

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed August 15, 2020, 12:00 a.m. through September 01, 2020, 11:59 p.m.

Number 2020-18
September 15, 2020

Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Administrative Services, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
- I. Utah. Office of Administrative Rules.

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EXECUTIVE DOCUMENTS

Under authority granted by the Utah Constitution and various federal and state statutes, the Governor periodically issues **EXECUTIVE DOCUMENTS**, which can be categorized as either Executive Orders, Proclamations, and Declarations. Executive Orders set policy for the executive branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. Proclamations call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. Declarations designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Office of Administrative Rules for publication and distribution.

EXECUTIVE ORDER 2020-58

Wildland Fire Management

WHEREAS, the danger from wildland fires is high throughout the State of Utah;

WHEREAS, wildfires are currently burning in some areas of the State;

WHEREAS, fire restrictions and wildfire warnings are in place across the State;

WHEREAS, extreme dry conditions have occurred and are forecasted throughout the State;

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

WHEREAS, we have seen fires that are not immediately extinguished soon after ignition have grown to large fires;

WHEREAS, COVID-19 has exhausted State and Local resources and will increase the complexity of wildfire response;

WHEREAS, immediate action will be required to suppress fires and mitigate post burn flash floods to protect public safety, property, natural resources, and the environment should these dangerous conditions escalate to active wildfires;

WHEREAS, these conditions do create the potential for a disaster emergency within the scope of the Disaster Response and Recovery Act of 1981;

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists Statewide due to the threat to public safety, property, critical infrastructure, natural resources, and the environment, effective for the month of September 2020, 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 1st day of September 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/058/EO

EXECUTIVE ORDER
2020-59

Extending the State Facilities Face Covering Requirement

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency to facilitate the State's response to novel coronavirus disease 2019 (COVID-19);

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, on August 20, 2020, Executive Order 2020-1 expired and I issued Executive Order 2020-51, declaring a state of emergency due to the ongoing COVID-19 pandemic;

WHEREAS, on August 20, 2020, I issued Executive Order 2020-56, requiring the use of face coverings by any individual while in a state facility to mitigate the spread of COVID-19;

WHEREAS, the facts and conditions necessitating the use of face coverings in state facilities persist;

WHEREAS, COVID-19 has been characterized by the World Health Organization as a worldwide pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, COVID-19 can spread between individuals in close proximity through respiratory droplets produced when an infected individual speaks, coughs, or sneezes;

WHEREAS, an infected individual can transmit COVID-19 even if the individual does not present symptoms or know that the individual is infected;

WHEREAS, the United States Centers for Disease Control and Prevention and the Utah Department of Health have recommended the use of face masks or other face coverings to mitigate the transmission of COVID-19;

WHEREAS, the Utah Department of Health and I have determined that it is appropriate to continue to require individuals, including employees and members of the public, to wear face coverings while in state facilities to protect public health;

WHEREAS, Utah Code § 53-2a-209(1) provides that orders issued by the governor under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act, have the "full force and effect of law";

WHEREAS, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency; and

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary for the purpose of securing compliance with orders made pursuant to the Disaster Response and Recovery Act;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the following:

1. As used in this Order:
 - a. "Face covering" means a face mask or a face shield.
 - b. "Face mask" means a mask that:
 - i. covers the nose and mouth without openings that can be seen through;
 - ii. is made of synthetic or natural fabrics;
 - iii. secures under the chin;
 - iv. fits snugly against the nose and sides of the face; and
 - v. does not have an exhalation valve or vent.
 - c. "Face shield" means a shield that:
 - i. covers the entire face;
 - ii. protects the eyes of the wearer;
 - iii. is made of clear plastic or similar nonpermeable transparent material;
 - iv. secures around the top of the head;
 - v. does not secure under the chin;
 - vi. does not fit snugly against the nose or sides of the face; and
 - vii. can be used in conjunction with a mask for enhanced protection.
 - d. "State facility" means a building or structure, or part thereof, that is owned, leased, occupied, or controlled by the state or a state governmental entity.
 - e. "State facility" does not mean:
 - i. a state prison or state community correctional center;
 - ii. a detention facility or secure facility operated by the Division of Juvenile Justice Services; or
 - iii. a building or structure, or part thereof, that is owned, leased, occupied, or controlled exclusively by:
 - A. the legislative branch of the state;
 - B. the judicial branch of the state;
 - C. the Attorney General's Office;
 - D. the State Auditor's Office;
 - E. the State Treasurer's Office; or
 - F. an independent entity as defined in Utah Code § 63E-1-102.
 - f. "State governmental entity" means any department, board, commission, institution, agency, or institution of higher education of the state.
 2. Each individual in a state facility shall wear a face mask, except as provided in Section (3).
 3. Section (2) does not apply to:
 - a. a child who:
 - i. is in a childcare setting;
 - ii. is younger than three years old; or
 - iii. is three years old or older if the parent, guardian, or individual responsible for caring for the child cannot place the face mask safely on the child's face;
 - b. an individual with a medical condition, mental health condition, or disability that prevents wearing a face mask, including an individual with a medical condition for whom wearing a face mask could cause harm or obstruct breathing, or who is unconscious, incapacitated, or otherwise unable to remove a face mask without assistance;
 - c. an individual engaged in an activity where the ability to see the mouth is essential for communication, including an individual who is deaf or hard of hearing while communicating with others or an individual communicating with an individual who is deaf or hard of hearing, in which case the individual shall wear a face shield without a mask or use alternative protection such as a plexiglass barrier;
 - d. an individual who is receiving or providing a service involving the nose or face for which temporary removal of the face mask is necessary to perform the service;
 - e. an individual who is outdoors;
 - f. an individual in a vehicle;
 - g. an individual who is actively engaged in any of the following activities while maintaining a physical distance of at least six feet from any other individual who is not from the same household or residence:
 - i. using an indoor recreational facility; or
 - ii. eating or drinking; or
 - h. a state employee who is not speaking in person with any other individual and who:
 - i. is the sole occupant of a fully enclosed room or office;
 - ii. is the sole occupant of a partially enclosed room, office, or similar space, including a cubicle, that is enclosed on at least three sides by walls or other physical barriers or dividers of a height that reaches no lower than the top of the employee's head when the employee is seated; or
 - iii. is seated or stationary, and maintains a physical distance of at least six feet from any other individual.
 - 4.a. Except as provided in Subsections (4)(b) and (4)(c), a state governmental entity may not require an individual to provide medical documentation verifying the basis for an exemption under Subsection (3)(b).

- b. A state governmental entity may require an individual employed by the state governmental entity to provide medical documentation verifying the basis for an exemption under Subsection (3)(b).
- c. A state institution of higher education may require an individual who is enrolled as a student of the state institution of higher education to provide medical documentation verifying the basis for an exemption under Subsection (3)(b).
- 5. A state governmental entity may refuse to provide in-person service to any individual who does not wear a mask in a state facility of the state governmental entity if:
 - a. an alternative means of service is available;
 - b. the state governmental entity specifies to the individual how to access the alternative means of service; and
 - c. the state governmental entity determines that the individual has reasonable access to the alternative means of service.
- 6. The Utah Department of Corrections shall implement requirements regarding the wearing of face coverings in a state prison or state community correctional center.
- 7. The Division of Juvenile Justice Services shall implement requirements regarding the wearing of face coverings in a detention facility or secure facility operated by the Division of Juvenile Justice Services.
- 8. This Order rescinds and replaces EO 2020-56.

