers regarding group size, sanitation, and fire pit requirements for overnight float trips.

SUMMARY OF THE RULE OR CHANGE: This rule amendment will require use of portable, reusable toilets on overnight trips on navigable rivers, limit group size to 25 persons on the Green River, require the use of fire pans on the Green River, and require trash removal by recreational users.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 65A-1-4(2)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed rule would impose requirements on persons involved in overnight river trips. The Division has identified no fiscal implications for the state budget.

❖LOCAL GOVERNMENTS: The proposed rule would impose requirements on persons involved in overnight river trips. The Division has identified no fiscal implications for local government.

❖OTHER PERSONS: The proposed rule would impose requirements on persons involved in overnight river trips. The aggregate cost is not known at this time, but it would equate to compliance costs (see explanation given under "compliance costs for affected persons") multiplied by the number of groups involved.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The cost to affected persons will include the cost of renting or buying a portable toilet (estimated at up to \$300), the cost of acquiring a fire pan for use on the Green River, and the effort required to carry out trash.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses involved in overnight river trips already are equipped to comply with the proposed rule because of federal requirements for river segments administered by the federal government. No additional fiscal impacts are anticipated.

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

Natural Resources
Forestry, Fire and State Lands
3520
1594 West North Temple
PO Box 145703
Salt Lake City, UT 84114-5793, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gary Cornell at the above address, by phone at (435) 259-3766, by FAX at (435) 259-3755, or by Internet E-mail at nrslf.gcornell@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: Karl Kappe, Strategic Planner

R652. Natural Resources; Forestry, Fire and State Lands.

R652-70. Sovereign Lands.

R652-70-2400. Recreational Use of Navigable Rivers.

1. Each group, either private or commercial, on overnight float trips is required to possess and utilize washable, reusable toilet systems that allow for disposal of solid human body waste through authorized sewage systems.

2. All garbage, trash, human waste and pet waste must be carried out of the area and disposed of properly.

3. If an overnight trip takes place on a section of navigable river with toilet facilities and/or sewage and trash receptacles available (such as the Colorado River "Daily"), these provided facilities may be used in lieu of reusable toilets and carrying out garbage, trash, and waste products.

4. The maximum group size for overnight river trips on Labyrinth Canyon (Green River) is limited to 25 persons. Two or more groups may not camp together if the resulting group size would be more than 25 persons at a campsite.

5. Each group on overnight float trips in Labyrinth Canyon (Green River) is required to possess a durable metal fire pan at least 12 inches wide, with a lip of at least 1.5 inches around its outer edge, and to utilize this fire pan to contain their campfires.

6. Ashes accumulated during a trip through Labyrinth Canyon must be carried out and disposed of properly.

KEY: sovereign lands, permits, administrative procedure
[January 14, 1999] 65A-10-1
Notice of Continuation April 11, 1997

◆ ————— ◆

Tax Commission, Property Tax
R884-24P-33
2000 Personal Property Valuation
Guides and Schedules Pursuant to
Utah Code Ann. Section 59-2-301

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22445

FILED: 10/14/1999, 11:49

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-301 requires the county assessor to assess all property located within the county. Subsection 59-1-210(3) authorizes the State Tax Commission to promulgate rules that aid county officials in the performance of any duties relating to the assessment and equalization of property within the county. This amendment is necessary as part of the enactment of new Tax Commission Section R884-24P-65. This is a technical appraisal amendment which provides

direction to assessors to determine the base cost of the software under various ownership and acquisition possibilities. It is intended to provide consistency and equity in the assessment of this type of property.

(DAR Note: The proposed amendment to R884-24P-65 is under DAR No. 22447 in this *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: Section R884-24P-33 indicates substitutes for acquisition costs that a licensee must use if the licensee is responsible for the personal property tax on canned computer software and there is no stated acquisition cost for canned computer software.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-301

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting and for the uniform school fund based in increased or decreased property valuation, including canned computer software assessed under the Property Tax Act. Since canned computer software was already taxable to licensee, no total cost could be calculated without a complete inventory of personal property roles in each county. The state performs audits of personal property accounts at the request of counties, however there should be no additional cost to the audit program since canned computer software has always been taxable to the licensee. Therefore, it is estimated that the overall cost or savings is minimal due to this amendment.

❖LOCAL GOVERNMENTS: The amount of savings or cost to local government is undetermined. Local governments have already received tax revenue from the licensee of canned computer software. Local governmental entities receive tax revenue based on increased or decreased property valuation from the disposal or acquisition of personal property, including canned computer software. No total cost or savings could be calculated without a complete inventory of personal property tax rolls in each county, a listing of newly-acquired canned computer software during 1999, and a listing of property which has been removed from personal property rolls during 1999. However, it is estimated that the overall cost or savings is minimal due to this amendment. County Assessor's offices statewide will be required to determine if the licensor has not transferred all the ownership rights in the canned computer software to the licensee. The determination of ownership of canned computer software will not require extra resources since all county offices sue self-assessing personal property affidavits and it could be listed on the affidavit. This would only represent a change in the instructions sent with the affidavit to individual business. There should be no significant cost to the assessor's offices.

❖OTHER PERSONS: Each personal property owner is required to file an annual affidavit listing personal property with the county assessor's office. The personal property owners may see a change in value, depending on ownership of the canned computer software. The personal property tax burden could shift slightly from the licensee to the licensor due to ownership. This would not increase or decrease the personal property valuation, but only shift the tax liability. No

aggregate compliance cost can be determined without a complete inventory of all personal property accounts in each county. In addition, the compliance cost should be minimal due to the fact that this amendment is simply a line-item reporting change on the personal property affidavit already filed by the taxpayers. Therefore, it is estimated that the overall compliance cost due to this amendment is minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each personal property owner is required to file an annual affidavit listing personal property with the county assessor's office. The personal property owners may see a change in value, depending on ownership of the canned computer software. The personal property tax burden could shift slightly from the licensee to the licensor due to ownership. This would not increase or decrease the personal property valuation, but only shift the tax liability. No aggregate compliance cost can be determined without a complete inventory of all personal property accounts in each county. In addition, the compliance cost should be minimal due to the fact that this amendment is simply a line-item reporting change on the personal property affidavit already filed by the taxpayers. Therefore, it is estimated that the overall compliance cost due to this amendment is minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be a shift in tax liability from the licensee to the licensor of canned computer software as a result of this rule.

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

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-33. 2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.

A. Definitions.

1. "Acquisition cost" means all costs required to put an item into service, including purchase price, freight and shipping costs; installation, engineering, erection or assembly costs; and excise and sales taxes.

a) Indirect costs such as debugging, licensing fees and permits, insurance or security are not included in the acquisition cost.

b) Acquisition cost may correspond to the cost new for new property, or cost used for used property.

2. "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

a) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.

3. "Cost new" means the manufacturer's suggested retail price or the actual cost of the property when purchased new. For property purchased used the cost new may be estimated by the taxing authority.

4. "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation of all kinds.

a) The percent good factor is applied against the acquisition cost or the cost new to derive taxable value for the property.

b) Percent good schedules are derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, and vehicle valuation guides such as NADA.

B. Each year the Property Tax Division shall update and publish percent good schedules for use in computing personal property valuation.

1. Proposed schedules shall be transmitted to county assessors and interested parties for comment before adoption.

2. A public comment period will be scheduled each year and a public hearing will be scheduled if requested by ten or more interested parties or at the discretion of the Commission.

3. County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property. When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.

4. The assessor and the Commission may rely on other publications listing costs new or market values when valuing motor vehicles not found in the source guide recommended by the Commission.

C. Other taxable personal property that is not included in the listed classes includes:

1. Supplies on hand as of January 1 at 12:00 noon, including office supplies, shipping supplies, maintenance supplies, replacement parts, lubricating oils, fuel and consumable items not held for sale in the ordinary course of business. Supplies are assessed at total cost, including freight-in.

2. Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.

3. Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.

D. Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.

E. All taxable personal property is classified by expected economic life as follows:

1. Class 1 - Short Life Property. Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.

- a) Examples of property in the class include:
 - (1) barricades/warning signs;
 - (2) library materials;
 - (3) patterns, jigs and dies;
 - (4) pots, pans, and utensils;
 - (5) canned computer software;
 - (6) hotel linen;
 - (7) wood and pallets; and
 - (8) video tapes.

b) With the exception of video tapes, taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) A licensee of canned computer software shall use one of the following substitutes for acquisition cost of canned computer software if no acquisition cost for the canned computer software is stated:

- (1) retail price of the canned computer software;
- (2) if a retail price is unavailable, and the license is a nonrenewable single year license agreement, the total sum of expected payments during that 12-month period; or
- (3) if the licensing agreement is a renewable agreement or is a multiple year agreement, the present value of all expected licensing fees paid pursuant to the agreement.

~~(e)~~d) Video tapes are valued at \$15.00 per tape for the first year and \$3.00 per tape thereafter.

TABLE 1

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| 99 | 70% |
| 98 | 40% |
| 97 and prior | 10% |

2. Class 2 - Computer Dependent Machinery.

a) Machinery shall be classified as computer dependent machinery if all of the following conditions are met:

- (1) The equipment is sold as a single unit. If the invoice(s) break out the computer separately from the machine, the computer must be valued as Class 12 property and the machine as Class 8 property.
- (2) The machine cannot operate without the computer and the computer cannot perform functions outside the machine.
- (3) The machine can perform multiple functions and is controlled by a programmable central processing unit.
- (4) The total cost of the machine and computer combined is depreciated as a unit for income tax purposes.
- (5) The capabilities of the machine cannot be expanded by substituting a more complex computer for the original.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 2

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| 99 | 87% |
| 98 | 71% |
| 97 | 60% |
| 96 | 51% |
| 95 | 44% |
| 94 | 36% |
| 93 | 27% |
| 92 and prior | 17% |

3. Class 3 - Short Life Trade Fixtures. Property in this class generally consists of electronic types of equipment and includes property subject to rapid functional and economic obsolescence or severe wear and tear.

- a) Examples of property in this class include:
 - (1) office machines;
 - (2) alarm systems;
 - (3) shopping carts;
 - (4) ATM machines;
 - (5) small equipment rentals;
 - (6) rent-to-own merchandise;
 - (7) telephone equipment and systems;
 - (8) music systems;
 - (9) vending machines; and
 - (10) video game machines.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 3

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| 99 | 83% |
| 98 | 67% |
| 97 | 51% |
| 96 | 34% |
| 95 and prior | 18% |

4. Class 5 - Long Life Trade Fixtures. Class 5 property is subject to functional obsolescence in the form of style changes.

- a) Examples of property in this class include:
 - (1) furniture;
 - (2) bars and sinks;
 - (3) booths, tables and chairs;
 - (4) beauty and barber shop fixtures;
 - (5) cabinets and shelves;
 - (6) displays, cases and racks;
 - (7) office furniture;
 - (8) theater seats;
 - (9) water slides; and
 - (10) signs, mechanical and electrical.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 5

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| 99 | 90% |
| 98 | 80% |
| 97 | 71% |
| 96 | 62% |
| 95 | 53% |
| 94 | 44% |
| 93 | 34% |
| 92 | 23% |
| 91 and prior | 11% |

5. Class 6 - Heavy and Medium Duty Trucks.

a) Examples of property in this class include:

- (1) heavy duty trucks; and
- (2) medium duty trucks.

b) Taxable value is calculated by applying the percent good factor against the actual cost of the property when purchased new or 75 percent of the manufacturer's suggested retail price. The taxable value for vehicles purchased used will be determined by applying the percent good factor to the value determined by the assessing authority. For state assessed vehicles, the value of attached equipment will be included in the total vehicle valuation.

c) The 2000 percent good applies to 2000 models purchased in 1999.

d) Trucks weighing two tons or more have a minimum value of \$1,750 and a minimum tax of \$26.25.

TABLE 6

| Year of Model | Percent Good of Cost New |
|---------------|--------------------------|
| 00 | 90% |
| 99 | 64% |
| 98 | 59% |
| 97 | 55% |
| 96 | 50% |
| 95 | 46% |
| 94 | 42% |
| 93 | 37% |
| 92 | 33% |
| 91 | 29% |
| 90 | 24% |
| 89 | 20% |
| 88 | 15% |
| 87 and prior | 11% |

6. Class 7 - Medical and Dental Equipment. Class 7 property is subject to a high degree of technological development by the health industry.

a) Examples of property in this class include:

- (1) medical and dental equipment and instruments;
- (2) exam tables and chairs;
- (3) high-tech hospital equipment;
- (4) microscopes; and
- (5) optical equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 7

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| 99 | 92% |
| 98 | 83% |
| 97 | 76% |
| 96 | 69% |
| 95 | 62% |
| 94 | 55% |
| 93 | 47% |
| 92 | 38% |
| 91 | 29% |
| 90 | 19% |
| 89 and prior | 10% |

7. Class 8 - Machinery and Equipment. Property in this class is subject to considerable functional and economic obsolescence created by competition as technologically advanced and more efficient equipment becomes available.

a) Examples of property in this class include:

- (1) manufacturing machinery;
- (2) amusement rides;
- (3) bakery equipment;
- (4) distillery equipment;
- (5) refrigeration equipment;
- (6) laundry and dry cleaning equipment;
- (7) machine shop equipment;
- (8) processing equipment;
- (9) auto service and repair equipment;
- (10) mining equipment;
- (11) ski lift machinery;
- (12) printing equipment; and
- (13) bottling or cannery equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 8

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| 99 | 92% |
| 98 | 83% |
| 97 | 76% |
| 96 | 69% |
| 95 | 62% |
| 94 | 55% |
| 93 | 47% |
| 92 | 38% |
| 91 | 29% |
| 90 | 19% |
| 89 and prior | 10% |

8. Class 9 - Off-Highway Vehicles.

a) Examples of property in this class include:

- (1) dirt and trail motorcycles;
- (2) all terrain vehicles;
- (3) golf carts; and
- (4) snowmobiles.

b) Taxable value is calculated by applying the percent good factor against the cost new or suggested list price from the January-April NADA Motorcycle/Snowmobile/ATV Appraisal Guide.

c) The 2000 percent good applies to 2000 models purchased in 1999.

d) Off-Highway Vehicles have a minimum value of \$500 and a minimum tax of \$7.50.

TABLE 9

| Year of Model | Percent Good of Cost New |
|---------------|--------------------------|
| 00 | 90% |
| 99 | 61% |
| 98 | 58% |
| 97 | 55% |
| 96 | 51% |
| 95 | 48% |
| 94 | 45% |
| 93 | 42% |
| 92 | 39% |
| 91 | 35% |
| 90 | 32% |
| 89 | 29% |
| 88 | 26% |
| 87 and prior | 23% |

9. Class 10 - Railroad Cars. The Class 10 schedule was developed to value the property of railroad car companies. Functional and economic obsolescence is recognized in the developing technology of the shipping industry. Heavy wear and tear is also a factor in valuing this class of property.

a) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 10

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| 99 | 93% |
| 98 | 87% |
| 97 | 81% |
| 96 | 75% |
| 95 | 70% |
| 94 | 66% |
| 93 | 60% |
| 92 | 53% |
| 91 | 46% |
| 90 | 39% |
| 89 | 32% |
| 88 | 25% |
| 87 | 18% |
| 86 and prior | 10% |

10. Class 11 - Street Motorcycles.

a) Examples of property in this class include:

- (1) street motorcycles;
- (2) scooters; and
- (3) mopeds.

b) Taxable value is calculated by applying the percent good factor against the original cost new or the suggested list price from the January-April edition of the NADA Motorcycle/Snowmobile/ATV Appraisal Guide.

c) The 2000 percent good applies to 2000 models purchased in 1999.

d) Street motorcycles have a minimum value of \$500 and a minimum tax of \$7.50.

TABLE 11

| Year of Model | Percent Good of Cost New |
|---------------|--------------------------|
| 00 | 90% |
| 99 | 70% |
| 98 | 68% |
| 97 | 65% |
| 96 | 63% |
| 95 | 61% |
| 94 | 58% |
| 93 | 56% |
| 92 | 54% |
| 91 | 51% |
| 90 | 49% |
| 89 | 46% |
| 88 | 44% |
| 87 | 42% |
| 86 | 39% |
| 85 | 37% |
| 84 | 34% |
| 83 and prior | 32% |

11. Class 12 - Computer Hardware.

a) Examples of property in this class include:

- (1) data processing equipment;
- (2) personal computers;
- (3) main frame computers;
- (4) computer equipment peripherals; and
- (5) cad/cam systems.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 12

| Year of Model | Percent Good of Acquisition Cost |
|---------------|----------------------------------|
| 99 | 86% |
| 98 | 57% |
| 97 | 36% |
| 96 | 23% |
| 95 | 14% |
| 94 and prior | 9% |

12. Class 13 - Heavy Equipment.

a) Examples of property in this class include:

- (1) construction equipment;
- (2) excavation equipment;
- (3) loaders;
- (4) batch plants;
- (5) snow cats; and
- (6) power sweepers.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) 2000 model equipment purchased in 1999 is valued at 100 percent of acquisition cost.

TABLE 13

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| 99 | 62% |
| 98 | 59% |
| 97 | 56% |

| | |
|--------------|-----|
| 96 | 52% |
| 95 | 49% |
| 94 | 46% |
| 93 | 43% |
| 92 | 39% |
| 91 | 36% |
| 90 | 33% |
| 89 | 30% |
| 88 | 26% |
| 87 | 23% |
| 86 and prior | 20% |

13. Class 14 - Motor Homes.

a) Taxable value is calculated by applying the percent good against the cost new derived from the January-April edition of the NADA Recreational Vehicle Appraisal Guide.

b) The 2000 percent good applies to 2000 models purchased in 1999.

TABLE 14

| Year of Model | Percent Good of Cost New |
|---------------|--------------------------|
| 00 | 90% |
| 99 | 73% |
| 98 | 70% |
| 97 | 66% |
| 96 | 62% |
| 95 | 59% |
| 94 | 55% |
| 93 | 51% |
| 92 | 48% |
| 91 | 44% |
| 90 | 41% |
| 89 | 37% |
| 88 | 33% |
| 87 | 30% |
| 86 | 26% |
| 85 | 23% |
| 84 and prior | 19% |

14. Class 15 - Semiconductor Manufacturing Equipment.

Class 15 applies only to equipment used in the production of semiconductor products.

a) Examples of property in this class include:

- (1) crystal growing equipment;
- (2) die assembly equipment;
- (3) wire bonding equipment;
- (4) encapsulation equipment;
- (5) semiconductor test equipment;
- (6) clean room equipment;
- (7) chemical and gas systems related to semiconductor manufacturing;
- (8) deionized water systems;
- (9) electrical systems; and
- (10) photo mask and wafer manufacturing dedicated to semiconductor production.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 15

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| 99 | 74% |
| 98 | 54% |

| | |
|--------------|-----|
| 97 | 38% |
| 96 | 24% |
| 95 and prior | 10% |

15. Class 16 - Long-Life Property. Class 16 property has a long physical life with little obsolescence.

a) Examples of property in this class include:

- (1) billboards;
- (2) sign towers;
- (3) radio towers;
- (4) ski lift and tram towers;
- (5) non-farm grain elevators; and
- (6) bulk storage tanks.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 16

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| 99 | 95% |
| 98 | 90% |
| 97 | 86% |
| 96 | 82% |
| 95 | 79% |
| 94 | 77% |
| 93 | 73% |
| 92 | 68% |
| 91 | 63% |
| 90 | 58% |
| 89 | 54% |
| 88 | 50% |
| 87 | 46% |
| 86 | 40% |
| 85 | 34% |
| 84 | 27% |
| 83 | 21% |
| 82 | 14% |
| 81 and prior | 7% |

16. Class 17 - Boats.

a) Examples of property in this class include:

- (1) boats;
- (2) boat motors; and
- (3) personal watercraft.

b) Taxable value is calculated by applying the percent good factor against the original cost new or the F.O.B. or P.O.E. price from the ABOS Marine Blue Book.

c) The 2000 percent good applies to 2000 models purchased in 1999.

d) Boats have a minimum value of \$500 and a minimum tax of \$7.50.

TABLE 17

| Year of Model | Percent Good of Cost New |
|---------------|--------------------------|
| 00 | 90% |
| 99 | 69% |
| 98 | 67% |
| 97 | 65% |
| 96 | 62% |
| 95 | 60% |
| 94 | 58% |
| 93 | 55% |
| 92 | 53% |

| | |
|--------------|-----|
| 91 | 51% |
| 90 | 48% |
| 89 | 46% |
| 88 | 44% |
| 87 | 41% |
| 86 | 39% |
| 85 | 37% |
| 84 | 34% |
| 83 | 32% |
| 82 | 30% |
| 81 | 27% |
| 80 and prior | 25% |

17. Class 18 - Travel Trailers/Truck Campers.

a) Examples of property in this class include:

- (1) travel trailers;
- (2) truck campers; and
- (3) tent trailers.

b) Taxable value is calculated by applying the percent good factor against the original cost new or, for travel trailers, from the January-April edition of the NADA Recreational Vehicle Appraisal Guide.

c) The 2000 percent good applies to 2000 models purchased in 1999.

d) Trailers and truck campers have a minimum value of \$500 and a minimum tax of \$7.50.

TABLE 18

| Year of Model | Percent Good of Cost New |
|---------------|--------------------------|
| 00 | 90% |
| 99 | 70% |
| 98 | 67% |
| 97 | 64% |
| 96 | 60% |
| 95 | 57% |
| 94 | 53% |
| 93 | 50% |
| 92 | 46% |
| 91 | 43% |
| 90 | 40% |
| 89 | 36% |
| 88 | 33% |
| 87 | 29% |
| 86 | 26% |
| 85 | 22% |
| 84 and prior | 19% |

18. Class 20 - Petroleum and Natural Gas Exploration and Production Equipment. Class 20 property is subject to significant functional and economic obsolescence due to the volatile nature of the petroleum industry.

a) Examples of property in this class include:

- (1) oil and gas exploration equipment;
- (2) distillation equipment;
- (3) wellhead assemblies;
- (4) holding and storage facilities;
- (5) drill rigs;
- (6) reinjection equipment;
- (7) metering devices;
- (8) cracking equipment;
- (9) well-site generators, transformers, and power lines;
- (10) equipment sheds;
- (11) pumps;

- (12) radio telemetry units; and
- (13) support and control equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 20

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| 99 | 93% |
| 98 | 86% |
| 97 | 80% |
| 96 | 74% |
| 95 | 69% |
| 94 | 63% |
| 93 | 56% |
| 92 | 48% |
| 91 | 40% |
| 90 | 33% |
| 89 | 26% |
| 88 | 18% |
| 87 and prior | 10% |

19. Class 21 - Commercial and Utility Trailers.

a) Examples of property in this class include:

- (1) commercial trailers;
- (2) utility trailers;
- (3) cargo utility trailers;
- (4) boat trailers;
- (5) converter gears;
- (6) horse and stock trailers; and
- (7) all trailers not included in Class 18.

b) Taxable value is calculated by applying the percent good factor against the cost new of the property. For state assessed vehicles, the value of attached equipment will be included in the total vehicle valuation.

c) The 2000 percent good applies to 2000 models purchased in 1999.

d) Commercial and utility trailers have a minimum value of \$500 and a minimum tax of \$7.50.

TABLE 21

| Year of Model | Percent Good of Cost New |
|---------------|--------------------------|
| 00 | 95% |
| 99 | 70% |
| 98 | 67% |
| 97 | 63% |
| 96 | 59% |
| 95 | 55% |
| 94 | 51% |
| 93 | 47% |
| 92 | 44% |
| 91 | 40% |
| 90 | 36% |
| 89 | 32% |
| 88 | 28% |
| 87 | 25% |
| 86 | 21% |
| 85 | 17% |
| 84 and prior | 13% |

20. Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans.

a) Class 22 vehicles fall within four subcategories: domestic passenger cars, foreign passenger cars, light trucks, including utility vehicles, and vans.

b) Because Section 59-2-405.1 subjects Class 22 property to an age-based uniform fee, a percent good schedule is not necessary for this class.

21. Class 23 - Aircraft Not Listed in the Bluebook Price Digest Subject to the Uniform Tax.

a) Examples of property in this class include:

- (1) kit-built aircraft;
- (2) experimental aircraft;
- (3) gliders;
- (4) hot air balloons; and
- (5) any other aircraft requiring FAA registration.

b) Aircraft subject to the uniform tax, but not listed in the Aircraft Bluebook Price Digest, are valued by applying the percent good factor against the acquisition cost of the aircraft.

c) Aircraft requiring Federal Aviation Agency registration and kept in Utah must be registered with the Motor Vehicle Division of the Tax Commission.

TABLE 23

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| 99 | 75% |
| 98 | 71% |
| 97 | 67% |
| 96 | 63% |
| 95 | 59% |
| 94 | 55% |
| 93 | 51% |
| 92 | 47% |
| 91 | 43% |
| 90 | 39% |
| 89 | 35% |
| 88 and prior | 31% |

22. Class 24 - Leasehold Improvements.

a) This class includes leasehold improvements to real property installed by a tenant. The Class 24 schedule is to be used only with leasehold improvements that are assessed to the lessee of the real property pursuant to Tax Commission rule R884-24P-32. Leasehold improvements include:

- (1) walls and partitions;
- (2) plumbing and roughed-in fixtures;
- (3) floor coverings other than carpet;
- (4) store fronts;
- (5) decoration;
- (6) wiring;
- (7) suspended or acoustical ceilings;
- (8) heating and cooling systems; and
- (9) iron or millwork trim.

b) Taxable value is calculated by applying the percent good factor against the cost of acquisition, including installation.

c) The Class 3 schedule is used to value short life leasehold improvements.

TABLE 24

| Year of Installation | Percent of Installation Cost |
|----------------------|------------------------------|
| 99 | 94% |
| 98 | 88% |
| 97 | 82% |
| 96 | 77% |
| 95 | 71% |
| 94 | 65% |
| 93 | 59% |
| 92 | 54% |
| 91 | 48% |
| 90 | 42% |
| 89 | 36% |
| 88 and prior | 30% |

F. The provision of this rule shall be implemented and become binding on taxpayers beginning January 1, 2000.

KEY: taxation, personal property, property tax, appraisal
[January 12,]1999 **Art. XIII, Sec 2**
Notice of Continuation May 8, 1997 **59-2-301**



Tax Commission, Property Tax
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

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22446

FILED: 10/14/1999, 11:49

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Article XIII, Subsection 3(2), of the Utah Constitution explains that land used for agricultural purposes may, as prescribed by the legislature, be assessed according to its value for agricultural purposes without regard to the value it may have for other purposes. Section 59-2-515 authorizes the State Tax Commission to promulgate rules regarding part five of the Property Tax Act, Farmland Assessment Act. Section 59-2-514 authorizes the State Tax Commission to receive valuation recommendations from the State Farmland Evaluation Advisory Committee for implementation in R884-24P-53. Section 59-2-505 requires the assessor to consider only those indicia of value which the land has for agricultural use as determined by the State Tax Commission. Because costs, returns, and production averages change

each year, the State Tax Commission examines the appropriate assessment rates for agricultural land each year. Based on input from a study team at Utah State University and The State Farmland Evaluation Advisory Committee, the Tax Commission annually forwards updated assessment rates to the formal rulemaking process.

SUMMARY OF THE RULE OR CHANGE: This rule amendment updates the agricultural use-values to be applied by county assessors to land which qualifies for valuation and assessment under the Farmland Assessment Act. The values are recommended to the Commission by the State Farmland Evaluation Advisory Committee, which meets under the authority of Section 59-2-514.

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

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting and for the uniform school fund based on increased or decreased property valuation, including property assessed under the Farmland Assessment Act (greenbelt). Property valuation (taxable value) changes have been recommended by class and by county. This year, 105 class/county valuations will increase, 64 will decrease, and 21 will remain unchanged. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 1999, and a listing of property no longer qualifying which is removed from greenbelt during 1999. However, it is estimated that the overall change is minimal due to this amendment.

❖**LOCAL GOVERNMENTS:** The amount of savings or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased property valuation, including property on "greenbelt." Property valuation changes have been recommended by class and by county. This year, 105 class/county valuations will increase, 64 will decrease, and 21 will remain unchanged. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 1999. However, it is estimated that the overall change is minimal due to this amendment. County Assessor offices statewide will be required to input the new value indicators into their computer systems to be applied against the acreage for individuals properties. This input process is easily done and represents no significant cost in time or money to the assessors' offices.

❖**OTHER PERSONS:** Each property owner with property eligible for assessment under the Farmland Assessment Act may see a change in value, depending on property class and situs county: 105 such value indicators will increase, 64 will decrease and 21 will not change. The affect on the property owner will be an increase, decrease, or no change, depending on the mix of property types and situs. No aggregate compliance cost can be determined without an

exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 1999, and a listing of property no longer qualifying, which is removed from greenbelt during 1999. In addition, the compliance cost will further be altered by changes to the local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each property owner with property eligible for assessment under the Farmland Assessment Act may see a change in value, depending on property class and situs county: 105 such value indicators will increase, 64 will decrease, and 21 will not change. The affect on the property owner will be an increase, decrease, or no change, depending on the mix of property types and situs. No aggregate compliance cost can be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 1999, and a listing of property no longer qualifying, which is removed from greenbelt during 1999. In addition, the compliance cost will further be altered by changes to the local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As indicated above, the fiscal impact to businesses will vary depending on the county and the property classification. In the aggregate, the fiscal impact is estimated to be minimal.

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

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-53. [1999]2000 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.

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

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

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

3. County assessors may not deviate from the schedules.

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

B. All property defined as farmland pursuant to Section 59-2-501 shall be assessed on a per acre basis as follows:

1. Irrigated farmland shall be assessed under the following classifications.

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

TABLE 1
Irrigated I

| | |
|----------------|-----------|
| 1) Box Elder | [700] 725 |
| 2) Cache | 625 |
| 3) Carbon | [550] 525 |
| 4) Davis | [725] 750 |
| 5) Emery | [450] 425 |
| 6) Iron | [675] 700 |
| 7) Kane | [400] 425 |
| 8) Millard | 700 |
| 9) Salt Lake | [650] 600 |
| 10) Utah | [650] 700 |
| 11) Washington | 650 |
| 12) Weber | [725] 750 |

[
----- (Note: Some counties do not have Irrigated I property.)]