This Order shall take effect immediately shall remain in effect until the state of emergency declared in EO 2020-51 terminates, or until otherwise lawfully modified, amended, rescinded, or superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 4th day of September, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/059/EO

EXECUTIVE ORDER
2020-60

Updating the Utah COVID-19 Level of Restriction

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency to facilitate the State's response to novel coronavirus disease 2019 (COVID-19);

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, on August 20, 2020, the state of emergency declared in Executive Order 2020-1 expired, and I issued Executive Order 2020-51, declaring a state of emergency due to the ongoing COVID-19 pandemic;

WHEREAS, COVID-19 has been characterized by the World Health Organization as a worldwide pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, the State must establish minimum standards to address a statewide emergency and recognizes the need for local authorities to impose directives and orders to address the unique circumstances in different locations in Utah;

WHEREAS, the Utah Department of Health has released and updated the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation, which provide a color-coded health guidance system (hereinafter, "Utah COVID-19 Level of Restriction"), to guide economic engagement while still protecting public health;

WHEREAS, on August 20, I issued Executive Order 2020-57, extending the Utah COVID-19 Level of Restriction to mitigate the spread of COVID-19;

WHEREAS, the facts and conditions necessitating the extension of the Utah COVID-19 Level of Restriction persist;

WHEREAS, the Utah Department of Health has determined that Salt Lake City should move to Low Level of Restriction (Yellow) and Sevier County should move to Minimal Level of Restriction (Green);

WHEREAS, Utah Code § 53-2a-209(1) provides that orders issued by the governor under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act, have the "full force and effect of law";

WHEREAS, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency; and

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary for the purpose of securing compliance with orders made pursuant to the Disaster Response and Recovery Act;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the following:

1. As used in this Order:
 - a. "Person" means the same as that term is defined in Utah Code § 68-3-12.5(18).
 - b. "Phased Guidelines" means the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation version 4.11.
2. The Utah COVID-19 Level of Restriction is:
 - a. Minimal Level of Restriction (Green) in Beaver County, Daggett County, Duchesne County, Emery County, Garfield County, Kane County, Millard County, Piute County, Sevier County, Uintah County, and Wayne County; and
 - b. Low Level of Restriction (Yellow) in each area of the State not identified in Subsection (2)(a).
3. The provisions of the Phased Guidelines apply as follows:
 - a. Each person in an area identified in Subsection (2)(a) shall comply with the Minimal Level of Restriction (Green) provisions of the Phased Guidelines;
 - b. Each person in an area identified in Subsection (2)(b) shall comply with the Low Level of Restrictions (Yellow) provisions of the Phased Guidelines; and
 - c. Notwithstanding any other provision of Section (3), any reference in the Phased Guidelines to the use of a mask or face covering is adopted:
 - i. as an order for:
 - A. each individual who is acting in the capacity as an employee of a business when the individual is unable to maintain a distance of six feet from another individual; and
 - B. each individual in a healthcare setting; and
 - ii. as a strong recommendation for any individual not identified in Subsection (3)(c)(i).
4. A political subdivision desiring an exception to this Order or the Phased Guidelines or desiring to move to a different level of restriction shall submit the request and justification for the request through the applicable Local Health Department to the Utah Department of Health. The Utah Department of Health shall consult with the Office of the Governor as necessary.
5. Notwithstanding Subsections (3) or (4), a political subdivision desiring to adopt a mandatory face covering requirement may do so without prior approval from the Utah Department of Health by notifying the Utah Department of Health of their intent to adopt the requirement.
6. To the extent that any provision of this Order conflicts with a provision of Executive Order 2020-59 or Utah Public Health Order 2020-11, the provision of Executive Order 2020-59 or Utah Public Health Order 2020-11 shall control.
7. This Order rescinds and replaces EO 2020-57.
8. Nothing in this Order shall be construed to revoke or terminate the authorization of an exception to the Phased Guidelines or mask mandate authorized by the Utah Department of Health and effective as of September 4, 2020.

This Order shall take effect immediately and shall remain in effect through September 18, 2020, or until otherwise lawfully modified, amended, rescinded, or superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 4th day of September, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/060/EO

EXECUTIVE ORDER
2020-61

Declaring a State of Emergency Due to Severe Weather

WHEREAS, as of September 8, 2020, a State of Emergency exists in Utah due to severe weather conditions and unseasonably cold temperatures typical of late October, with sustained winds of 50 to 75 mph in Northern Utah, including wind gusts in excess of 85 mph in Davis County;

WHEREAS, strong, gusty downslope/canyon winds also impacted the Uinta Basin, Castle Country, the canyons of Washington County, and parts of Western Utah, including the San Rafael Swell;

WHEREAS, the National Weather Service (NWS) issued high wind warnings, wind advisories, and winter weather advisories, with hard freeze watches in the higher elevations of Northern Utah and expected light snow as an arctic cold front moves across the region;

WHEREAS, the NWS forecasts high winds in Davis County, Salt Lake County, and Weber County from Tuesday evening into Wednesday morning;

WHEREAS, the ongoing severe weather event has caused significant damage in multiple counties in Utah, including downed trees, widespread power outages, utility water breaks, gas leaks, damage to homes and vehicles, and wind- and debris-impacted roadways;

WHEREAS, the conditions have led to 2,524 power outages affecting over 180,000 customers, as well as internet outages across multiple counties, with some outages expected to last 2 or 3 days;

WHEREAS, the Utah Department of Transportation has restricted high profile vehicles in Weber County, Davis County, and Box Elder County, and has reported more than 45 overturned vehicles and that roadways have been impacted by storm debris;

WHEREAS, COVID-19 testing centers, Mass Transit TRAX service, and several schools have been suspended due to the severe weather impacts, including school cancelations in Davis, Ogden, and Salt Lake School Districts, and a two hour delay in Cache School District;

WHEREAS, impacts from the severe weather event are a threat to public safety;

WHEREAS, many of the communities affected by the severe weather event are also responding to the COVID-19 pandemic emergency, the March 2020 Magna Earthquake, and ongoing floods and wildfires, limiting resources;

WHEREAS, numerous local communities have declared local states of emergency due to the COVID-19 pandemic, the Magna Earthquake, and ongoing wildfires, and are now declaring local states of emergencies for the severe weather event, and have requested resources and support from State departments and agencies to assist them in addressing these emergencies;

WHEREAS, the Utah Division of Emergency Management has activated the State Emergency Operations Center to Level 1 and resources have been deployed;

WHEREAS, declaring a state of emergency will facilitate the protection of persons and property from the impacts of the severe weather event and expedite the use of state level resources, as well as the deployment of federal and interstate resources, if required;

WHEREAS, the declaration of emergency will also permit the State to request and receive mutual aid assistance from other states through the Emergency Management Assistance Compact, if required;

WHEREAS, under the provisions of the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code Annotated 1953, as amended, I find that conditions of extreme peril to the safety of persons and property exist in the State of Utah due to the severe weather event;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, declare a statewide "State of Emergency" due to the aforesaid circumstances requiring aid, assistance, and relief available from State resources and hereby order:

1. the continued execution of the State Emergency Operations Plan;
2. assistance from State government to political subdivisions as needed;
3. coordination with local authorities and the private sector to maximize response and recovery; and
4. the Division of Emergency Management to ensure adequate state staffing to expedite disaster response and recovery efforts.