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

TABLE 2
Irrigated II

| | |
|----------------|-----------|
| 1) Box Elder | [600] 625 |
| 2) Cache | 525 |
| 3) Carbon | [450] 425 |
| 4) Davis | [625] 650 |
| 5) Duchesne | [475] 525 |
| 6) Emery | [350] 325 |
| 7) Grand | 375 |
| 8) Iron | [575] 600 |
| 9) Juab | [425] 450 |
| 10) Kane | [300] 325 |
| 11) Millard | 600 |
| 12) Salt Lake | 500 |
| 13) Sanpete | [475] 500 |
| 14) Sevier | [525] 550 |
| 15) Summit | [450] 475 |
| 16) Tooele | [425] 450 |
| 17) Utah | [550] 600 |
| 18) Wasatch | [450] 500 |
| 19) Washington | 550 |
| 20) Weber | [625] 650 |

[
----- (Note: Some counties do not have Irrigated II property.)]

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

TABLE 3
Irrigated III

| | |
|----------------|-----------|
| 1) Beaver | [425] 450 |
| 2) Box Elder | [450] 475 |
| 3) Cache | 375 |
| 4) Carbon | [300] 275 |
| 5) Davis | [475] 500 |
| 6) Duchesne | [325] 375 |
| 7) Emery | [200] 175 |
| 8) Garfield | 150 |
| 9) Grand | 225 |
| 10) Iron | [425] 450 |
| 11) Juab | [275] 300 |
| 12) Kane | [150] 175 |
| 13) Millard | 450 |
| 14) Morgan | [375] 400 |
| 15) Piute | 350 |
| 16) Rich | 225 |
| 17) Salt Lake | 350 |
| 18) San Juan | [175] 150 |
| 19) Sanpete | [325] 350 |
| 20) Sevier | [375] 400 |
| 21) Summit | [300] 325 |
| 22) Tooele | [400] 300 |
| 23) Uintah | [350] 375 |
| 24) Utah | [400] 450 |
| 25) Wasatch | [300] 350 |
| 26) Washington | 400 |
| 27) Wayne | [225] 275 |
| 28) Weber | [475] 500 |

[
----- (Note: Daggett County does not have Irrigated III property.)]

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

TABLE 4
Irrigated IV

| | |
|----------------|-----------|
| 1) Beaver | [325] 350 |
| 2) Box Elder | [350] 375 |
| 3) Cache | 275 |
| 4) Carbon | [200] 175 |
| 5) Daggett | [250] 275 |
| 6) Davis | [375] 400 |
| 7) Duchesne | [225] 275 |
| 8) Emery | [100] 75 |
| 9) Garfield | 50 |
| 10) Grand | 125 |
| 11) Iron | [325] 350 |
| 12) Juab | [175] 200 |
| 13) Kane | [50] 75 |
| 14) Millard | 350 |
| 15) Morgan | [275] 300 |
| 16) Piute | 250 |
| 17) Rich | [175] 200 |
| 18) Salt Lake | 250 |
| 19) San Juan | [75] 50 |
| 20) Sanpete | [225] 250 |
| 21) Sevier | [275] 300 |
| 22) Summit | [200] 225 |
| 23) Tooele | [150] 200 |
| 24) Uintah | [250] 275 |
| 25) Utah | [300] 350 |
| 26) Wasatch | [200] 250 |
| 27) Washington | 300 |
| 28) Wayne | [125] 175 |
| 29) Weber | [375] 400 |

2. Fruit orchards shall be assessed per acre based upon the following schedule:

TABLE 5
Fruit Orchards

| | |
|--------------------------------------|----------------------|
| a) Box Elder | [570] 600 |
| [b) Cache | 630 |
| c) d) Davis | 620 |
| [e) c) Utah | [525] 575 |
| [e) d) Washington | [750] 760 |
| [f) e) Weber | 610 |
| [g) f) All other counties | [575] 580 |

3. Meadow IV property shall be assessed per acre based upon the following schedule:

TABLE 6
Meadow IV

| | |
|----------------|-----------|
| 1) Beaver | [160] 170 |
| 2) Box Elder | [165] 175 |
| 3) Cache | [210] 200 |
| 4) Carbon | [115] 125 |
| 5) Daggett | [140] 175 |
| 6) Davis | [210] 220 |
| 7) Duchesne | [140] 150 |
| 8) Emery | [115] 100 |
| 9) Garfield | [110] 100 |
| 10) Grand | 110 |
| 11) Iron | [160] 180 |
| 12) Juab | [115] 125 |
| 13) Kane | [110] 100 |
| 14) Millard | [115] 150 |
| 15) Morgan | [140] 150 |
| 16) Piute | [135] 145 |
| 17) Rich | [115] 125 |
| 18) Salt Lake | [165] 175 |
| 19) Sanpete | [165] 175 |
| 20) Sevier | [165] 200 |
| 21) Summit | [165] 175 |
| 22) Tooele | [165] 175 |
| 23) Uintah | [140] 160 |
| 24) Utah | [165] 190 |
| 25) Wasatch | [165] 175 |
| 26) Washington | [160] 190 |
| 27) Wayne | [135] 115 |
| 28) Weber | [210] 230 |

(San Juan county does not have any Meadow IV property.)

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

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

TABLE 7
Dry III

| | |
|-----------------------------|----------------------|
| 1) Beaver | [70] 65 |
| 2) Box Elder | [100] 90 |
| 3) Cache | [210] 110 |
| 4) Carbon | [75] 70 |
| [5) Daggett | 75 |
| [6) 5) Davis | [140] 80 |
| [7) 6) Duchesne | [100] 75 |
| [8) Emery | 80 |
| [9) 7) Garfield | [75] 50 |
| [10) 8) Grand | [75] 50 |
| [11) 9) Iron | [105] 60 |
| [12) 10) Juab | [110] 90 |
| [13) 11) Kane | [75] 50 |
| [14) 12) Millard | [135] 105 |
| [15) 13) Morgan | [105] 115 |
| [16) Piute | 75 |
| [17) 14) Rich | [140] 110 |

| | |
|--------------------------------|---------------------|
| [10) 15) Salt Lake | [90] 60 |
| [11) 16) San Juan | [55] 50 |
| [20) 17) Sanpete | [100] 70 |
| [21) Sevier | 80 |
| 22) 18) Summit | [80] 70 |
| [23) 19) Tooele | [100] 75 |
| [24) 20) Uintah | [115] 80 |
| [25) 21) Utah | [80] 60 |
| [26) 22) Wasatch | [80] 70 |
| [27) 23) Washington | [65] 55 |
| [28) Wayne | 80 |
| 29) 24) Weber | [105] 90 |

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

TABLE 8
Dry IV

| | |
|--------------------------------|---------------------|
| 1) Beaver | [35] 30 |
| 2) Box Elder | [65] 55 |
| 3) Cache | [175] 75 |
| 4) Carbon | [40] 35 |
| [5) Daggett | 40 |
| [6) 5) Davis | [105] 45 |
| [7) 6) Duchesne | [65] 40 |
| [8) Emery | 45 |
| [9) 7) Garfield | [40] 15 |
| [10) 8) Grand | [40] 15 |
| [11) 9) Iron | [70] 25 |
| [12) 10) Juab | [75] 55 |
| [13) 11) Kane | [40] 15 |
| [14) 12) Millard | [100] 70 |
| [15) 13) Morgan | [160] 80 |
| [16) Piute | 40 |
| [17) 14) Rich | [105] 75 |
| [18) 15) Salt Lake | [55] 25 |
| [19) 16) San Juan | [20] 15 |
| [20) 17) Sanpete | [65] 35 |
| [21) Sevier | 45 |
| 22) 18) Summit | [45] 35 |
| [23) 19) Tooele | [65] 40 |
| [24) 20) Uintah | [80] 45 |
| [25) 21) Utah | [45] 25 |
| [26) 22) Wasatch | [45] 35 |
| [27) 23) Washington | [30] 20 |
| [28) Wayne | 45 |
| 29) 24) Weber | [150] 55 |

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

TABLE 9
Grazing Land

| | |
|-----------------|---------|
| a) Graze I | |
| 1) All Counties | [40] 42 |
| b) Graze II | |
| 2) All Counties | [12] 14 |
| c) Graze III | |
| 3) All Counties | [8] 9 |
| d) Graze IV | |
| 4) All Counties | [4] 5 |

6. Land classified as nonproductive shall be assessed as follows on a per acre basis:

TABLE 10
Nonproductive Land

| | |
|-----------------------|-------|
| a) Nonproductive Land | |
| 1) All Counties | [4] 5 |

KEY: taxation, personal property, property tax, appraisal
[January 12,]1999 Art. XIII, Sec 2
Notice of Continuation May 8, 1997 59-2-515



Tax Commission, Property Tax
R884-24P-65
Canned Computer Software Pursuant
to Utah Code Ann. Section 59-2-301

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 22447
 FILED: 10/14/1999, 11:49
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-301 requires the county assessor to assess all property located within the county. Subsection 59-1-210(3) authorizes the State Tax Commission to promulgate rules that aid county officials in the performance of any duties relating to the assessment and equalization of property within the county. There is no statutory guidance for the assessment of canned computer software. Canned computer software is, however, taxable tangible personal property. This proposed rule defines and clarifies when and to whom the ownership rights related to leased computer software are taxable.

SUMMARY OF THE RULE OR CHANGE: The proposed rule indicates that both the licensor and licensee of canned computer software are responsible for the personal property tax on the canned computer software if the licensor does not transfer all ownership rights in the canned computer software to the licensee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-301

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The amount of savings or cost to the state government is undetermined. The state receives tax revenue for assessing and collecting and for the uniform school fund based on increased or decreased property valuation, including canned computer software assessed under the Property Tax Act. Since canned computer software was already taxable to licensee, no total cost or savings could be calculated without a complete inventory of personal property tax roles in each county. The state performs audits of personal property accounts at the request of individual counties, however there should be no additional cost to the audit program since canned computer software

has always been taxable to the licensee. Therefore, it is estimated that the overall change is minimal due to this rule.
 ❖LOCAL GOVERNMENTS: The amount of savings or cost to local government is undetermined. Local governments already receive tax revenue from the licensee of canned computer software. Local governmental entities receive tax revenue based on increases or decreases in property valuation from the disposal or acquisition of new canned computer software during 1999, and a listing of property which has been removed from personal property rolls during 1999. However, it is estimated that the overall cost or savings to local government is minimal due to this proposed rule. County assessor's offices statewide will be required to determine what rights the licensor has transferred with the canned computer software to the licensee. The determination of ownership of canned computer software could be easily done since all county offices use self-assessing personal.

❖OTHER PERSONS: Each personal property owner is required to file an annual affidavit with the county assessor listing personal property. The personal property owners may see a change in value, depending on ownership of the canned computer software. The personal property tax burden could shift from the licensee to the licensor in some cases due to ownership. This would not increase or decrease the personal property valuation, but only shift the tax liability based on ownership rights. No aggregate compliance cost can be determined without a complete inventory of all personal property in each county. The compliance cost should be minimal because it is simply a reporting change on the personal property affidavit already filed by the taxpayers. Therefore, it is estimated that the compliance cost due to this proposed rule is minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each personal property owner is required to file an annual affidavit with the county assessor listing personal property. The personal property owners may see a change in value, depending on ownership of the canned computer software. The personal property tax burden could shift from the licensee to the licensor in some cases due to ownership. This would not increase or decrease the personal property valuation, but only shift the tax liability based on ownership rights. No aggregate compliance cost can be determined without a complete inventory of all personal property in each county. The compliance cost should be minimal because it is simply a reporting change on the personal property affidavit already filed by the taxpayers. Therefore, it is estimated that the compliance cost due to this proposed rule is minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses could see an increase or a decrease in their personal property tax depending on the ownership of the computer software.

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

Tax Commission
 Property Tax
 Tax Commission Building

210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-65. Canned Computer Software Pursuant to Utah Code Ann. Section 59-2-301.

A. When canned computer software is provided through a license agreement by a licensor to a licensee:

1. the licensor shall be subject to personal property tax on any rights to the canned computer software the licensor retains pursuant to the license agreement; and

2. the licensee shall be subject to personal property tax on all rights to the canned computer software the licensee receives pursuant to the license agreement.

B. The taxable value of the canned computer software assessed to the licensor and the licensee shall be determined in accordance with Tax Commission rule R884-24P-33.

KEY: taxation, personal property, property tax, appraisal
[January 12,]1999 Art. XIII, Sec 2
Notice of Continuation May 8, 1997 59-2-301



**Workforce Services, Employment
Development
R986-218
Financial Assistance General
Assistance/Self-Sufficiency Program**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22465
FILED: 10/15/1999, 16:16
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change in rule is in response to comments received during

and after the public hearing held September 27, 1999, regarding the proposed change of Rule R986-218. (**DAR Note:** The first proposed amendment upon which this change in proposed rule is based was published in the September 15, 1999, issue of the *Utah State Bulletin* under DAR No. 22347.)

SUMMARY OF THE RULE OR CHANGE: The Department proposes to reword the section on Supplemental Security Income (SSI) Denials and Appeals, such that a Social Security Administrative Law Judge's Unfavorable Decision must be based on disability before clients lose their eligibility for cash assistance. The Department also defines acronyms that were previously left undefined.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 35A-1-104 and 35A-3-401

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The financial support lost by a single individual for a full year is \$3,132. The financial support lost by a couple for a full year is \$4,344. The aggregate impact is impossible to predict, due to the unknown number of actual cases that may close based on a Social Security Administrative Law Judge's Unfavorable Decision.

❖LOCAL GOVERNMENTS: Local governments are not involved in the administration of the State General Assistance Program. There are no anticipated cost or savings to local governments because the amendment has no direct impact on local governments.

❖OTHER PERSONS: Individuals who apply for or currently receive General Assistance financial support may have their case closed based on a Social Security Administrative Law Judge's Unfavorable Decision. Upon case closure, it will cost the individuals their financial support benefits. The financial support lost by a single individual for a full year is \$3,132. The financial support lost by a couple for a full year is \$4,344. Upon case closure, individuals who are receiving Food Stamps may receive an increase in their Food Stamp allocation. The exact aggregate cost impact to these individuals is impossible to predict, due to the unknown number of cases that may actually close and number of permutations of Food Stamp households that may exist.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The major compliance cost for the adoption of this amended rule is the dissemination and training of the rule to the Department of Workforce Services employment counselors. This anticipated compliance cost is the direct administrative cost incurred by the Department, which will be absorbed through its normal training practices and policies. There are no anticipated compliance costs for other affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The direct fiscal impact on businesses is expected to be negligible. The loss of cash benefits by individuals affected by case closure will reduce discretionary income of the individual's household.

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

Workforce Services
Employment Development
Second Floor
1385 South State Street
Salt Lake City, UT 84115, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Norman Nakamura at the above address, by phone at (801) 468-0127, by FAX at (801) 468-0160, or by Internet E-mail at wscfam.nnakamu@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/1999

AUTHORIZED BY: Robert C. Gross, Executive Director

**R986. Workforce Services, Employment Development.
R986-218. Financial Assistance General Assistance/Self-Sufficiency Program.**

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R986-218-802. Description.

1. The General Assistance Self-Sufficiency Program (GASSP) provides temporary financial support to single persons and couples while they are overcoming the condition making them unemployable or while they are qualifying for Supplemental Security Income (SSI). The GASSP Program provides financial support on a time limited basis, not to exceed 24 months out of any 60 month period, retroactive to March 1, 1998, while participants are involved in medical and/or mental health treatment to overcome the limitations keeping them from employment.

2. This financial supportive service is based on the concept of mutual responsibility. The client has the responsibility to make efforts to overcome the condition making him or her unemployable and to move towards increasing their income or to qualify for other benefits.

3. Less capable clients may receive special help from department staff in applying for these other benefits and participating in employment activities.

4. Department staff have the responsibility to assist clients in increasing their income through employment and/or in securing other benefits.

5. To qualify, individuals must:

- a. Be at least 18 years old or emancipated.
- b. Be unemployable because of a physical or psychological impairment or they must be unable to work at a job at least 23 hours weekly at minimum wage.

c. Participate in rehabilitation and employment services and follow through on efforts to qualify for other benefits for which they may be eligible. This includes SSI, Social Security Disability Insurance (SSDI), Veterans Benefits, Workers' Compensation.

6. A person eligible for Bureau of Indian Affairs (BIA) assistance is not eligible for GASSP.

~~7. TANF rules R986-211 through R986-215 apply unless a different rule is stated below.~~

R986-218-810. Program Standards.

1. The following definitions apply to this section:

a. "Bona fide offer of employment" means an offer of employment was given and was made in good faith.

b. "Good cause for refusing employment" means a definite job offer was not made; the wages did not meet minimum wage requirements; the employment was a risk to the health or safety of the worker; the employment lacked workmen's compensation benefits; the position offered is vacant due to a strike, lockout or other bona fide labor dispute; or the individual is unable to work for physical reasons or for lack of transportation.

2. Age and Factually Emancipated Child:

a. The individual must be at least eighteen years of age or emancipated.

b. A person who is not legally emancipated may claim to be factually emancipated. The person must live independently from his or her parents or guardian and have been economically self-supporting for the past six months.

c. If the parents are available the local department office shall contact them.

i. The child is ineligible if the parents will support him or her.

ii. If the parents refuse to support the child or are unavailable, child support enforcement procedures must be followed.

iii. If the applicant refuses without good cause to cooperate in locating the parents, he or she is ineligible.

3. All applicants are determined employable unless they meet the unemployable criteria.

4. Unemployable criteria:

The applicant must provide current medical evidence that he or she is not employable due to a physical or mental impairment. The local department office may accept a licensed Medical Doctor (MD) or a Doctor of Osteopathy (DO) statement, a licensed/certified psychologist statement, a Utah Medical Assistance Program statement, or a statement from another agency involved in disability determination, such as, the Veterans Administration or the Division of Rehabilitation Services. The local department office may require a second opinion by a specific person or agency. The cost of a physical examination requested by the department will be paid by the local department office.

a. If the medical report says the client can work with no limitations or that the limitations will last less than 30 days from the date of the onset of the physical or mental impairment, the case will be denied.

b. If the medical report indicates the applicant is unable to work at least 23 hours weekly for 30 days or more from the date of the onset of physical or mental impairment, he or she is considered unemployable.

c. If the illness or incapacity may last longer than a year, then the person must apply for SSDI/SSI benefits.

5. Employment Focused Case Management:

a. All applicants and their spouses, at time of application, and recipients must be interviewed by an employment counselor and complete an employment plan before financial benefits can be authorized. Recipients must actively follow through on the plan.

b. A person is exempt from these requirements if the person has qualified for SSI and is waiting for the first check.

6. SSI and Other Benefits:

a. To be eligible for GA, applicants/recipients must apply for and follow through with any other programs and benefits for which they may be eligible. These include Supplemental Security Income, Social Security, Veterans Benefits, and Worker Compensation.

b. If applicant/recipient seems to meet SSI requirements, the department follows the instructions in paragraphs 7 and 8 below. If an applicant/recipient appears to meet Worker Compensation requirements, the Department follows the instructions in item number 10 below.

7. Interim Aid for SSI Applicants:

The person must complete Form 75, Agreement to Repay Interim Assistance, before he or she applies for SSI.

i. The case is closed when the Office of Recovery Services (ORS) reports the receipt of the first SSI check.

ii. If an individual receives a three month presumptive eligibility SSI payment, the GA case is closed when this begins.

iii. The case is closed if the client fails to follow through on the SSI application.

iv. The date of SSI recoupment is also the date the Department receives the signed Authorization Form 75 from the client.

v. The Department will recover, from either the initial SSI check or from the recipient, the interim assistance paid to an individual for the period of time taken to determine eligibility for SSI. This will be done in both initial claims and post-eligibility situations.

8. SSI Denials and Appeals:

~~[Recipients]Clients~~ must appeal ~~[-, at least to the Social Security Administrative Law Judge (ALJ) level, an] a SSI denial decision, at least to the Social Security Administrative Law Judge Level (ALJ).~~ Any individual who has received an Unfavorable Decision based on disability by the ~~[Administrative Law Judge (ALJ)]~~ from Social Security is not eligible for ~~[financial support]cash assistance,~~ unless an unrelated physical ~~[r]or~~ mental health condition develops and is verified.

9. SSI/SSDI Terminations due to Drug and Alcohol Abuse (DAA):

The GASSP Program will mirror the rules and regulations from the Social Security Administration as outlined in Public Law 104-121:

i. Drug addiction and/or alcoholism alone are not considered as conditions for unemployment under the General Assistance Program.

ii. Proof on another disabling impairment(s) substantiated with medical evidence, must be provided and all other factors of eligibility met in order to qualify for financial benefits under the General Assistance Program.

iii. Individual with DAA should be referred to resource agencies which would assist them with treatment.

10. Lien Agreement for Worker Compensation Applicants:

The person must complete Form 75w, Repayment of General Assistance and Lien Agreement, before he or she can be approved for General Assistance.

i. The Department will recover from either the insurance carrier or from the recipient, the lesser of the General Assistance

paid to the client or the Temporary Total Disability Compensation less Attorney's fees paid to an individual for each month that the client received both General Assistance and Temporary Total Disability Compensation.

ii. Recipients must appeal a Worker Compensation denial decision if the local department office worker feels there is a reasonable chance for a successful appeal.

11. Rehabilitation and Employment Performance Requirements:

a. To promote rehabilitation and employment, the employment counselor or designated staff may require a GA recipient to meet one or more employment activity requirements. Employment activities include:

i. Participation in Division of Rehabilitation (DRS) services.

ii. Participation in medical or mental health care or an alcoholism or drug treatment program may be required as appropriate.

iii. Satisfactory participation on a WEAT project. The employment counselor may establish with the client the hours of participation for each performance period.

iv. Participation in job search and job search training.

v. Enrollment and participation in self-sufficiency groups, adult education, skill training programs, or appropriate workshops.

vi. Registration for employment with the department. The registration must remain current and continuous.

vii. Other activities leading towards increased income as agreed upon in the employment plan.

b. An individual may not refuse a bona fide offer of employment without good cause.

c. If a recipient is required, but fails, to meet one or more of the above rehabilitation or employment standards without good cause, the GA financial case is closed at the end of the current month. Verified illness, incapacity, lack of transportation, arrest, or extenuating circumstances as approved by the employment counselor may be good cause for not meeting an employment or rehabilitation requirement. The financial case remains closed until the client participates in the required employment activity and demonstrates that he or she continue satisfactory participation.

d. The consequences for non-participation are as follows:

i. First Occurrence - financial case closes with 10 day notice and cannot be reopened until the individual demonstrates a willingness to participate. Reopen case back to the date of participation as negotiated with Employment Counselor.

ii. Second Occurrence - financial case closes with 10 day notice and will remain closed for 30 days and until participation has been demonstrated.

iii. Third Occurrence - case must be staffed with supervisor or designee and if non-participation is verified after staffing, financial case closes with 10 day notice and remains closed for 6 months.

12. The employment counselor may provide help to clients for up to six months after termination. The services may include help in getting needed services, job placement services, counseling, GASSP medical services and GASSP Z fund assistance.

13. Residents of Institutions, group homes, and alcoholism and drug treatment centers are not eligible if the facility receives funding for residential treatment under government contract or if the facility is administered by a government unit or is administered under contract with a government unit.

R986-218-820. Income Standards, Eligibility and Grant Determination.

1. Temporary Assistance for Needy Families (TANF) rules apply unless a different rule is stated below. Financial responsibility is limited to spouse for spouse. The income and assets of people with financial responsibility for a GA client is counted in determining eligibility and grant amount if they are living with the client.

- 2. The only people included in the grant are those who:
 - a. Live together, and
 - b. Have financial responsibility for one another.

3. The SSI income of financially responsible household members is counted. A person receiving SSI is not eligible for GA. This ineligibility includes persons whose SSI is in suspense status, pursuant to 20 CFR Part 416.1321 through 416.1330.

- 4. The only earned income disregard are
 - a. The first \$100 of earnings and 50% of the remaining earned income
 - b. Participants who have received a GASSP financial payment in one of the past four months will also have the \$100 and 50% disregard subtracted from their earnings for the Net Needs Test calculations.
 - c. The \$100 and 50% earned income disregard is applied to each individuals' earnings and is not time limited.
- 5. The household is eligible if the available income is less than the standard grant. The minimum grant shall not be less than one dollar.

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KEY: public assistance programs, resources*
1999 **35A-3-103**
Notice of Continuation February 10, 1997 **35A-3-401**



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 December 1, 1999. At its option, the agency may hold public hearings.

From the end of the waiting period through February 29, 1999, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

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

The Changes in Proposed Rules Begin on the Following Page.

Environmental Quality, Solid and
Hazardous Waste
R315-310
Permit Requirements for Solid Waste
Facilities

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 22308
FILED: 10/14/1999, 15:16
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As a result of comments received during the public comment period (September 1, 1999 through October 1, 1999), the applicability of the rule is clarified.

SUMMARY OF THE RULE OR CHANGE: The applicability of the rule is changed with respect to industrial solid waste facilities by referencing Subsection R315-304-1(3), which exempts certain industrial waste facilities from the requirements of Rule R315-304. By making the proposed change in Rule R315-310, it clarifies the fact that these exempt facilities are also exempt from the permitting requirements of Rule R315-310.

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the September 1, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105, 19-6-108, and 19-6-109, and Subsection 26-32a-112(3)

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 258 (1998)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Since the applicability of the rule is clarified and the actual requirements of the rule are not changed, there is no anticipated cost or savings impact to the state budget.

❖LOCAL GOVERNMENTS: Since the applicability of the rule is clarified and the actual requirements of the rule are not changed, there is no anticipated cost or savings impact to local governments.

❖OTHER PERSONS: Since the applicability of the rule is clarified and the actual requirements of the rule are not changed, there is no anticipated cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is anticipated that there will be no change in compliance costs to affected persons beyond the current statutory and regulatory impact since the actual requirements of the rule will not change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since the actual

requirements of the rule will not change, the proposed change will have no fiscal impact on businesses beyond the current statutory and regulatory impact--Dianne R. Nielson

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

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@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 12/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste. R315-310. Permit Requirements for Solid Waste Facilities. R315-310-1. Applicability.

(1) The following solid waste facilities require a permit:

(a) Class I, II, ~~III~~ IV, and V ~~landfills~~;

(b) Class III Landfills, except as specified by Subsection R315-304-1(3);

~~(c)~~ (c) energy recovery and incinerator facilities that are regulated by Rule R315-306;

~~(d)~~ (d) landtreatment disposal facilities that are regulated by Rule R315-307; and

~~(e)~~ (e) waste tire storage facilities.

(2) Permits are not required for corrective actions at solid waste facilities performed by the state or in conjunction with the United States Environmental Protection Agency or in conjunction with actions to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or corrective actions taken by others to comply with a state or federal cleanup order.

(3) The permit requirements of Rule R315-310 apply to each existing solid waste facility, for which a permit is required.

(a) The Executive Secretary may incorporate a compliance schedule for each existing facility to ensure that each existing facility meet the requirements of Rule R315-310.

(b) Each new disposal facility or lateral expansion at an existing disposal facility, for which a permit is required, shall:

(i) apply for a permit according to the requirements of Rule R315-310; and

(ii) not begin construction of the facility, lateral expansion, or unit until a permit has been granted.

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KEY: solid waste management, waste disposal
1999 19-6-105
Notice of Continuation April 20, 1998 19-6-108
19-6-109
40 CFR 258



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).

Crime Victim Reparations, Administration **R270-3** ADA Complaint Procedure

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22422
FILED: 10/05/1999, 11:56
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: Pursuant to 28 CFR 35.107, 1992 edition, Americans with Disabilities Act (ADA), Crime Victims Reparations (CVR) adopts this grievance procedures rule to provide for prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities 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: There have not been any written comments for or against this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule continues to provide for prompt and equitable resolution of complaints pursuant to the Americans with Disabilities Act.

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

Crime Victim Reparations
Administration
Suite 200
350 East 500 South
Salt Lake City, UT 84111, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dan R. Davis at the above address, by phone at (801) 238-2367, by FAX at (801) 533-4127, or Internet E-mail at ddavis@gov.state.ut.us.

AUTHORIZED BY: Dan R. Davis, Director

EFFECTIVE: 10/05/1999



Crime Victim Reparations, Administration **R270-4** Government Records Access and Management Act

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22423
FILED: 10/05/1999, 11:57
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: Authority for the Office of Crime Victim Reparations rule is found in the Government Records Access and Management Act (GRAMA), Section 63-2-101, et seq.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have not been any written comments for or against this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule continues to provide clarification for agency specific implementation of the GRAMA act.

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

Crime Victim Reparations Administration Suite 200 350 East 500 South Salt Lake City, UT 84111, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan R. Davis at the above address, by phone at (801) 238-2367, by FAX at (801) 533-4127, or Internet E-mail at ddavis@gov.state.ut.us.

AUTHORIZED BY: Dan R. Davis, Director

EFFECTIVE: 10/05/1999



Health, Community and Family Health Services, Children with Special Health Care Needs

R398-1

Newborn Screening

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22432 FILED: 10/12/1999, 17:12 RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Utah Health Code Section 26-10-6 (Testing of newborn infants) requires that each newborn infant in Utah shall be tested for phenylketonuria and other metabolic diseases which may result in mental retardation or brain damage. This statute authorizes the Utah Department of Health to charge fees to cover the costs of testing infants and following up with parents of the tested infants. Since the purpose of testing newborn infants under Section 26-10-6 is to prevent mental retardation or brain damage by early identification and treatment of specified metabolic diseases, such testing is

correctly considered to be a matter materially effecting the preservation and improvement of public health in the state. Hence, the department is authorized to adopt rules on the testing of newborn infants required by Section 26-10-6.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The department cannot assure the proper testing and follow-up of every newborn infant in Utah without establishing by rule the definitions, required tests, testing procedures, responsibilities, timing, and follow-up procedures for testing newborn infants. For these reasons, Rule 398-1 was established and must be continued.