This State of Emergency is declared and effective immediately and shall remain in effect until I find the threat or danger has passed or the disaster reduced to the extent that emergency conditions no longer exist.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 9th day of September, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/061/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between August 15, 2020, 12:00 a.m., and September 01, 2020, 11:59 p.m. are included in this, the September 15, 2020, 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 (example). Deletions made to existing rules are struck out with brackets surrounding them (~~example~~). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Office 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 October 15, 2020. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through January 13, 2021, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

PROPOSED RULES are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R82-1	Filing No. 53013

Agency Information

1. Department:	Alcoholic Beverage Control	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state:	Salt Lake City, UT 84104-1630	
Mailing address:	PO Box 30408	
City, state, zip:	Salt Lake City, UT 84130-0408	
Contact person(s):		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R82-1. General
3. Purpose of the new rule or reason for the change:
This amendment is necessary to implement provisions of H.B. 157 passed in the 2020 General Session. The proposed amendment removes the administrative fee and the requirement for the Department of Alcoholic Beverage Control (DABC) permission for someone bringing alcohol when moving to Utah. It also removed the requirement for someone inheriting alcohol to pay a fee to DABC, although they must still provide proof of inheritance.
4. Summary of the new rule or change:
This amendment is necessary to implement provisions of H.B. 157 passed in the 2020 General Session. H.B.157 modified Section 32B-4-414 by removing the administrative fee and the requirement for DABC permission for someone bringing alcohol when moving to Utah. It also removed the requirement for someone inheriting alcohol to pay a fee to DABC, although they must still provide proof of inheritance.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
None--Any anticipated cost or savings to the state budget are a result of statutory requirements of H.B. 157 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.
B) Local governments:
None--Any anticipated cost or savings to local governments are a result of statutory requirements of H.B. 157 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.
C) Small businesses ("small business" means a business employing 1-49 persons):
None--Any anticipated cost or savings to small businesses are a result of statutory requirements of H.B. 157 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
None--Any anticipated cost or savings are a result of statutory requirements of H.B. 157 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
Any anticipated cost or savings are a result of statutory requirements of H.B. 157 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.

F) Compliance costs for affected persons:

There are no fees associated with this process. Any anticipated cost or savings are a result of statutory requirements of H.B. 157 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The fiscal impact for this amendment was accounted for in H.B. 157 (2020), so there will be no anticipated cost or savings to businesses because of this amendment.

B) Name and title of department head commenting on the fiscal impacts:

Salvador Petilos, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 32B-2-202 | Section 32B-4-414 |

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/15/2020

10. This rule change MAY become effective on: 10/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title: Salvador Petilos, Executive Director **Date:** 08/14/2020

R82. Alcoholic Beverage Control, Administration.

R82-1. General.

R82-1-101. Scope and Effective Date.

These rules are adopted pursuant to section 32B-2-202 and shall be interpreted so as to be consistent with the Alcoholic Beverage Control Act. These rules shall govern the Department and all licensees and permittees of the Commission.

R82-1-103. General Provisions.

(1) ~~[Authority.—]~~This rule is ~~[made]~~adopted pursuant to ~~[s]~~Section 32B-2-202, which authorizes the Commission to act as the general policymaking body regarding alcoholic product in the state and to adopt rules accordingly.

(2) ~~[Purpose.—]~~The purpose of this rule is to provide administrative guidance to the Department and members of the public.

(3) For purposes of this rule, "cash only" means:

- (a) cash;
- (b) certified check;
- (c) bank draft;
- (d) cashier's check; or
- (e) United States Post Office money order.

~~[(3) Interest Assessment on Delinquent Accounts.]~~

(4) The Department may assess the legal rate of interest provided in ~~[s]~~Sections 15-1-1 through ~~15-1-3~~[4] for any debt or obligation owed to the Department by a licensee, permittee, package agent, or any other person.

~~[(4) Dishonored Checks.]~~

~~[(a)]~~(5) The Department will assess a \$20 charge for any dishonored check payable to the Department if returned for the following reasons:

- ~~[(i)]~~(a) insufficient funds;
- ~~[(ii)]~~(b) refer to maker; or
- ~~[(iii)]~~(c) account closed.

~~[(b)]~~(6) Receipt of a check payable to the Department which is returned by the bank for any of the reasons listed in ~~[subpart]~~Subsection (4)(a) ~~[of this rule]~~may result in the immediate suspension of the license, permit, or operation of the package agency of the person tendering the check until legal tender of the United States of America, certified check, bank draft, cashier's check, or United States post office money order is received at the Department offices, 1625 S. 900 West, Salt Lake City, Utah, plus the \$20 returned check charge. Failure to make good the returned check and pay the \$20 returned check charge within 30 days after the license, permit, or operation of the package agency is suspended, is grounds for revocation of the license or permit, or termination of the package agency contract, and the forfeiture of the licensee's, permittee's, or package agent's bond.

~~[(e)]~~(7) In addition to the remedies listed in ~~[subpart]~~Subsection (4)(b) ~~[of this rule]~~, the Department may require that the licensee, permittee, or package agent transact business with the Department on a ~~["cash only"]~~cash-only basis. The determination of when to put a licensee, permittee, or package agency operator on ~~["cash only"]~~cash-only basis and ~~[how long the licensee, permittee, or package agency operator remains on "cash only" basis]~~the length of the cash-only restriction shall be at the discretion of the Department and shall be based on the following factors:

- ~~[(i)]~~(a) the dollar amount of the returned check~~[(e)]~~;
- ~~[(ii)]~~(b) the number of returned checks;
- ~~[(iii)]~~(c) the length of time the licensee, permittee, or package agency operator has had a license, permit, or package agency with the Department;
- ~~[(iv)]~~(d) the time necessary to collect the returned check~~[(e)]~~; and
- ~~[(v)]~~(e) any other circumstances.

~~[(d)]~~(8) A returned check received by the Department from or on behalf of an applicant for or holder of a single event permit or temporary special event beer permit may, at the discretion of the Department, require that the person or entity that applied for or held

the permit be on ~~["cash only" status]~~cash-only basis for any future events requiring permits from the Commission.

~~[(e)]~~(9) In addition to the remedies established in this rule, the Department may pursue any legal remedies to effect collection of any returned check

~~[(5) Administrative Handling Fees.]~~

~~[(a)]~~ Pursuant to subsection 32B-4-414(1)(b) a person, on a one time basis, who moves the person's residence to this state from outside of this state may have or possess for personal consumption and not for sale or resale, liquor previously purchased outside the state and brought into this state during the move if the person obtains Department approval before moving the liquor into the state, and the person pays the Department a reasonable administrative handling fee as determined by the Commission.

~~[(b)]~~ Pursuant to subsection 32B-4-414(1)(c) a person who as a beneficiary inherits as part of an estate liquor that is located outside the state, may have or possess the liquor and transport or cause the liquor to be transported into the state if the person obtains Department approval before moving the liquor into the state, the person provides sufficient documentation to the Department to establish the person's legal right to the liquor as a beneficiary, and the person pays the Department a reasonable administrative handling fee as determined by the Commission.

~~[(c)]~~ The administrative handling fee to process any request for Department approval referenced in subparts (3)(a) and (3)(b) of this rule is \$20.

~~[(6) Case Handling Markup]~~

~~[(a)]~~(10) For purposes of the ~~[4]"Landed case cost"~~ defined in ~~[s]~~Section 32B-2-304, ~~["the cost of the product"]~~ includes a case handling markup determined by the Department.

~~[(b)]~~(11) If a manufacturer and the Department have agreed to allow the manufacturer to ship an alcoholic beverage directly to a state store or package agency without being received and stored by the Department in the Department's warehouse, the manufacturer shall receive a credit equaling the case handling markup for the product that is not warehoused by the Department.

~~[(e)]~~(12) The Department shall collect and remit the case handling markup as outlined in ~~[s]~~Section 32B-2-304.

~~[(7)]~~(13) ~~[Listing and Delisting Product.]~~Pursuant to ~~[s]~~Section 32B-2-202, this rule authorizes the director to make internal Department policies in accordance with ~~[s]~~Section 32B-2-206 for Department duties as defined by ~~[s]~~Section 32B-2-204 for listing and delisting products to include a program to place orders for products not kept for sale by the Department.

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [February 25,] 2020
Authorizing, and Implemented or Interpreted Law: 32B-2-202

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R82-1-208	Filing No. 53014

Agency Information	
1. Department:	Alcoholic Beverage Control
Agency:	Administration
Street address:	1625 S 900 W

City, state:	Salt Lake City, UT 84104-1630	
Mailing address:	PO Box 30408	
City, state, zip:	Salt Lake City, UT 84130-0408	
Contact person(s):		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R82-1-208. Percentage Lease Agreements
3. Purpose of the new rule or reason for the change:
This section is necessary to implement provisions of H.B. 399 passed in the 2020 General Session. This new section establishes the maximum percentage of revenue from alcohol sales a percentage lease may require; and the procedure for submitting a percentage lease agreement. At the 20% level it seems appropriate for the landlord to fulfill the obligations of ownership including a background check.
4. Summary of the new rule or change:
This section is necessary to implement provisions of H.B. 399 (2020). This new section establishes the maximum percentage of revenue from alcohol sales a percentage lease may require; and the procedure for submitting a percentage lease agreement. At the 20% level it seems appropriate for the landlord to fulfill the obligations of ownership including a background check.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
None--Any anticipated cost or savings to the state budget are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.
B) Local governments:
None--Any anticipated cost or savings to local governments are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This

section does not create additional cost or savings beyond what was anticipated during the legislative process.

C) Small businesses ("small business" means a business employing 1-49 persons):

None--Any anticipated cost or savings to small businesses are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

None--Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.

F) Compliance costs for affected persons:

There are no fees associated with this process. Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The fiscal impact for this rule was accounted for in H.B. 399 (2020), so there will be no anticipated cost or savings to businesses because of this rule.

B) Name and title of department head commenting on the fiscal impacts:

Salvador Petilos, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 32B-1-208 | Section 32B-2-202

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency

not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/15/2020

10. This rule change MAY become effective on: 10/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Salvador Petilos, Executive Director	Date:	08/14/2020
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R82. Alcoholic Beverage Control, Administration.

R82-1. General.

R82-1-208. Percentage Lease Agreements.

(1) The authority for this rule is Section 32B-1-208

(2) This rule establishes the following:

(a) the maximum percentage of revenue from alcohol sales a percentage lease agreement may require; and

(b) the procedure for submitting a percentage lease to the department.

(3) As used in this section, "Percentage lease" means the same as in Section 32B-1-208.

(4)(a) The maximum percentage of revenue from alcohol sales allowed in a percentage lease is 20 percent, whether that percentage is:

(i) described through a rent-sharing or profit-sharing agreement;

(ii) calculated in part on the gross sales or profits of the licensee, including profits from the sale of alcoholic beverages; or

(iii) described in the percentage lease in some other manner.

(b) Parties to a percentage lease must submit a copy to the department for review as part of the application for licensing.

(c) If during the review process the Department is unable to determine how alcohol sales in a percentage lease agreement are being shared, based on the language in the percentage lease agreement, the department staff shall return the lease agreement and license application, and the Commission may decline to act on the application.

(d) An applicant may resubmit a lease once the language in the lease is sufficiently clear for the Department to determine that no more than 20% of profits from the sale of alcoholic beverages will be distributed to a lessor.

(e) The lessor cannot control or acquire an ownership interest in the business of the lessee.

(f) An industry representative is prohibited from profit sharing and ownership of retail license operations.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [February 25,] 2020

Authorizing, and Implemented or Interpreted Law: 32B-2-202; 32B-1-208

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R82-1-304	Filing No. 53015

Agency Information

1. Department:	Alcoholic Beverage Control	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state:	Salt Lake City, UT 84104-1630	
Mailing address:	PO Box 30408	
City, state, zip:	Salt Lake City, UT 84130-0408	
Contact person(s):		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R82-1-304. Background Checks for Resort Licensees
3. Purpose of the new rule or reason for the change:
This section is necessary to implement provisions of H.B. 399 passed in the 2020 General Session. H.B. 399 (2020) modified Subsection 32B-1-304(7) to exempt resort licensee employees from background checks except those that engage in the management of the resort as the commission defines in rule. This new section defines "engages in the management" of a resort for purposes of determining which individuals must undergo a background check as part of the application process for a resort license.
4. Summary of the new rule or change:
This section is necessary to implement provisions of H.B. 399 (2020). H.B. 399 (2020) modified Subsection 32B-1-304(7) to exempt resort licensee employees from background checks except those that engage in the management of the resort as the commission defines in rule. The new section defines "engages in the management" of a resort for purposes of determining

which individuals must undergo a background check as part of the application process for a resort license.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
None--Any anticipated cost or savings to the state budget are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.
B) Local governments:
None--Any anticipated cost or savings to local government are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.
C) Small businesses ("small business" means a business employing 1-49 persons):
None--Any anticipated cost or savings to small businesses are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
None--Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.
F) Compliance costs for affected persons:
There are no fees associated with this process. Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for

administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The fiscal impact for this section was accounted for in H.B. 399 (2020), so there will be no anticipated cost or savings to businesses because of this section.

B) Name and title of department head commenting on the fiscal impacts:

Salvador Petilos, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsection 32B-1-304(7)	Section 32B-2-202	
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/15/2020

10. This rule change MAY become effective on: 10/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Salvador Petilos, Executive Director	Date:	08/14/2020
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R82. Alcoholic Beverage Control, Administration.

R82-1. General.

R82-1-304. Background Checks for Resort Licensees.

(1) The authority for this rule is Subsection 32B-1-304(7).

(2) This rule describes what "engages in the management" of a resort means for purposes of determining which individuals must undergo a background check as part of the application process for a resort license.

(3) As used in this section, "Engages in the management of a resort licensee" means manages or controls:

(a) the daily operations of the business entity of the resort licensee; or

(b) the finances of the resort licensee.

(4) An individual who engages in the management of a resort licensee shall undergo a background check as part of the application process for obtaining or renewing a resort license.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [February 25,] 2020

Authorizing, and Implemented or Interpreted Law: 32B-2-202; 32B-1-304(7)

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R82-2-303	Filing No. 53016

Agency Information

1. Department:	Alcoholic Beverage Control	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state:	Salt Lake City, UT 84104-1630	
Mailing address:	PO Box 30408	
City, state, zip:	Salt Lake City, UT 84130-0408	
Contact person(s):		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R82-2-303. Non-Consignment Inventory
3. Purpose of the new rule or reason for the change:
This rule amendment is necessary to correct the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The existing rule incorrectly says the Department owns the inventory.
4. Summary of the new rule or change:
This rule amendment is necessary to correct the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The existing rule incorrectly says the Department owns the inventory.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
None--This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings to the state budget.
B) Local governments:
None--This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings for local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
None--This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings for small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
None--This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
None--This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings.
F) Compliance costs for affected persons:
None--This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings for affected persons.
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5 so there will be no anticipated cost or savings because of this rule amendment.			
B) Name and title of department head commenting on the fiscal impacts:			
Salvador Petilos, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 32B-2-202

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/15/2020

10. This rule change MAY become effective on: 10/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Salvador Petilos, Executive Director	Date:	08/14/2020
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R82. Alcoholic Beverage Control, Administration.

R82-2. Administration.

R82-2-303. Non-Consignment Inventory.