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

Health Community and Family Health Services, Children with Special Health Care Needs Room 253, Medical Triangle 44 North Medical Drive PO Box 144710 Salt Lake City, UT 84114-4710, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Fay A. Keune at the above address, by phone at (801) 584-8256, by FAX at (801) 584-8492, or Internet E-mail at fkeune@doh.state.ut.us.

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 10/12/1999



Insurance, Administration

R590-67

Proxy Solicitation and Consent and Authorization of Stockholders of Domestic Stock Insurers

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22463 FILED: 10/15/1999, 14:40 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 31A-2-201(3) allows the commissioner to make rules to implement the provisions of the Insurance Code.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments for or against this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary that this rule remain in effect to require full and appropriate disclosure to all parties concerned of any attempt to obtain a proxy consent or authorization with respect to the stock of a domestic stock insurer.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 10/15/1999



Insurance, Administration
R590-76
Health Maintenance Organizations

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 22440
FILED: 10/13/1999, 08:34
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 31A, Chapter 8, of the Insurance Code regulates health maintenance organizations, their incorporation, licensure, solvency, securities standards, requirements regarding their operations, and access to health care providers. Subsection 31A-2-201(3) is the general rulemaking provision that allows the commissioner to make rules to implement the provisions of the Code, which in this case would be primarily Title 31A, Chapter 8.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments for or against this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Health maintenance organizations are major players in our health insurance market. This rule along with Title 31A, Chapter 8, of the Insurance Code have been developed to ensure the availability, accessibility, and quality of services provided by Health Maintenance Organizations (HMOs); to provide standards for terms and provisions contained in HMO contracts and certificates; to provide standards for determining financial condition; and to provide other standards deemed necessary to protect the interests of the citizens of Utah.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 10/13/1999



Insurance, Administration

R590-79

Life Insurance Disclosure Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22441
FILED: 10/13/1999, 08:34
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: Subsection 31A-2-201(3) allows the commissioner to make rules to implement the provisions of the Insurance Code.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments for or against this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to require the party selling insurance to Utah insurance consumers to provide them with enough information about the insurance product to help them make an educated decision about the purchase. It also requires that an industry standard booklet, or buyers guide, be given to the applicant.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 10/13/1999



Insurance, Administration

R590-83

Unfair Discrimination on the Basis of Sex or Marital Status

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22442
FILED: 10/13/1999, 08:34
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: Subsection 31A-2-201(1) gives the commissioner the authority to administer and enforce Title 31A. Subsection 31A-2-201(3) allows the commissioner to make rules to implement the provisions of the Insurance Code. Subsection 31A-23-302(8) allows the commissioner to define additional methods of unfair marketing practices listed in the code after a finding that they are "misleading, deceptive, or unfairly discriminatory, provide and unfair inducement, or unreasonably restrain competition." It is as a result of the findings of the department that discrimination on the basis of sex or marital status has been determined to be unfair.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments for or against this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Discriminating based on sex and marital status is still a very big issue in Utah, as well as throughout the nation. Insurers try to restrict and eliminate coverage based on these two factors.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 10/13/1999

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

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



Insurance, Administration
R590-127
Rate Filing Exemptions

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 22448
FILED: 10/14/1999, 13:32
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 31A-2-201(3) allows the commissioner to make rules to implement the provisions of the Insurance Code. Section 31A-19a-103 specifically authorizes the commissioner to exempt any market segment from any or all of the provisions of Title 31A, Chapter 19a. With the authority provided in this section, the commissioner has exempted (a) rates and rates and rating plans used for commercial excess insurance and umbrella liability insurance from the filing requirements of Chapter 19a.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments for or against this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important that this rule remain in effect since (a) rates and rates and rating plans used for commercial excess insurance and umbrella liability insurance are still being used throughout the property and liability side of the insurance industry. These are rates that are developed using a variety of factors and variables depending on each individual risk. There would be no use in filing these types of rates since they vary from risk to risk. Instead of requiring insurers to file these types of rates, the rule provides guidelines about information that should be made a part of the underwriting file on these risks that verify how the rates were developed.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 10/14/1999



Insurance, Administration
R590-129
Unfair Discrimination Based Solely Upon Blindness or Physical or Mental Impairment

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 22443
FILED: 10/13/1999, 08:34
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: Subsection 31A-2-201(3) allows the commissioner to make rules to implement the provisions of the Insurance Code. Subsection 31A-23-302(8) allows the commissioner to define other unfair methods of practice by rule after a finding that the method is "misleading, deceptive, unfairly discriminatory, provides an unfair inducement, or unreasonably restrain competition." It is through this process that the department has determined that it is an unfair marketing practice to discriminate in the selling of insurance based solely upon blindness or physical or mental impairment.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The

department has not received any written comments for or against this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary that this rule be continued to allow those with mental and visual disabilities a fair chance to purchase insurance.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 10/13/1999

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Commission has received no comments regarding the rule 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: During the 1999 legislative session, the Utah Legislature reauthorized the Utah Injured Worker Reemployment Act. In light of the legislative determination that the Act should continue in effect, the Commission's rules for administration of the Act continue to be necessary.

(DAR Note: S.B. 117 is found at 1999 Utah Laws 173, and was effective May 3, 1999.)

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

Labor Commission
Industrial Accidents
Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146610
Salt Lake City, UT 84114-6610, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or Internet E-mail at icmain.jsewell@email.state.ut.us.

AUTHORIZED BY: R. Lee Ellertson, Commissioner

EFFECTIVE: 10/15/1999

Labor Commission, Industrial Accidents

R612-7

Procedural Guidelines for the Reemployment Act

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22456
FILED: 10/15/1999, 09:26
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 34A-8-111 of the Utah Injured Worker Reemployment Act specifically authorizes the Labor Commission to adopt rules for the administration of the Act.

Public Safety, Driver License

R708-22

Commercial Driver License Administrative Proceedings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22419
FILED: 10/04/1999, 12:46
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: In Subsection 53-3-221(5)(a)(i), it states that if the Division denies or suspends a person's driver license, the Division needs to inform the person in writing that they are entitled to have a hearing in the county where they reside. This rule specifies that all adjudicative proceedings for commercial driver license holders shall be conducted according to applicable rules for administrative proceedings.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: We need to continue this rule so individuals who drive a commercial vehicle will have an opportunity to have a hearing if their driver license is suspended, revoked, etc., in accordance with adjudicative proceedings.

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

Public Safety
Driver License
Calvin Rampton Complex
4510 South 2700 West
PO Box 30560
Salt Lake City, UT 84130-0560, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Vinn Roos at the above address, by phone at (801) 965-4456, by FAX at (801) 964-4482, or Internet E-mail at vroos@email.state.ut.us.

AUTHORIZED BY: David A. Beach, Director

EFFECTIVE: 10/04/1999



Public Safety, Driver License
R708-24
Renewal of a Commercial Driver License (CDL)

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 22420
FILED: 10/05/1999, 10:13
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: In Subsection 53-3-413(4)(a)(b), it states that an applicant wanting to renew a commercial driver license shall complete an application for a commercial driver license renewal as required by Section 53-3-410. It also states that for someone to retain a hazardous materials endorsement while renewing, that person needs to pass a written test, and any other tests deemed necessary. The purpose of this rule is to specify what the procedures are for renewing a commercial driver license.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: We need to continue this rule so individuals know what procedures they need to follow to renew a commercial driver license.

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

Public Safety
Driver License
Calvin Rampton Complex
4510 South 2700 West
PO Box 30560
Salt Lake City, UT 84130-0560, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Vinn Roos at the above address, by phone at (801) 965-4456, by FAX at (801) 964-4482, or Internet E-mail at vroos@email.state.ut.us.

AUTHORIZED BY: David A. Beach, Director

EFFECTIVE: 10/05/1999



NOTICES OF NONSUBSTANTIVE CHANGES MADE BY THE DIVISION OF ADMINISTRATIVE RULES

Under authority of UTAH CODE Subsections 63-46a-10(2) and (3) the Division of Administrative Rules may make nonsubstantive changes to the text of the *Utah Administrative Code*. Specifically:

(2) The division may after notifying the agency make nonsubstantive changes to rules filed with the division or published in the bulletin or code by:

- (a) implementing a uniform system of formatting, punctuation, capitalization, organization, numbering, and wording;
- (b) correcting obvious errors and inconsistencies in punctuation, capitalization, numbering, referencing, and wording;
- (c) changing a catchline to more accurately reflect the substance of each section, part, rule, or title;
- (d) updating or correcting annotations associated with a section, part, rule, or title; and
- (e) merging or determining priority of any amendment, enactment, or repeal to the same rule or section made effective by an agency.

(3) In addition, the division may make the following nonsubstantive changes with the concurrence of the agency:

- (a) eliminate duplication within rules;
- (b) eliminate obsolete and redundant words; and
- (c) correcting defective or inconsistent section and paragraph structure in arrangement of the subject matter of rules.

UTAH CODE Subsection 63-46a-10(4) requires the Division to publish a list of all such changes made after publication of the rule in the *Utah State Bulletin*, giving the affected code citation, a brief description of the change, and the date the change was made. The table below also indicates whether the correction was made under authority of UTAH CODE Subsection 63-46a-10(2) or 63-46a-10(3).

| CODE REF. | FILE NO. | DESCRIPTION OF CHANGE | DATE | AUTHORITY |
|-----------|----------|--|----------|--------------|
| R388-801 | 22424 | The title catchline is being changed to reflect the correct agency name in the Department of Health. The previous title catchline was: "Community and Family Health Services, HIV/AIDS, Tuberculosis Control/Refugee Health." The new title catchline is: "Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health." | 10/08/99 | 63-46a-10(2) |
| R388-802 | 22425 | see note for DAR No. 22424 | 10/08/99 | 63-46a-10(2) |
| R388-803 | 22426 | see note for DAR No. 22424 | 10/08/99 | 63-46a-10(2) |
| R388-804 | 22427 | see note for DAR No. 22424 | 10/08/99 | 63-46a-10(2) |

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

Fleet Operations, Surplus Property
No. 22179 (AMD): R28-1. State Surplus Property Disposal.
Published: August 1, 1999
Effective: November 1, 1999

No. 22180 (AMD): R28-2. Surplus Firearms.
Published: August 1, 1999
Effective: November 1, 1999

No. 22181 (REP): R28-4. State Recycling Program.
Published: August 1, 1999
Effective: November 1, 1999

No. 22182 (AMD): R28-7. Surplus Property Rate Schedule.
Published: August 1, 1999
Effective: November 1, 1999

Agriculture and Food

Animal Industry
No. 22304 (AMD): R58-17. Aquaculture and Aquatic Animal Health.
Published: September 1, 1999
Effective: October 2, 1999

Commerce

Occupational and Professional Licensing
No. 22329 (AMD): R156-60c. Professional Counselor Licensing Act Rules.
Published: September 1, 1999
Effective: October 7, 1999

Environmental Quality

Environmental Response and Remediation
No. 22075 (CPR): R311-205-2. Underground Storage Tanks: Site Assessment Protocol.
Published: September 1, 1999
Effective: October 4, 1999

Solid and Hazardous Waste

No. 22305 (AMD): R315-301-2. Definitions.
Published: September 1, 1999
Effective: October 15, 1999

No. 22306 (AMD): R315-306-1. Applicability.
Published: September 1, 1999
Effective: October 15, 1999

No. 22307 (AMD): R315-308. Ground Water Monitoring Requirements.
Published: September 1, 1999
Effective: October 15, 1999

No. 22309 (AMD): R315-314. Facility Standards for Piles Used for Storage and Treatment.
Published: September 1, 1999
Effective: October 15, 1999

No. 22310 (AMD): R315-315-7. PCB Containing Waste.
Published: September 1, 1999
Effective: October 15, 1999

No. 22311 (AMD): R315-317-3. Violations, Orders, and Hearings.
Published: September 1, 1999
Effective: October 15, 1999

No. 22312 (AMD): R315-320. Waste Tire Transporter and Recycler Requirements.
Published: September 1, 1999
Effective: October 15, 1999

NOTICES OF RULE EFFECTIVE DATES

Health

Health Systems Improvement, Emergency Medical Services

No. 22319 (REP): R426-1. Ambulance Rules.

Published: September 1, 1999

Effective: October 4, 1999

No. 22320 (REP): R426-3. Paramedic Rules.

Published: September 1, 1999

Effective: October 4, 1999

No. 22321 (REP): R426-4. Emergency Medical Dispatcher Rules.

Published: September 1, 1999

Effective: October 4, 1999

No. 22322 (NEW): R426-11. Definitions and Quality Assurance Reviews.

Published: September 1, 1999

Effective: October 12, 1999

No. 22323 (NEW): R426-12. Emergency Medical Services Training and Certification Standards.

Published: September 1, 1999

Effective: October 12, 1999

No. 22324 (NEW): R426-13. Emergency Medical Services Provider Designations.

Published: September 1, 1999

Effective: October 12, 1999

No. 22325 (NEW): R426-14. Ambulance Service and Paramedic Service Licensure.

Published: September 1, 1999

Effective: October 4, 1999

No. 22326 (NEW): R426-15. Licensed and Designated Provider Operations.

Published: September 1, 1999

Effective: October 12, 1999

No. 22327 (NEW): R426-16. Emergency Medical Services Maximum Ambulance Transportation Rates and Charges.

Published: September 1, 1999

Effective: October 4, 1999

No. 22328 (AMD): R426-100. Emergency Medical Services Do Not Resuscitate.

Published: September 1, 1999

Effective: October 12, 1999

Natural Resources

Parks and Recreation

No. 22058 (AMD): R651-206. Carrying Passengers for Hire.

Published: June 15, 1999

Effective: October 12, 1999

No. 22281 (AMD): R651-601. Definitions Used in These Rules.

Published: September 1, 1999

Effective: October 4, 1999

No. 22282 (AMD): R651-602. Aircraft and Powerless Flight.

Published: September 1, 1999

Effective: October 4, 1999

No. 22283 (AMD): R651-603. Animals.

Published: September 1, 1999

Effective: October 4, 1999

No. 22284 (AMD): R651-606. Camping.

Published: September 1, 1999

Effective: October 4, 1999

No. 22285 (AMD): R651-607. Disorderly Conduct.

Published: September 1, 1999

Effective: October 4, 1999

No. 22286 (AMD): R651-608. Events of Special Uses.

Published: September 1, 1999

Effective: October 4, 1999

No. 22287 (AMD): R651-610. Expulsion.

Published: September 1, 1999

Effective: October 4, 1999

No. 22288 (AMD): R651-612. Firearms, Traps and Other Weapons.

Published: September 1, 1999

Effective: October 4, 1999

No. 22289 (AMD): R651-614. Fishing.

Published: September 1, 1999

Effective: October 4, 1999

No. 22290 (AMD): R651-615. Motor Vehicle Use.