(1) This rule is ~~made~~ **adopted** pursuant to ~~s~~ Section 32B-2-202, which authorizes the Commission to make rules governing package agencies.

(2) Type 1, 4 and 5 package agencies shall be on a non-consignment inventory status where the ~~Department~~ package agency owns the inventory.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: ~~February 25,~~ 2020

Authorizing, and Implemented or Interpreted Law: 32B-2-202

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R82-5-101	Filing No.	53017
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Agency Information

1. Department:	Alcoholic Beverage Control
Agency:	Administration
Street address:	1625 S 900 W

City, state:	Salt Lake City, UT 84104-1630	
Mailing address:	PO Box 30408	
City, state, zip:	Salt Lake City, UT 84130-0408	
Contact person(s):		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R82-5-101. Definitions
3. Purpose of the new rule or reason for the change:
This rule amendment is necessary to remove the subsection that defines what a banquet contract must require. Section 32B-6-605 doesn't grant specific rulemaking authority to make rules defining banquet contracts.
4. Summary of the new rule or change:
This rule amendment is necessary to remove the subsection that defines what a banquet contract must require. Section 32B-6-605 doesn't grant specific rulemaking authority to make rules defining banquet contracts.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
None--This amendment is necessary to remove the subsection that defines what a banquet contract must require so does not create additional cost or savings.
B) Local governments:
None--This amendment is necessary to remove the subsection that defines what a banquet contract must require so does not create additional cost or savings.
C) Small businesses ("small business" means a business employing 1-49 persons):
None--This amendment is necessary to remove the subsection that defines what a banquet contract must require so does not create additional cost or savings.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

None--This amendment is necessary to remove the subsection that defines what a banquet contract must require so does not create additional cost or savings.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

None--This amendment is necessary to remove the subsection that defines what a banquet contract must require so does not create additional cost or savings.

F) Compliance costs for affected persons:

None--This amendment is necessary to remove the subsection that defines what a banquet contract must require so does not create additional costs.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

This rule amendment is necessary to remove the subsection that defines what a banquet contract must require so does not create additional cost or savings.

B) Name and title of department head commenting on the fiscal impacts:

Salvador Petilos, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 32B-2-202 | Section 32B-1-102 | Section 32B-6-605

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/15/2020

10. This rule change MAY become effective on: 10/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title: Salvador Petilos, Executive Director **Date:** 08/14/2020

R82. Alcoholic Beverage Control, Administration.

R82-5. General Retail License Provisions.

R82-5-101. Definitions.

(1) ~~[Authority.]~~This rule is ~~[made]~~adopted pursuant to ~~[s]~~Sections 32B-1-102 and 32B-2-202.

(2) ~~[Definitions.]~~As used in this rule:

(a) "Dispensing System" means a system or device which dispenses liquor in controlled quantities not exceeding 1.5 ounces and has a meter which counts the number of pours served.

(b) "Resort facility" is a publicly or privately owned or operated commercial recreational facility or area:

(i) that is designed primarily to attract and accommodate people to a recreational or sporting environment;

(ii) that is capable of hosting conventions, conferences, and food and beverage functions under a banquet contract;

(iii) that has adequate kitchen or culinary facilities on the premises to provide complete meals; and

(iv) that has at least 1500 square feet of function space consisting of meeting ~~and~~or dining rooms that can be reserved for private use under a banquet contract that can accommodate a minimum of 100 people, provided that in cities of the third, fourth, or fifth class, unincorporated areas of a county, and towns, the Commission shall have the authority to waive the minimum function space size requirements.

(c) "Sports center" is a publicly or privately owned or operated facility:

(i) that is designed primarily to attract people to and accommodate people at sporting events;

(ii) that has a fixed seating capacity for more than 2,000 persons;

(iii) that is capable of hosting conventions, conferences, and food and beverage functions under a banquet contract;

(iv) that has adequate kitchen or culinary facilities on the premises of the sports center to provide complete meals; and

(v) that has at least 2500 square feet of function space consisting of meeting ~~and~~or dining rooms that can be reserved for private use under a banquet contract that can accommodate a minimum of 100 people, provided that in cities of the third, fourth, or fifth class, unincorporated areas of a county, and towns, the Commission shall have the authority to waive the minimum function space size requirements.

(d) "Convention center" is a publicly or privately owned or operated facility:

(i) the primary business or function of which is to host conventions, conferences, and food and beverage functions under a banquet contract;

(ii) that has adequate kitchen or culinary facilities on the premises of the convention center to provide complete meals; and

(iii) that is in total at least 30,000 square feet.

~~[_____] (3)(a) A "banquet contract" means an agreement between an on-premise banquet licensee and a third party host of a banquet to provide alcoholic beverage services at a meal, reception, or other private banquet function at a defined location on a specific date and time for a pre-arranged, guaranteed number of attendees at a negotiated price.~~

~~(b) Each "banquet contract" shall:~~

~~(i) clearly define the location of the private banquet function;~~

~~(ii) require that the private banquet function be separate from other areas of the facility that are open to the general public; and~~

~~(iii) require signage at or near the entrance to the private banquet function to indicate that the location has been reserved for a specific group.]~~

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: ~~February 25,~~ 2020

Authorizing, and Implemented or Interpreted Law: 32B-2-202

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R82-5-102	Filing No. 53018

Agency Information

1. Department:	Alcoholic Beverage Control	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state:	Salt Lake City, UT 84104-1630	
Mailing address:	PO Box 30408	
City, state, zip:	Salt Lake City, UT 84130-0408	
Contact person(s):		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R82-5-102. Licensing, Ownership, and Transfer of License
3. Purpose of the new rule or reason for the change:
This rule amendment is necessary to correct the "seller" and "buyer" references in Subsection R82-5-102(5) so that they align with statutory requirements in Subsection 32B-5-310(3).
4. Summary of the new rule or change:
This rule amendment is necessary to correct the "seller" and "buyer" references in Subsection R82-5-102(5) so that they align with statutory requirements in Subsection 32B-5-310(3).

Fiscal Information

5. Aggregate anticipated cost or savings to:								
A) State budget:								
None--This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statutory requirements. This amendment does not create additional cost or savings.								
B) Local governments:								
None--This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statutory requirements. This amendment does not create additional cost or savings.								
C) Small businesses ("small business" means a business employing 1-49 persons):								
None--This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statutory requirements. This amendment does not create additional cost or savings.								
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):								
None--This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statutory requirements. This amendment does not create additional cost or savings.								
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):								
None--This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statutory requirements. This amendment does not create additional cost or savings.								
F) Compliance costs for affected persons:								
None--This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statutory requirements. This amendment does not create additional cost or savings.								
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)								
Regulatory Impact Table								
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2021</th> <th>FY2022</th> <th>FY2023</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2021	FY2022	FY2023	State Government	\$0	\$0	\$0
Fiscal Cost	FY2021	FY2022	FY2023					
State Government	\$0	\$0	\$0					

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statute. There will be no anticipated cost or savings to businesses because of this rule amendment.			
B) Name and title of department head commenting on the fiscal impacts:			
Salvador Petilos, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 32B-2-202	Section 32B-5-310	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also
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request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	10/15/2020

10. This rule change MAY become effective on:	10/22/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Salvador Petilos, Executive Director	Date:	08/14/2020
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R82. Alcoholic Beverage Control, Administration.

R82-5. General Retail License Provisions.

R82-5-102. Licensing, Ownership, and Transfer of License.

(1) This rule is adopted pursuant to [s]Section 32B-5-310, which authorizes the Department to make rules governing requirements for interim alcoholic beverage management agreements.

(2) Licenses are issued to persons. A licensee must communicate any contemplated action or transaction that may alter an organizational structure or ownership interest of the person to whom a license is issued to the Department so staff may ensure there is no violation of [s]Section 32B-5-310.

(3) An interim alcoholic beverage management agreement is required if a buyer will be performing the day-to-day operations of the business before the Commission approves the transfer of the license from seller to buyer.

(4)(a) Before a retail licensee enters into an interim alcoholic beverage management agreement, it shall provide the proposed interim alcoholic beverage management agreement to the Department for its approval.

(b) The Department shall create a checklist of information that an interim alcoholic beverage management agreement must contain.

(c) The Department shall review a proposed interim alcoholic beverage management agreement and, no later than 15 business days after the day on which the agreement is received by the Department:

(i) approve the interim alcoholic beverage management agreement if it contains all the necessary information; or

(ii) return the proposed interim alcoholic beverage management agreement to the licensee, if the agreement is lacking in information or specificity, with guidance on how to remedy any errors or omissions.

(5) Once an interim alcoholic beverage management agreement ~~has been~~ is approved by the Department, the seller may

allow the buyer to use their license to purchase alcoholic product from the Department, but [all] revenue from the sale of alcohol during the transition period must be retained by the [buyer]seller, less the cost of reimbursing the [seller]buyer for the cost of the alcoholic product paid to the Department.

(6) The seller must maintain the required bond, insurance, and business license during the transition period, as these are statutory requirements to hold a license, but the buyer may agree to reimburse the seller for any necessary costs incurred to maintain the bond, insurance, and business license.

(7) Nothing in this rule authorizes a licensee to close business without approval from the Department or Commission, as required by statute.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [February 25,] 2020

Authorizing, and Implemented or Interpreted Law: 32B-2-202

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R82-5-104	Filing No. 53019

Agency Information

1. Department:	Alcoholic Beverage Control	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state:	Salt Lake City, UT 84104-1630	
Mailing address:	PO Box 30408	
City, state, zip:	Salt Lake City, UT 84130-0408	
Contact person(s):		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R82-5-104. Liquor Dispensing Systems
3. Purpose of the new rule or reason for the change:
This rule amendment is necessary to implement provisions of H.B. 399 passed in the 2020 General Session. The amendment establishes rules for dispensing areas of restaurants, bars, and taverns in accordance with the provisions of Title 32B; and prohibits a dispensing system to remain at a patron's table.

4. Summary of the new rule or change:
This rule amendment is necessary to implement provisions of H.B. 399 (2020). The amendment establishes rules for dispensing areas of restaurants, bars, and taverns in accordance with the provisions of Title 32B; and prohibits a dispensing system to remain at a patron's table.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
None--Any anticipated cost or savings to the state budget are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.

B) Local governments:
None--Any anticipated cost or savings to local governments are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.

C) Small businesses ("small business" means a business employing 1-49 persons):
None--Any anticipated cost or savings to small businesses are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
None--Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.

F) Compliance costs for affected persons:

There are no fees associated with this process. Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The fiscal impact for this rule was accounted for in H.B. 399 (2020), so there will be no anticipated cost or savings to businesses because of this amendment.

B) Name and title of department head commenting on the fiscal impacts:

Salvador Petilos, Executive Director

Citation Information**7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):**

Subsection 32B-5-301(9)	Section 32B-2-202	Section 32B-5-304
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/15/2020
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10. This rule change MAY become effective on:	10/22/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Salvador Petilos, Executive Director	Date:	08/14/2020
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R82. Alcoholic Beverage Control, Administration.**R82-5. General Retail License Provisions.****R82-5-104. Liquor Dispensing Systems.**

(1) This rule is ~~made~~ adopted pursuant to ~~[s]Sections 32B-5-301[-, which requires retail licensees and retail licensee staff to comply with rules made by the Commission regarding general operational requirements of a retail licensed establishment,]~~ and 32B-

5-304~~], which requires the Department to approve a liquor dispensing system].~~

(2) ~~[Purpose.]~~This rule describes:

~~(a) the minimum requirements for a liquor dispensing system[, which is] required by [s]Section 32B-5-304[7];~~

~~(b) [and] how the Department approves a liquor dispensing system[7]; and~~

~~(c) where a liquor dispensing system may be used and stored.~~

(3) As used in this section:

~~(a) "Dispensing area" means a fixed structure, area, counter, or surface where an alcoholic beverage is stored, prepared, and dispensed.~~

~~(b) "Dispensing System" means a device that measures alcohol and dispenses alcohol in the selected measured amount.~~

~~([3]4)(a) A licensee may not install or use any liquor dispensing system for the automated mixing or dispensing of spirituous liquor unless the liquor dispensing system has been approved by the Department.~~

~~(b) After the Department's approval, a licensee may only change its liquor dispensing system with prior approval by the Department.~~

~~([4]5) A liquor dispensing system may be approved by the Department if it meets the following minimum requirements:~~

~~(a) dispenses spirituous liquor in calibrated quantities not to exceed 1.5 ounces;~~

~~(b) has a meter which counts the number of pours dispensed; and~~

~~(c) the margin of error of the liquor dispensing system for a one ounce pour size cannot exceed 1/16 of an ounce or two milliliters.~~

~~([5]6) [Types of systems.]~~Dispensing systems may be of various types, including:

~~(a) gun[7];~~

~~(b) a stationary head[7];~~

~~(c) a tower[7];~~

~~(d) an insertable spout[7];~~

~~(e) a ring activator; or~~

~~(f) a similar method.~~

~~([6]7) [Licensee Responsibility.~~

~~(a)]The licensee is responsible for verifying that the system, when initially installed, meets the specifications in Subsection (1)~~], which listed in subpart (1) of this rule~~. Once installed, the licensee shall maintain the dispensing system to ensure that it continues to meet the approved specifications. Failure to maintain the liquor dispensing system may be grounds for suspension or revocation of the licensee's liquor license.~~

~~([7]8) [Operational restrictions.~~

~~(a)]~~The~~A liquor dispensing system must be calibrated to pour a quantity of spirituous liquor not to exceed 1.5 ounces.~~

~~(b)(i) Voluntary consent is given that representatives of the Department, State Bureau of Investigation, or any law enforcement officer shall have access to any liquor dispensing system for inspection or testing purposes.~~

~~(ii) A licensee shall furnish to the representatives, upon request, samples of the alcoholic products dispensed through any liquor dispensing system for verification and analysis.~~

~~(c) Spirituous liquor bottles in use with a liquor dispensing system at the dispensing location must be affixed to the liquor dispensing system by the licensee.~~

~~(d) Spirituous liquor bottles in use with a remote storage alcoholic beverage dispensing system[, defined in R82-5-105, which has been] approved by the Department must be in a locked storage area identified on the licensee's floor plan.~~

~~(e) Any other primary spirituous liquor not in service must remain unopened. There shall be no opened primary spirituous liquor bottles at a dispensing location that are not affixed to an approved dispensing device.~~

~~(f) Liquor dispensing systems shall not be utilized at patron's table. Liquor dispensing systems may only be used at approved dispensing structures.~~

~~(g) Spirituous liquor bottles shall not be dispensed or stored at a patron's table.~~

~~([e]h) The liquor dispensing system and spirituous liquor bottles attached to the liquor dispensing system must be locked or secured in such a place and manner as to preclude the dispensing of spirituous liquor at times when liquor sales are not authorized by law.~~

~~([e]i) [All d]Dispensing systems and devices must:~~

~~(i) avoid an in-series hookup [which] that would permit the contents of liquor bottles to flow from bottle to bottle before reaching the dispensing spigot or nozzle;~~