Published: September 1, 1999

Effective: October 4, 1999

No. 22291 (AMD): R651-617. Permit Violation.
 Published: September 1, 1999
 Effective: October 4, 1999

No. 22292 (AMD): R651-619. Possession of Alcoholic Beverages or Controlled Substances.
 Published: September 1, 1999
 Effective: October 4, 1999

No. 22293 (AMD): R651-620. Protection of Public Property, Features and Resources.
 Published: September 1, 1999
 Effective: October 4, 1999

No. 22294 (AMD): R651-622-2. Installation of Hardware/Equipment.
 Published: September 1, 1999
 Effective: October 4, 1999

No. 22295 (AMD): R651-624. Sanitation.
 Published: September 1, 1999
 Effective: October 4, 1999

No. 22298 (AMD): R651-627. Swimming.
 Published: September 1, 1999
 Effective: October 4, 1999

No. 22299 (AMD): R651-628. Trails.
 Published: September 1, 1999
 Effective: October 4, 1999

No. 22301 (AMD): R651-630-1. Children under 12 must be Supervised.
 Published: September 1, 1999
 Effective: October 4, 1999

No. 22303 (NEW): R651-633. Special Closures or Restrictions.
 Published: September 1, 1999
 Effective: October 4, 1999

Public Safety

Fire Marshal

No. 22317 (AMD): R710-6. Liquefied Petroleum Gas Rules.
 Published: September 1, 1999
 Effective: October 4, 1999

Transportation

Motor Carrier

No. 22278 (AMD): R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.
 Published: September 1, 1999
 Effective: October 4, 1999

DAR Correction Notice: Due to a clerical error at the Division of Administrative Rules, the rule numbers were omitted from the following two notices of effective dates that were printed in the September 15, 1999, issue of the *Utah State Bulletin*. The notices should have been:

Transportation

Administration

No. 22165 (NEW): R907-64. Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities.
 Published: July 15, 1999
 Effective: August 17, 1999

Workforce Services

Employment Development

No. 22093 (AMD): R986-221. Demonstration Programs.
 Published: June 15, 1999
 Effective: August 31, 1999

End of the Notices of Rule Effective Dates Section

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

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 1999, including notices of effective date received through October 15, 1999, the effective dates of which are no later than November 1, 1999. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

| | |
|--------------------------------|--|
| AMD = Amendment | NSC = Nonsubstantive rule change |
| CPR = Change in proposed rule | REP = Repeal |
| EMR = Emergency rule (120 day) | R&R = Repeal and reenact |
| NEW = New rule | * = Text too long to print in <i>Bulletin</i> , or 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> | | | | | |
| R23-1-17 | Procurement of Construction | 22104 | AMD | 08/09/99 | 99-13/6 |
| R23-3 | Authorization of Programs for Capital Development Projects | 22103 | NEW | 08/09/99 | 99-13/7 |
| 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 |

| CODE REFERENCE | TITLE | FILE NUMBER | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
|---|---|-------------|--------|----------------|---------------------|
| R25-7 | Travel-Related Reimbursements for State Employees | 22050 | AMD | see CPR | 99-11/15 |
| R25-7 | Travel-Related Reimbursements for State Employees | 22050 | CPR | 09/01/99 | 99-15/55 |
| R25-8 | Meal Allowance | 21889 | NSC | 03/05/99 | Not Printed |
| <u>Fleet Operations, Surplus Property</u> | | | | | |
| R28-1 | State Surplus Property Disposal | 22179 | AMD | 11/01/99 | 99-15/8 |
| R28-2 | Surplus Firearms | 22180 | AMD | 11/01/99 | 99-15/11 |
| R28-4 | State Recycling Program | 22181 | REP | 11/01/99 | 99-15/12 |
| R28-7 | Surplus Property Rate Schedule | 22182 | AMD | 11/01/99 | 99-15/13 |
| <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 |
| R35-2-3 | Declining Requests for Hearings | 22113 | NSC | 07/16/99 | Not Printed |
| 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 |
| 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>Animal Industry</u> | | | | | |
| R58-17 | Aquaculture and Fish Health | 22122 | AMD | 08/17/99 | 99-14/7 |
| R58-17 | Aquaculture and Fish Health | 22203 | NSC | 08/18/99 | Not Printed |
| R58-17 | Aquaculture and Aquatic Animal Health | 22304 | AMD | 10/02/99 | 99-17/4 |
| R58-20 | Domesticated Elk Hunting Parks | 22123 | NEW | 08/17/99 | 99-14/16 |
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| R325-2 | Utah State Fair Commercial Exhibitor Rules | 22115 | AMD | 08/19/99 | 99-14/30 |
| R325-3 | Utah State Fair Patron Rules | 21874 | AMD | 04/05/99 | 99-5/24 |
| R325-3 | Utah State Fair Patron Rules | 22116 | AMD | 08/19/99 | 99-14/31 |
| R325-4 | Interim Patrons Rules (Other Than Utah State Fair) | 21875 | AMD | 04/05/99 | 99-5/25 |
| R325-4 | Interim Patrons Rules (Other Than Utah State Fair) | 22117 | NSC | 07/06/99 | Not Printed |
| R325-5 | Interim Renters Rules (Other Than Utah State Fair) | 21876 | AMD | 04/05/99 | 99-5/26 |
| R325-5 | Interim Renters Rules (Other Than Utah State Fair) | 22118 | AMD | 08/19/99 | 99-14/32 |

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| R380-25 | Submission of Data Through an Electronic Data Interchange | 21984 | NEW | 07/01/99 | 99-10/32 |
| <u>Children's Health Insurance Program</u> | | | | | |
| R382-10 | Eligibility | 21669 | AMD | 01/07/99 | 98-23/12 |
| R382-10 | Eligibility | 21843 | NSC | 02/27/99 | Not Printed |
| <u>Community Health Services, Chronic Disease</u> | | | | | |
| R384-100 | Cancer Reporting Rule | 21849 | NEW | see CPR | 99-5/27 |
| R384-100 | Cancer Reporting Rule | 21849 | CPR | 08/16/99 | 99-13/34 |
| <u>Community Health Services, Chronic Disease (Changed to Community and Family Health Services, Chronic Disease--08/03/99)</u> | | | | | |
| R384-100 | Cancer Reporting Rule | 22221 | NSC | 08/03/99 | Not Printed |
| <u>Community Health Services, Epidemiology</u> | | | | | |
| R386-702 | Communicable Disease Rule | 22189 | AMD | 10/01/99 | 99-15/18 |
| <u>Community Health Services, Epidemiology (Changed to Epidemiology and Laboratory Services, Epidemiology--08/03/99)</u> | | | | | |
| R386-702 | Communicable Disease Rule | 22222 | NSC | 08/03/99 | Not Printed |
| R386-703 | Injury Reporting Rule | 22223 | NSC | 08/03/99 | Not Printed |
| <u>Community Health Services, HIV/AIDS Prevention and Control (Changed to Community and Family Health Services, HIV/AIDS, Tuberculosis Control/Refugee Health--08/03/99)</u> | | | | | |
| R388-801 | AIDS Testing and Reporting for Emergency Medical Services Providers Rule | 22224 | NSC | 08/03/99 | Not Printed |
| R388-802 | HIV Positive Student or School Employee Rule | 22225 | NSC | 08/03/99 | Not Printed |
| R388-803 | HIV Test Reporting | 22226 | NSC | 08/03/99 | Not Printed |
| R388-804 | Special Measures for the Control of Tuberculosis | 22227 | NSC | 08/03/99 | Not Printed |
| <u>Community and Family Health Services, HIV/AIDS, Tuberculosis Control/Refugee Health (Changed to Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health--10/08/99)</u> | | | | | |
| R388-801 | AIDS Testing and Reporting for Emergency Medical Services Providers Rule | 22424 | NSC | 10/08/99 | Not Printed |
| R388-802 | HIV Positive Student or School Employee Rule | 22425 | NSC | 10/08/99 | Not Printed |
| R388-803 | HIV Test Reporting | 22426 | NSC | 10/08/99 | Not Printed |
| R388-804 | Special Measures for the Control of Tuberculosis | 22427 | NSC | 10/08/99 | Not Printed |
| <u>Community Health Services, Environmental Services</u> | | | | | |
| R392-101 | Food Safety Manager Certification | 21914 | NEW | 06/10/99 | 99-7/8 |
| R392-101 | Food Safety Manager Certification | 22107 | NSC | 06/18/99 | Not Printed |

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| <u>Community Health Services, Environmental Services (Changed to Epidemiology and Laboratory Services, Environmental Services--08/03/99)</u> | | | | | |
| R392-100 | Food Services Sanitation | 22228 | NSC | 08/03/99 | Not Printed |
| R392-200 | Design, Construction, Operation, Sanitation, and Safety of Schools | 22229 | NSC | 08/03/99 | Not Printed |
| R392-300 | Recreation Camp Sanitation | 22230 | NSC | 08/03/99 | Not Printed |
| R392-301 | Recreational Vehicle Park Sanitation | 22231 | NSC | 08/03/99 | Not Printed |
| R392-302 | Design, Construction and Operation of Public Pools | 22232 | NSC | 08/03/99 | Not Printed |
| R392-400 | Temporary Mass Gatherings Sanitation | 22233 | NSC | 08/03/99 | Not Printed |
| R392-401 | Roadway Rest Stop Sanitation | 22234 | NSC | 08/03/99 | Not Printed |
| R392-402 | Mobile Home Park Sanitation | 22235 | NSC | 08/03/99 | Not Printed |
| R392-501 | Labor Camp Sanitation | 22236 | NSC | 08/03/99 | Not Printed |
| R392-502 | Hotel, Motel and Resort Sanitation | 22237 | NSC | 08/03/99 | Not Printed |
| R392-510 | Utah Indoor Clean Air Act | 22238 | NSC | 08/03/99 | Not Printed |
| DAR Note: The following rule was missed with the initial change on 08/03/99. Name change was made on 09/01/99 | | | | | |
| R392-101 | Food Safety Manager Certification | 22356 | NSC | 09/01/99 | Not Printed |
| <u>Family Health Services, Child Health (Changed to Community and Family Health Services, Immunization--08/03/99)</u> | | | | | |
| R396-100 | Immunization Rule for Students | 22239 | NSC | 08/03/99 | Not Printed |
| <u>Family Health Services, Children with Special Health Care Needs (Changed to Community and Family Health Services, Children with Special Health Care Needs--08/03/99)</u> | | | | | |
| R398-1 | Newborn Screening | 22240 | NSC | 08/03/99 | Not Printed |
| R398-1 | Newborn Screening | 22432 | NSC | 10/12/99 | 99-21/68 |
| R398-2 | Newborn Hearing Screening | 22241 | NSC | 08/03/99 | Not Printed |
| <u>Family Health Services, WIC Services (Changed to Community and Family Health Services, WIC Services--08/03/99)</u> | | | | | |
| R406-100 | Special Supplemental Nutrition Program for Women, Infants and Children | 22242 | NSC | 08/03/99 | Not Printed |
| R406-200 | Program Overview | 22243 | NSC | 08/03/99 | Not Printed |
| R406-201 | Outreach Program | 22244 | NSC | 08/03/99 | Not Printed |
| R406-202 | Eligibility | 22245 | NSC | 08/03/99 | Not Printed |
| R406-301 | Clinic Guidelines | 22246 | NSC | 08/03/99 | Not Printed |
| <u>Health Care Financing</u> | | | | | |
| R410-14 | Division of Health Care Financing Administrative Hearing Procedures for Medicaid/UMAP Applicants, Recipients and Providers, and Non-Medicaid/UMAP Nursing Home Residents as per "OBRA" Preadmission Screening and Annual Resident Review (PASARR) Determinations/Resident Rights Requirements | 21668 | AMD | 01/07/99 | 98-23/14 |
| <u>Health Care Financing, Coverage and Reimbursement Policy</u> | | | | | |
| R414-1 | Utah Medicaid Program | 21890 | AMD | 04/23/99 | 99-6/13 |
| R414-1 | Utah Medicaid Program | 21985 | NSC | 05/05/99 | Not Printed |
| R414-29 | Client Review/Education and Restriction Policy | 21687 | AMD | 01/21/99 | 98-24/50 |

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| R414-54 | Speech-Language Pathology Services | 21935 | 5YR | 03/31/99 | 99-8/73 |
| R414-54 | Speech-Language Pathology Services | 21936 | NSC | 05/01/99 | Not Printed |
| R414-58 | Children's Organ Transplants | 21857 | 5YR | 02/12/99 | 99-5/58 |
| R414-302 | Eligibility Requirements | 21986 | AMD | 06/28/99 | 99-10/33 |
| R414-303 | Coverage Groups | 21529 | AMD | 01/05/99 | 98-21/31 |
| R414-304 | Income and Budgeting | 21764 | AMD | 02/25/99 | 99-2/4 |
| R414-305 | Resources | 22068 | AMD | 07/22/99 | 99-12/74 |
| R414-307 | Eligibility Determination and Redetermination | 21892 | AMD | 04/23/99 | 99-6/19 |
| R414-501 | Preadmission and Continued Stay Review | 22381 | 5YR | 09/15/99 | 99-19/97 |
| R414-502 | Nursing Facility Levels of Care | 22382 | 5YR | 09/15/99 | 99-19/98 |
| R414-503 | Preadmission Screening and Annual Resident Review | 22383 | 5YR | 09/15/99 | 99-19/98 |
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| R426-1 | Ambulance Rules | 21693 | AMD | 02/26/99 | 98-24/51 |
| R426-1 | Ambulance Rules | 22319 | REP | 10/04/99 | 99-17/50 |
| R426-1-8 | Maximum Licensed Services Transportation Rates and Charges | 21649 | AMD | 01/07/99 | 98-23/22 |
| R426-2 | Air Medical Service Rules | 21688 | AMD | 01/22/99 | 98-24/59 |
| R426-3 | Utah Mobile Paramedic Rules | 21694 | AMD | 01/22/99 | 98-24/61 |
| R426-3 | Paramedic Rules | 22320 | REP | 10/04/99 | 99-17/60 |
| R426-4 | Emergency Medical Dispatcher Rules | 21695 | AMD | 01/22/99 | 98-24/67 |
| R426-4 | Emergency Medical Dispatcher Rules | 22321 | REP | 10/04/99 | 99-17/67 |
| R426-6 | Emergency Medical Services Grants Program Rules | 21657 | AMD | 03/01/99 | 98-23/23 |
| R426-6 | Emergency Medical Services Grants Program Rules | 21906 | AMD | 05/14/99 | 99-7/12 |
| R426-11 | Definitions and Quality Assurance Reviews | 22322 | NEW | 10/12/99 | 99-17/69 |
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| R426-13 | Emergency Medical Services Provider Designations | 22324 | NEW | 10/12/99 | 99-17/83 |
| R426-14 | Ambulance Service and Paramedic Service Licensure | 22325 | NEW | 10/12/99 | 99-17/86 |
| R426-15 | Licensed and Designated Provider Operations | 22326 | NEW | 10/12/99 | 99-17/89 |
| R426-16 | Emergency Medical Services Maximum Ambulance Transportation Rates and Charges | 22327 | NEW | 10/12/99 | 99-17/93 |
| R426-100 | Emergency Medical Services Do Not Resuscitate | 22328 | AMD | 10/12/99 | 99-17/95 |
| <u>Health Data Analysis</u> | | | | | |
| R428-10 | Health Data Authority Hospital Inpatient Reporting Rule | 21755 | AMD | 03/01/99 | 99-2/10 |
| <u>Health Data Analysis (Changed to Center for Health Data, Health Care Statistics--08/03/99)</u> | | | | | |
| R428-1 | Adoption of Health Data Plan | 22247 | NSC | 08/03/99 | Not Printed |
| R428-2 | Health Data Authority Standards for Health Data | 22248 | NSC | 08/03/99 | Not Printed |