~~(ii) not dispense from or utilize containers other than original liquor bottles; and~~

~~(iii) prohibit the intermixing of different kinds of products or brands in the liquor bottles from which they are being dispensed.~~

~~([f]j) Pursuant to federal law, [all] liquor dispensed through a liquor dispensing system shall be from its original container, and there shall be no re-use or refilling of liquor bottles with any substance[~~whatsoever~~]. The Commission adopts federal regulations 27 CFR 31.201 and 26 USC Section 5301 and incorporates them by reference.~~

~~([g]k) Each licensee shall keep daily records for each dispensing outlet as follows:~~

~~(i) a list of brands of liquor dispensed through the liquor dispensing system;~~

~~(ii) the number of portions of liquor dispensed through the liquor dispensing system determined by the calculated difference between the beginning and ending meter readings ~~and~~ or as electronically generated by the recording software of the dispensing system;~~

~~(iii) number of portions of liquor sold; and~~

~~(iv) a comparison of the number of portions dispensed to the number of portions sold including an explanation of any variances.~~

~~([v]l) The records described in [subpart (4)(e)]Subsection (8)(k) [of this rule] must be made available for inspection and audit by the Department or law enforcement.~~

~~([h]m) Licensees shall display in a prominent place on the premises a list of the types and brand names of spirituous liquor being served through its dispensing system. This requirement may be satisfied either by printing the list on an alcoholic beverage menu or by wall posting or both.~~

~~([i]n) [All]Liquor dispensing systems and devices must conform to federal, state, and local health and sanitation requirements. Where considered necessary, the Department may:~~

~~(i) require the alteration or removal of any liquor dispensing system; and~~

~~(ii) require the licensee to clean, disinfect, or otherwise improve the sanitary conditions of any liquor dispensing system.~~

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [February 25,] 2020

Authorizing, and Implemented or Interpreted Law: 32B-2-202; 32B-5-301

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R82-5-107	Filing No. 53020

Agency Information

1. Department:	Alcoholic Beverage Control	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state:	Salt Lake City, UT 84104-1630	
Mailing address:	PO Box 30408	
City, state, zip:	Salt Lake City, UT 84130-0408	
Contact person(s):		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R82-5-107. Identification
3. Purpose of the new rule or reason for the change:
This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable to a member of the public, Department of Alcoholic Beverage Control (Department) staff, or law enforcement. The identification requirements in this rule mirror those that are statutorily required for off-premise employees.
4. Summary of the new rule or change:
This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable to a member of the public, Department staff, or law enforcement.

Fiscal Information

5. Aggregate anticipated cost or savings to:			
A) State budget:			
None--This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.			
B) Local governments:			
None--This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
None--This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
None--This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
None--This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.			
F) Compliance costs for affected persons:			
None--This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.			
B) Name and title of department head commenting on the fiscal impacts:			
Salvador Petilos, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):	
Section 32B-2-202	Section 32B-5-301

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also
--

request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 10/15/2020

10. This rule change MAY become effective on: 10/22/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title: Salvador Petilos, Executive Director	Date: 08/14/2020
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R82. Alcoholic Beverage Control, Administration.

R82-5. General Retail License Provisions.

R82-5-107. Identification.

(1) This rule is ~~made~~ adopted pursuant to ~~s~~ Section 32B-5-301.

(2) The purpose of this rule is to ensure that an individual who sells, dispenses, or provides alcoholic beverages is easily identifiable to a member of the public, Department staff, or law enforcement.

(~~2~~)³ Each employee of ~~the~~ a retail on-premise licensee who sells, dispenses or provides alcoholic beverages shall wear a unique identification badge:

- (a) On the front of the employee's clothing;
- (b) visible above the waist~~;~~;
- (c) ~~bearing~~ displaying the employee's:
 - (i) first or last name~~;~~;
 - (ii) initials~~;~~; or
 - (iii) ~~or~~ a unique identification~~number~~ in letters or numbers; and
 - (d) with the unique letters or numbers not less than 3/8 inch high.

(4) Each manager of a retail, on-premise licensee who directly supervises employees who sell, dispense, or provide alcoholic beverages shall wear a unique identification badge that meets the requirements of Subsection (3).

(5) ~~The identification badge must be worn on the front portion of the employee's body.~~ The on-premise retail licensee shall maintain a record of all employee badges assigned, which shall be available for inspection by any peace officer, or representative of the Department. The record shall include the employee's full name and address and a driver's license or similar identification number.

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [February 25,] 2020
Authorizing, and Implemented or Interpreted Law: 32B-2-202

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R82-6-602	Filing No. 53021

Agency Information

1. Department:	Alcoholic Beverage Control	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state:	Salt Lake City, UT 84104-1630	
Mailing address:	PO Box 30408	
City, state, zip:	Salt Lake City, UT 84130-0408	
Contact person(s):		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R82-6-602. Reporting Requirement for Banquet Licensees
3. Purpose of the new rule or reason for the change:
This section is an existing section that needed to be modified to include reporting and record-keeping provisions for the newly created privately sponsored event in H.B. 399 passed in the 2020 General Session. Additionally, this section has been modified to streamline the reporting process to ensure licensee compliance.
4. Summary of the new rule or change:
This section: a) removes the requirement that banquet catering licensees submit a quarterly report of scheduled banquets; b) requires electronic notice of all banquets at least 14 days in advance of the event; c) requires licensees to provide immediate notice of canceled or modified banquets; d) modifies the type of information required in the event notice; e) specifies what records the banquet catering licensee must retain; and f) adds security/control provisions for large events over 500 people.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
None--Any anticipated cost or savings to the state budget are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.
B) Local governments:
None – any anticipated cost or savings to local government are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.
C) Small businesses ("small business" means a business employing 1-49 persons):
None – any anticipated cost or savings to small businesses are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
None – any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.
F) Compliance costs for affected persons:
There are no fees associated with this process. Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The fiscal impact for this section was accounted for in H.B. 399 (2020), so there will be no anticipated cost or savings to businesses because of this section.

B) Name and title of department head commenting on the fiscal impacts:

Salvador Petilos, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 32B-6-605	Section 32B-2-202
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/15/2020

10. This rule change MAY become effective on: 10/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Salvador Petilos, Executive Director	Date:	08/14/2020
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R82. Alcoholic Beverage Control, Administration.

R82-6. Specific Retail Provisions.

R82-6-602. On Premise Banquet -- Reporting Requirement for Banquet Licensees.

(1) ~~[Authority. This]~~The authority for this rule is ~~[pursuant to the Commission's powers and duties under section 32B-2-202 to act as a general policymaking body on the subject of alcoholic beverage control and to set policy by written rules that prescribe the conduct and management of any premises upon which alcoholic beverages may be sold, consumed, served, or stored, and pursuant to section-]~~Subsections 32B-6-605(3)(a) and 32B-6-605(4)(a).

(2) ~~[Purpose.]~~This rule establishes:
 (a) the notice that an ~~[implements the requirement of section 32B-6-605, which requires the Commission to provide by rule procedures for-]~~on-premise banquet licensee[s] or sublicensee[s] must give to the Department in advance of a[to report] scheduled banquet event[s] to the Department to allow random inspections of banquets by authorized representatives of] so that the Commission, the Department, or ~~[by-]~~law enforcement officers may conduct a random inspection of a banquet to monitor compliance with the alcoholic beverage control laws; and

(b) the records to be maintained by an on-premise banquet licensee and sublicensee.

(3) [Application of the Rule.