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| R428-11 | Health Data Authority Ambulatory Surgical Data Reporting Rule | 22251 | NSC | 08/03/99 | Not Printed |
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| R428-13 | Health Data Authority. Audit and Reporting of HMO Performance Measures | 22253 | NSC | 08/03/99 | Not Printed |
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| R432-2 | General Licensing Provisions | 21859 | AMD | 04/21/99 | 99-5/29 |
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| R432-3 | General Health Care Facility Rules Inspection and Enforcement | 21981 | AMD | 07/06/99 | 99-10/35 |
| R432-4 | General Construction | 21815 | 5YR | 01/29/99 | 99-4/68 |
| R432-5 | Nursing Facility Construction | 21816 | 5YR | 01/29/99 | 99-4/68 |
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| R432-35-4 | Bureau of Criminal Investigation | 22177 | AMD | 09/22/99 | 99-15/33 |
| R432-100-23 | Blood Services | 21796 | AMD | 04/07/99 | 99-4/25 |
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| R432-149 | Intermediate Care Facility | 21797 | REP | 04/07/99 | 99-4/26 |
| R432-150 | Nursing Care Facility Rules | 21752 | R&R | 02/25/99 | 99-2/15 |
| R432-152 | Mental Retardation Facility | 21918 | AMD | 07/06/99 | 99-7/14 |
| R432-250 | Residential Health Care Facilities | 21528 | REP | 01/20/99 | 98-21/42 |
| R432-270 | Assisted Living Facilities | 21722 | R&R | 01/29/99 | 98-24/70 |
| R432-300 | Residential Health Care Facility - Limited Capacity - Type N | 21561 | R&R | 01/11/99 | 98-22/73 |
| R432-650 | End Stage Renal Disease Facility Rules | 21562 | AMD | 01/11/99 | 98-22/82 |
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| <u>Health Systems Improvement, Primary Care and Rural Health</u> | | | | | |
| R434-10 | Physicians and Physician Assistants Grant and Scholarship Program | 21802 | AMD | 03/26/99 | 99-4/36 |
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| <u>Vital Records and Health Statistics (Changed to Center for Health Data, Vital Records and Statistics--08/03/99)</u> | | | | | |
| R436-1 | Duties of the Department of Health | 22255 | NSC | 08/03/99 | Not Printed |
| R436-2 | Infants of Unknown Parentage; Foundling Registration | 22256 | NSC | 08/03/99 | Not Printed |
| R436-3 | Amendment of Vital Records | 22257 | NSC | 08/03/99 | Not Printed |
| R436-4 | Delayed Registration of Birth | 22258 | NSC | 08/03/99 | Not Printed |
| R436-5 | New Birth Certificates After Legitimation, Court Determination of Paternity, or Adoption | 22259 | NSC | 08/03/99 | Not Printed |
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| R436-7 | Death Registration | 22261 | NSC | 08/03/99 | Not Printed |
| R436-8 | Authorization for Final Disposition of Deceased Persons | 22262 | NSC | 08/03/99 | Not Printed |
| R436-9 | Persons and Institutions Required to Keep Monthly Listing of Vital Statistics Events | 22263 | NSC | 08/03/99 | Not Printed |
| R436-10 | Birth and Death Certificates | 22264 | NSC | 08/03/99 | Not Printed |
| R436-11 | Local Registrars | 22265 | NSC | 08/03/99 | Not Printed |
| R436-12 | Certified Copies of Vital Statistics Records | 22266 | NSC | 08/03/99 | Not Printed |
| R436-13 | Disclosure of Records | 22267 | NSC | 08/03/99 | Not Printed |
| R436-14 | Copies of Data from Vital Records | 22268 | NSC | 08/03/99 | Not Printed |
| R436-15 | Fees | 22269 | NSC | 08/03/99 | Not Printed |
| R436-16 | Violation of Rules | 22270 | NSC | 08/03/99 | Not Printed |
| R436-17 | Review and Approval of Research Requests | 22271 | NSC | 08/03/99 | Not Printed |
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| R438-13 | Rules for the Certification of Institutions to Obtain Impounded Animals in the State of Utah | 21928 | 5YR | 03/18/99 | 99-8/73 |
| <u>Laboratory Services (Changed to Epidemiology and Laboratory Services, Laboratory Services--08/03/99)</u> | | | | | |
| R438-10 | Rules for Establishment of a Procedure to Examine the Blood of all Adult Pedestrians and all Drivers of Motor Vehicles Killed in Highway Accidents for the Presence and Concentration of Alcohol, for the Purpose of Deriving Statistics Therefrom | 22272 | NSC | 08/03/99 | Not Printed |
| R438-12 | Rules for the Authorization of Individuals Other Than Physicians, Registered Nurses, or Practical Nurses to Withdraw Blood for Alcoholic or Drug Determinations When Requested by a Peace Officer, and for Issuance of Permits of Such Individuals | 22273 | NSC | 08/03/99 | Not Printed |
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| R444-1 | Approval of Clinical Laboratories | 22275 | NSC | 08/03/99 | Not Printed |
| R444-11 | Rules for Approval to Perform Blood Alcohol Examinations | 22276 | NSC | 08/03/99 | Not Printed |
| R444-14 | Rule for the Certification of Environmental Laboratories | 22277 | NSC | 08/03/99 | Not Printed |

HUMAN RESOURCE MANAGEMENT

Administration

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| R477-1 | Definitions | 22011 | AMD | 06/26/99 | 99-10/39 |
| R477-2 | Administration | 22012 | AMD | 06/26/99 | 99-10/44 |
| R477-4 | Classification | 22013 | AMD | 06/26/99 | 99-10/47 |
| R477-5 | Filing Positions | 22014 | AMD | 06/26/99 | 99-10/48 |
| R477-6 | Employee Status and Probation | 22015 | AMD | 06/26/99 | 99-10/50 |
| R477-7 | Compensation | 22016 | AMD | 06/26/99 | 99-10/52 |
| R477-8 | Working Conditions | 21803 | AMD | 05/04/99 | 99-4/42 |
| R477-8 | Working Conditions | 22017 | AMD | 06/26/99 | 99-10/55 |
| R477-8 | Working Conditions | 22047 | AMD | 07/19/99 | 99-11/32 |
| R477-9 | Employee Conduct | 22018 | AMD | 06/26/99 | 99-10/61 |
| R477-10 | Employment Development | 22019 | AMD | 06/26/99 | 99-10/63 |
| R477-11 | Discipline | 22020 | AMD | 06/26/99 | 99-10/65 |
| R477-12 | Separations | 22021 | AMD | 06/26/99 | 99-10/66 |
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HUMAN SERVICES

Administration

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| R495-879 | Parental Support for Children in Care | 21916 | 5YR | 03/11/99 | 99-7/56 |
| R495-879 | Parental Support for Children in Care | 21917 | AMD | 05/10/99 | 99-7/28 |

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| R501-7 | Rules for Child Placing Agencies | 22164 | AMD | 09/01/99 | 99-14/33 |
| R501-12 | Foster Care Rules | 22051 | AMD | 09/01/99 | 99-14/37 |
| R501-14 | Criminal Background Screening | 21821 | AMD | 03/22/99 | 99-4/47 |

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| R510-103 | Use of Senior Centers by Long Term Care Facility Residents and Senior Citizens' Groups Participating in Activities Outside Their Planning and Service Area | 21730 | AMD | 02/03/99 | 99-1/14 |
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| R510-111 | Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC) | 21886 | NSC | 02/27/99 | Not Printed |
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| R512-25 | Child Protective Services Notification and Due Process | 21465 | AMD | 01/21/99 | 98-19/78 |
| R512-41 | Qualifying Adoptive Families and Adoption Placement | 22055 | NEW | 09/01/99 | 99-11/39 |
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| R523-1-19 | Prohibited Items and Devices on the Grounds of Public Mental Health Facilities | 22048 | AMD | 07/12/99 | 99-11/42 |
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| R527-39 | Applicant/Recipient Cooperation | 21870 | AMD | 04/05/99 | 99-5/33 |
| R527-56 | In-Kind Support | 21871 | AMD | 04/05/99 | 99-5/35 |
| R527-69 | State and Federal Parent Locator Services | 22090 | REP | 07/16/99 | 99-12/80 |
| R527-200 | Administrative Procedures | 21675 | AMD | 01/04/99 | 98-23/33 |
| R527-210 | Guidelines for Setting Child Support Awards | 21809 | 5YR | 01/26/99 | 99-4/70 |
| R527-210 | Guidelines for Setting Child Support Awards | 21810 | NSC | 01/27/99 | Not Printed |
| R527-378 | Garnishment of Social Security Benefits | 21726 | AMD | 01/15/99 | 98-24/90 |
| R527-430 | Administrative Notice of Lien-Levy Procedures | 21811 | AMD | 03/18/99 | 99-4/49 |
| R527-450 | Federal Tax Refund Intercept | 22158 | AMD | 08/17/99 | 99-14/42 |
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| R590-76 | Health Maintenance Organizations | 22440 | 5YR | 10/13/99 | 99-21/69 |
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| R590-83 | Unfair Discrimination on the Basis of Sex or Marital Status | 22442 | 5YR | 10/13/99 | 99-21/70 |
| R590-89 | Unfair Claims Settlement Practice Rule | 21964 | REP | 08/27/99 | 99-9/76 |
| R590-93 | Replacement of Life Insurance and Annuities | 22086 | 5YR | 05/27/99 | 99-12/103 |
| R590-96 | Rule to Recognize New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities | 21766 | AMD | 03/16/99 | 99-2/46 |
| R590-96 | Rule to Recognize New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities | 21923 | NSC | 03/29/99 | Not Printed |
| R590-98 | Unfair Practice in Payment of Life Insurance and Annuity Policy Values | 22087 | 5YR | 05/27/99 | 99-12/103 |
| R590-102 | Insurance Department Fee Payment Deadlines | 21942 | AMD | see CPR | 99-8/18 |
| R590-102 | Insurance Department Fee Payment Deadlines | 21942 | CPR | 07/28/99 | 99-12/98 |

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| R590-120 | Surety Bond Forms | 21339 | AMD | see CPR (First) | 98-16/28 |
| R590-120 | Surety Bond Forms | 21339 | CPR (First) | see CPR (Second) | 99-1/37 |
| R590-120 | Surety Bond Forms | 21339 | CPR (Second) | 06/04/99 | 99-9/97 |
| R590-127 | Rate Filing Exemptions | 22448 | 5YR | 10/14/99 | 99-21/71 |
| R590-129 | Unfair Discrimination Based Solely Upon Blindness or Physical or Mental Impairment | 22443 | 5YR | 10/13/99 | 99-21/71 |
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| R590-190 | Unfair Property, Liability and Title Claims Settlement Practices Rule | 21767 | CPR | 05/26/99 | 99-8/64 |
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| 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

Administration

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| R907-64 | Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities | 22124 | EMR | 06/28/99 | 99-14/76 |
| R907-64 | Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities | 22165 | NEW | 08/17/99 | 99-14/65 |

Motor Carrier

| | | | | | |
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| R909-1 | Safety Regulations for Motor Carriers | 21756 | AMD | 03/15/99 | 99-2/62 |
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| R909-75 | Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes | 22278 | AMD | 10/04/99 | 99-17/121 |
| <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 |
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| R986-218 | Financial Assistance General Assistance/Self-Sufficiency Program | 22330 | EMR | 08/17/99 | 99-18/55 |
| R986-221 | Demonstration Programs | 22093 | AMD | 08/31/99 | 99-12/94 |
| 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 |
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| R986-420 | Maximum Allotments | 21707 | AMD | 01/20/99 | 98-24/125 |
| R986-421 | Demonstration Programs | 21585 | AMD | 01/20/99 | 98-22/136 |
| R986-501 | Displaced Homemaker Program | 21883 | 5YR | 02/19/99 | 99-6/32 |
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| R994-309 | 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 |

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

| | |
|--------------------------------|--|
| AMD = Amendment | NSC = Nonsubstantive rule change |
| CPR = Change in proposed rule | REP = Repeal |
| EMR = Emergency rule (120 day) | R&R = Repeal and reenact |
| NEW = New rule | * = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i> |
| 5YR = Five-Year Review | |
| EXD = Expired | |

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| Commerce, Occupational and Professional Licensing | 22166 | R156-26 | AMD | 08/24/99 | 99-14/18 |
| | 22343 | R156-26-307 | NSC | 09/17/99 | Not Printed |
| <u>ACCREDITATION</u> | | | | | |
| Education, Administration | 21823 | R277-413 | NEW | 03/22/99 | 99-4/16 |
| | 22410 | R277-504 | 5YR | 09/30/99 | 99-20/57 |
| <u>ACID RAIN</u> | | | | | |
| Environmental Quality, Air Quality | 22364 | R307-215 | 5YR | 09/08/99 | 99-19/97 |
| | 22345 | R307-215-1 | NSC | 09/01/99 | Not Printed |
| | 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>ADA COMPLAINT PROCEDURES</u> | | | | | |
| Crime Victim Reparations, Administration | 22422 | R270-3 | 5YR | 10/05/99 | 99-21/67 |
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| Human Services, Recovery Services | 21675 | R527-200 | AMD | 01/04/99 | 98-23/33 |
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| Education, Administration | 21893 | R277-102 | 5YR | 02/26/99 | 99-6/28 |
| Education, Applied Technology (Board for), Rehabilitation | 22315 | R280-150 | 5YR | 08/13/99 | 99-17/129 |
| 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 |
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| | 21846 | R602-2-4 | AMD | 04/05/99 | 99-5/40 |
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| | 22054 | R652-50-610 | AMD | 09/29/99 | 99-11/62 |
| | 21672 | R652-70-2300 | AMD | 01/14/99 | 98-23/36 |
| School and Institutional Trust Lands, Administration | 22083 | R850-5-200 | NSC | 06/03/99 | Not Printed |
| | 21909 | R850-20-175 | EXP | 03/03/99 | 99-7/52 |
| | 21932 | R850-40-1600 | AMD | 05/18/99 | 99-8/58 |
| <u>ADMINISTRATIVE PROCEEDINGS</u> | | | | | |
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| <u>ADMINISTRATIVE RESPONSIBILITY</u> | | | | | |
| Environmental Quality, Radiation Control | 21807 | R313-38 | 5YR | 01/25/99 | 99-4/66 |
| Human Resources Management, Administration | 22012 | R477-2 | AMD | 06/26/99 | 99-10/44 |
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| Health, Vital Records and Health Statistics (Changed to Health, Center for Health Data, Vital Records and Statistics) | 22259 | R436-5 | NSC | 08/03/99 | Not Printed |
| Human Services, Child and Family Services | 22055 | R512-41 | NEW | 09/01/99 | 99-11/39 |
| <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 |
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| Health, Community Health Services, HIV/AIDS Prevention and Control (Changed to Health, Community and Family Health Services, HIV/AIDS, Tuberculosis Control/Refugee Health) | 22224 | R388-801 | NSC | 08/03/99 | Not Printed |
| | 22225 | R388-802 | NSC | 08/03/99 | Not Printed |

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| | 22425 | R388-802 | NSC | 10/08/99 | Not Printed |
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| Tax Commission, Motor Vehicle | 21997 | R873-22M-20 | AMD | 06/21/99 | 99-10/88 |
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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 |
| | 22363 | R307-220-3 | NSC | 09/22/99 | Not Printed |
| | 21595 | R307-221 | AMD | 01/07/99 | 98-22/66 |
| | 21850 | R307-221 | NSC | 02/27/99 | Not Printed |
| | 22357 | R307-222-3 | NSC | 10/01/99 | 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 | |
| 22175 | R307-415-6a | NSC | 07/22/99 | Not Printed | |
| 21853 | R307-420 | NEW | 05/06/99 | 99-5/18 | |

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| | 22345 | R307-215-1 | NSC | 09/01/99 | Not Printed |
| | 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 |
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| | 22050 | R25-7 | AMD | see CPR | 99-11/15 |
| | 22050 | R25-7 | CPR | 09/01/99 | 99-15/55 |
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| Human Services, Recovery Services | 22158 | R527-450 | AMD | 08/17/99 | 99-14/42 |
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| | 21974 | R884-24P-27 | NSC | 06/21/99 | Not Printed |
| | 22185 | R884-24P-27 | AMD | 09/02/99 | 99-15/49 |
| | 21931 | R884-24P-32 | AMD | 06/21/99 | 99-8/61 |
| | 21975 | R884-24P-32 | NSC | 06/21/99 | Not Printed |
| | 22186 | R884-24P-32 | AMD | 09/02/99 | 99-15/51 |
| | 22096 | R884-24P-50 | AMD | 09/02/99 | 99-12/93 |

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| | 21789 | R884-24P-53 | AMD | 03/16/99 | 99-3/46 |
| | 22028 | R884-24P-57 | AMD | 09/02/99 | 99-11/73 |
| | 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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| | 22203 | R58-17 | NSC | 08/18/99 | Not Printed |
| | 22304 | R58-17 | AMD | 10/02/99 | 99-17/4 |
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| | 22183 | R657-14 | AMD | 09/01/99 | 99-15/36 |
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| | 22078 | R313-28 | AMD | 08/13/99 | 99-12/57 |
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| | 22076 | R657-5 | AMD | 07/16/99 | 99-12/87 |
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| | 22168 | R657-6 | AMD | 08/17/99 | 99-14/47 |
| | 22170 | R657-46 | NEW | 08/18/99 | 99-14/57 |
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| | 22260 | R436-6 | NSC | 08/03/99 | Not Printed |
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| | 22049 | R25-5 | AMD | 07/13/99 | 99-11/14 |
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| | 22058 | R651-206 | AMD | 10/12/99 | 99-12/85 |
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| Labor Commission, Safety | 22036 | R616-2 | AMD | 07/02/99 | 99-11/53 |
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| Public Safety, Highway Patrol | 21945 | R714-500 | NSC | 05/01/99 | Not Printed |
| <u>BUDGETING</u> | | | | | |
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| | 22009 | R156-56 | AMD | see CPR | 99-10/19 |
| | 22009 | R156-56 | CPR | 08/05/99 | 99-13/28 |
| | 22010 | R156-56 | AMD | see CPR | 99-10/21 |
| | 22010 | R156-56 | CPR | 08/05/99 | 99-13/29 |
| | 22110 | R156-56-102 | NSC | 09/01/99 | Not Printed |
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| | 21849 | R384-100 | CPR | 08/16/99 | 99-13/34 |
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| Environmental Quality, Drinking Water | 22204 | R309-352 | AMD | 09/15/99 | 99-16/18 |
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| | 21944 | R616-3-18 | NSC | 05/01/99 | Not Printed |
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| | 22095 | R865-19S-107 | AMD | 09/02/99 | 99-12/92 |
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| | 22320 | R426-3 | REP | 10/04/99 | 99-17/60 |
| | 21695 | R426-4 | AMD | 01/22/99 | 98-24/67 |
| | 22321 | R426-4 | REP | 10/04/99 | 99-17/67 |
| | 21657 | R426-6 | AMD | 03/01/99 | 98-23/23 |
| | 21906 | R426-6 | AMD | 05/14/99 | 99-7/12 |
| | 21906 | R426-6 | AMD | 05/14/99 | 99-7/12 |
| | 22322 | R426-11 | NEW | 10/12/99 | 99-17/69 |
| | 22323 | R426-12 | NEW | 10/12/99 | 99-17/72 |
| | 22324 | R426-13 | NEW | 10/12/99 | 99-17/83 |
| | 22325 | R426-14 | NEW | 10/04/99 | 99-17/86 |
| | 22326 | R426-15 | NEW | 10/12/99 | 99-17/89 |
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| | 21589 | R307-415-3 | AMD | 01/07/99 | 98-22/68 |
| | 22175 | R307-415-6a | NSC | 07/22/99 | Not Printed |
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| | 21746 | R994-405 | AMD | 02/17/99 | 99-2/72 |
| | 21748 | R994-405 | AMD | 02/17/99 | 99-2/77 |
| | 21749 | R994-405 | AMD | 02/17/99 | 99-2/83 |
| | 21747 | R994-405 | NSC | 02/20/99 | Not Printed |
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| | 21925 | R251-105 | NSC | 03/29/99 | Not Printed |
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| | 22045 | R307-415 | AMD | 07/15/99 | 99-11/26 |
| | 21589 | R307-415-3 | AMD | 01/07/99 | 98-22/68 |
| | 22175 | R307-415-6a | NSC | 07/22/99 | Not Printed |
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| | 21981 | R432-3 | AMD | 07/06/99 | 99-10/35 |
| | 21815 | R432-4 | 5YR | 01/29/99 | 99-4/68 |
| | 21816 | R432-5 | 5YR | 01/29/99 | 99-4/68 |
| | 21700 | R432-6 | AMD | 01/29/99 | 98-24/69 |
| | 21817 | R432-6 | 5YR | 01/29/99 | 99-4/69 |
| | 21796 | R432-100-23 | AMD | 04/07/99 | 99-4/25 |
| | 21818 | R432-149 | 5YR | 01/29/99 | 99-4/69 |
| | 21797 | R432-149 | REP | 04/07/99 | 99-4/26 |
| | 21752 | R432-150 | R&R | 02/25/99 | 99-2/15 |
| | 21918 | R432-152 | AMD | 07/06/99 | 99-7/14 |
| | 21528 | R432-250 | REP | 01/20/99 | 98-21/42 |
| | 21722 | R432-270 | R&R | 01/29/99 | 98-24/70 |
| | 21561 | R432-300 | R&R | 01/11/99 | 98-22/73 |
| | 21562 | R432-650 | AMD | 01/11/99 | 98-22/82 |
| | 21734 | R432-750 | AMD | 02/25/99 | 99-1/3 |
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| | 22249 | R428-5 | NSC | 08/03/99 | Not Printed |
| | 22250 | R428-10 | NSC | 08/03/99 | Not Printed |
| | 22251 | R428-11 | NSC | 08/03/99 | Not Printed |
| | 22253 | R428-13 | NSC | 08/03/99 | Not Printed |
| | 22254 | R428-20 | NSC | 08/03/99 | Not Printed |
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| | 22254 | R428-20 | NSC | 08/03/99 | Not Printed |
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| | 21771 | R765-607 | NSC | 01/27/99 | Not Printed |
| | 21674 | R765-685 | AMD | 01/04/99 | 98-23/40 |
| | 22174 | R765-685 | AMD | 09/21/99 | 99-15/46 |
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| Health, Community and Family Health Services, HIV/AIDS, Tuberculosis Control/Refugee Health (Changed to Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health) | 22425 | R388-802 | NSC | 10/08/99 | Not Printed |
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| | 22251 | R428-11 | NSC | 08/03/99 | Not Printed |
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| | 22051 | R501-12 | AMD | 09/01/99 | 99-11/37 |
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| | 21942 | R590-102 | CPR | 07/19/99 | 99-12/98 |
| | 22210 | R590-102-5 | NSC | 07/29/99 | Not Printed |
| | 21804 | R590-160 | 5YR | 01/22/99 | 99-4/71 |
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| | 22120 | R647-2 | NSC | 07/06/99 | Not Printed |
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| | 21931 | R884-24P-32 | AMD | 06/21/99 | 99-8/61 |
| | 21975 | R884-24P-32 | NSC | 06/21/99 | Not Printed |
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| | 22028 | R884-24P-57 | AMD | 09/02/99 | 99-11/73 |
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| | 21676 | R884-24P-63 | AMD | 03/16/99 | 98-23/42 |
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| | 22305 | R315-301-2 | AMD | 10/15/99 | 99-17/25 |

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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 |
| | 22306 | R315-306-1 | AMD | 10/15/99 | 99-17/30 |
| | 22307 | R315-308 | AMD | 10/15/99 | 99-17/31 |
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| | 21786 | R315-315-6 | AMD | 03/15/99 | 99-3/19 |
| | 21919 | R315-315-6 | NSC | 03/15/99 | Not Printed |
| | 22310 | R315-315-7 | AMD | 10/15/99 | 99-17/41 |
| | 21787 | R315-317 | AMD | 03/15/99 | 99-3/20 |
| | 22311 | R315-317-3 | AMD | 10/15/99 | 99-17/42 |
| | 21788 | R315-318 | AMD | see CPR | 99-3/22 |
| | 21788 | R315-318 | CPR | 05/05/99 | 99-7/50 |
| | 21920 | R315-320 | 5YR | 03/12/99 | 99-7/55 |
| | 22312 | R315-320 | AMD | 10/15/99 | 99-17/43 |
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| | 22266 | R436-12 | NSC | 08/03/99 | Not Printed |
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| | 22049 | R25-5 | AMD | 07/13/99 | 99-11/14 |
| | 21888 | R25-7 | NSC | 03/05/99 | Not Printed |
| | 22050 | R25-7 | AMD | see CPR | 99-11/15 |
| | 22050 | R25-7 | CPR | 09/01/99 | 99-15/55 |
| | 21889 | R25-8 | NSC | 03/05/99 | Not Printed |
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| | 22030 | R622-2 | NSC | 06/22/99 | Not Printed |
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| | 22113 | R35-2-3 | NSC | 07/16/99 | Not Printed |
| | 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 |
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| | 21697 | R307-12 (Changed to R307-205) | CPR | 05/04/99 | 99-7/44 |
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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 |
| | 21740 | R865-13G-14 | AMD | 04/28/99 | 99-1/25 |
| | 21997 | R873-22M-20 | AMD | 06/21/99 | 99-10/88 |
| | 21930 | R884-24P-27 | AMD | 06/21/99 | 99-8/59 |
| | 21974 | R884-24P-27 | NSC | 06/21/99 | Not Printed |
| | 22185 | R884-24P-27 | AMD | 09/02/99 | 99-15/49 |
| | 21931 | R884-24P-32 | AMD | 06/21/99 | 99-8/61 |
| | 21974 | R884-24P-32 | NSC | 06/21/99 | Not Printed |
| | 22186 | R884-24P-32 | AMD | 09/02/99 | 99-15/51 |
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| | 21777 | R884-24P-53 | EMR | 01/12/99 | 99-3/64 |
| | 21789 | R884-24P-53 | AMD | 03/16/99 | 99-3/46 |
| | 22028 | R884-24P-57 | AMD | 09/02/99 | 99-11/73 |
| | 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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| | 22094 | R865-19S-106 | AMD | 09/02/99 | 99-12/91 |
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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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| | 22050 | R25-7 | AMD | see CPR | 99-11/15 |
| | 22050 | R25-7 | CPR | 09/01/99 | 99-15/55 |
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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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| | 22075 | R311-205-2 | AMD | see CPR | 99-12/51 |
| | 22075 | R311-205-2 | CPR | 10/04/99 | 99-17/124 |
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| | 21439 | R315-304 | AMD | see CPR | 98-19/50 |
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| | 21788 | R315-318 | CPR | 05/05/99 | 99-7/50 |
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| | 22092 | R657-41 | NSC | 06/04/99 | Not Printed |
| | 21720 | R657-42 | AMD | 01/15/99 | 98-24/109 |
| | 21721 | R657-43 | AMD | 01/15/99 | 98-24/110 |
| | 22170 | R657-46 | NEW | 08/18/99 | 99-14/57 |
| <u>WILDLIFE LAW</u> | | | | | |
| Natural Resources, Wildlife Resources | 22169 | R657-22 | AMD | 08/17/99 | 99-14/54 |
| | 21827 | R657-27 | AMD | 03/18/99 | 99-4/51 |
| <u>WILDLIFE PERMITS</u> | | | | | |
| Natural Resources, Wildlife Resources | 21940 | R657-41 | AMD | 05/18/99 | 99-8/45 |
| | 22092 | R657-41 | NSC | 06/04/99 | Not Printed |
| <u>WIND POWER</u> | | | | | |
| Natural Resources, Energy and Resource Planning | 22029 | R637-1 | AMD | 07/30/99 | 99-11/59 |
| <u>WOMEN</u> | | | | | |
| Health, Family Health Services, WIC Services (Changed to Health, Community and Family Health Services, WIC Services) | 22242 | R406-100 | NSC | 08/03/99 | Not Printed |
| | 22243 | R406-200 | NSC | 08/03/99 | Not Printed |
| | 22244 | R406-201 | NSC | 08/03/99 | Not Printed |
| | 22245 | R406-202 | NSC | 08/03/99 | Not Printed |
| | 22246 | R406-301 | NSC | 08/03/99 | Not Printed |
| <u>WOOD FURNITURE</u> | | | | | |
| Environmental Quality, Air Quality | 21727 | R307-343 | NEW | see CPR | 98-24/18 |
| | 21727 | R307-343 | CPR | 06/02/99 | 99-9/95 |
| <u>WOODBURNING</u> | | | | | |
| Environmental Quality, Air Quality | 21570 | R307-302-2 | AMD | 01/07/99 | 98-22/67 |
| <u>WORK-BASED LEARNING PROGRAMS</u> | | | | | |
| Education, Administration | 22100 | R277-916 | NEW | 07/19/99 | 99-12/46 |
| <u>WORKERS' COMPENSATION</u> | | | | | |
| 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 |
| <u>X-RAY</u> | | | | | |
| Environmental Quality, Radiation Control | 21535 | R313-16 | AMD | 01/15/99 | 98-21/27 |
| | 22077 | R313-16 | AMD | 08/13/99 | 99-12/55 |
| | 21682 | R313-28 | AMD | 03/12/99 | 98-24/46 |
| | 22078 | R313-28 | AMD | 08/13/99 | 99-12/57 |

| <u>KEYWORD</u> AGENCY | FILE NUMBER | CODE REFERENCE | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
|--------------------------|----------------|-------------------|--------|-------------------|------------------------|
| | 21806 | R313-30 | 5YR | 01/25/99 | 99-4/66 |
| | 22079 | R313-30 | AMD | 08/13/99 | 99-12/64 |
| | 22080 | R313-35 | AMD | 08/13/99 | 99-12/66 |
| | 22081 | R313-70 | AMD | 08/13/99 | 99-12/68 |