(a)] An on-premise banquet licensee and an on-premise banquet sublicensee [licensed under Title 32B, Chapter 8 and Chapter 8b shall file with the Department at the beginning of each quarter a report containing advance notice of events that have been scheduled as of the reporting date for that quarter to be held under a banquet contract as defined in R82-5-101.]

[(b)(i) The quarterly reports are due on or before January 1, April 1, July 1, and October 1 of each year and may be hand-delivered, submitted by mail, or submitted electronically.

(ii) If the licensee adds an event for a quarter after the licensee has already turned in the report, as described in subpart (3)(b)(i) of this rule, the licensee shall promptly contact the licensee's compliance officer to supplement the report.] shall provide the Department advance notice of scheduled banquets in an electronic format at least fourteen days prior to the scheduled event or immediately upon booking events with less than fourteen days until the scheduled event. The electronic advance notice must include the following information for each event:

(a) the name of the host;

(b) the specific location;

(c) the dates;

(d) the beginning and ending times;

(e) the number of attendees expected to attend;

(f) the designation as either a private event or a privately sponsored event, including the specific type of event; and

(g) for banquet events with an anticipated attendance of over 500 people, the control measures that will be implemented to prevent:

(i) minors from obtaining alcohol;

(ii) overconsumption of alcohol;

(iii) the general public or an uninvited guest from entering a private event; and

(iv) a person who has not paid an admission fee from entering a privately sponsored event.

(4) The licensee or sublicensee shall provide electronic notice of banquet event cancellations or modifications at the time the event is canceled or modified.

[(e) (5) [Each report shall include the name and specific location of each event and the name of the third party host of the event.]

[(d)] The Department shall [make] provide access to documents listing scheduled banquet events upon request, [copies of the reports available] to a commissioner, authorized representative of the Department, and any law enforcement officer [upon request to be used] for use in a [the] purpose stated in [subpart] Subsection (2) [of this rule].

(6) [(e)] The Department shall retain a copy of [each report until the end of each reporting quarter] any documents pertaining to scheduled banquet events for up to fourteen days after the conclusion of the banquet event.

(7) The Department shall classify the documents containing the details of scheduled banquet events as protected under Section 63G-2-305 of the Government Records Management Act if, upon review, the Department determines that:

(a) [(f)] [Because any report filed under this rule] the documents contain [s] commercial information, the disclosure of which could reasonably be expected to result in unfair competitive injury to the licensee or sublicensee submitting the information, and the licensee or sublicensee submitting the information has a greater interest in prohibiting access than the public in obtaining access to the [report:] information; and

(b) the licensee or sublicensee claims [(i) any report filed shall be deemed to include a claim of] business confidentiality [and a request that the report] and requests that the documents be classified as protected pursuant to [s] Sections 63G-2-305 and 63G-2-309 [s].

[(ii) any report filed shall be classified by the Department as protected pursuant to section 63G-2-305; and]

[(iii) (8) [any report filed shall be used by the] The Department and law enforcement may use the scheduled banquet event documents only for the purposes stated in this rule.

(9) On-premise banquet licensees and sublicensees must maintain a record of the following:

(a) the name and type of each event;

(b) the date and time of each event;

(c) the name of the third-party host of each event;

(d) the contract between the licensee or sublicensee and the host of each event;

(e) the percentage of ownership interest, if any, the host has in the banquet facility;

(f) the total number of guests attending each event;

(g) the total sales of spirituous liquor, wine, beer, heavy beer, and flavored malt beverages sold, served, or provided at each event;

(h) the price charged to the guests for each type of alcoholic product served at each event;

(i) the total sales of food served at each event;

(j) the purchase receipts for spirituous liquor, wine, heavy beer, beer, and flavored malt beverages; and

(k) the annual ratio of food sales to sales of spirituous liquor, wine, heavy beer, beer, and flavored malt beverages.

(10) [(g)] Failure of an on-premise banquet licensee or sublicensee to timely file [a quarterly report] advance notice of scheduled banquet events or to retain the records as noted in this rule may result in disciplinary action pursuant to [s] Sections 32B-3-201 to 32B-3-207, and Section R82-3-102 and R82-3-103.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [February 25,] 2020

Authorizing, and Implemented or Interpreted Law: 32B-2-202

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.): R82-6-1005

Filing No.: 53022

Agency Information

1. Department:	Alcoholic Beverage Control	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state:	Salt Lake City, UT 84104-1630	
Mailing address:	PO Box 30408	
City, state, zip:	Salt Lake City, UT 84130-0408	
Contact person(s):		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov

Angela Micklos	801-977-6800	afmicklos@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R82-6-1005. Hospitality Amenity Licensee Notice and Records
3. Purpose of the new rule or reason for the change:
This new section is necessary to implement provisions of H.B. 399 passed in the 2020 General Session. This new section specifies the notice requirements for a hospitality amenity prior to providing alcoholic products free of charge or at a reduced rate; the records a hospitality amenity must maintain; and the period the records must be retained in accordance with the provisions of Title 32B.
4. Summary of the new rule or change:
This new section is necessary to implement provisions of H.B. 399 (2020). This new section specifies the notice requirements for a hospitality amenity prior to providing alcoholic products free of charge or at a reduced rate; the records a hospitality amenity must maintain; and the period the records must be retained in accordance with the provisions of Title 32B.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
None--Any anticipated cost or savings to the state budget are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This new section does not create additional cost or savings beyond what was anticipated during the legislative process.
B) Local governments:
None--Any anticipated cost or savings to local government are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This new section does not create additional cost or savings beyond what was anticipated during the legislative process.
C) Small businesses ("small business" means a business employing 1-49 persons):
None--Any anticipated cost or savings to small businesses are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This new section does not create additional cost or savings beyond what was anticipated during the legislative process.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

None--Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This new section does not create additional cost or savings beyond what was anticipated during the legislative process.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This new section does not create additional cost or savings beyond what was anticipated during the legislative process.

F) Compliance costs for affected persons:

There are no fees associated with this process. Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This new section does not create additional cost or savings beyond what was anticipated during the legislative process.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The fiscal impact for this new section was accounted for in H.B. 399 (2020), so there will be no anticipated cost or savings to businesses because of this rule.

B) Name and title of department head commenting on the fiscal impacts:

Salvador Petilos, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsections 32B-6-1005(6)(b) and (13)	Section 32B-2-202	
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/15/2020
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10. This rule change MAY become effective on:	10/22/2020
--	------------

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a

Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Salvador Petilos, Executive Director	Date:	08/14/2020
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R82. Alcoholic Beverage Control, Administration.

R82-6. Specific Retail Provisions.

R82-6-1005. Hospitality Amenity Licensee Notice and Records.

(1) This rule is adopted under the authority of Subsections 32B-6-1005(6)(b) and 32B-6-1005(13).

(2) The purpose of this rule is to specify:

(a) the notice requirements for providing alcoholic products free of charge or at a reduced rate for a reoccurring event or multiple events;

(b) the records a hospitality amenity must use or maintain; and

(c) the period the records must be retained.

(3) Before holding reoccurring or multiple events where alcoholic products are furnished free of charge or at a reduced rate, a hospitality amenity licensee must provide notice:

(a) at least 14 days in advance of each event; and

(b) that notice for each event includes:

(i) the days, dates, and operating hours; and

(ii) the types of alcoholic products that will be furnished free of charge or at a reduced rate.

(4) A hospitality amenity licensee must create a daily record with the following information:

(a) The name of each hospitality guest over 21 years old and to whom the licensee:

(i) provides lodging for compensation, including money, hotel points, or other means; and

(ii) sells or furnishes an alcoholic product while the person is a guest.

(b) The total number of hospitality guests.

(c) The room number of each hospitality guest.

(d) The arrival and departure dates of each hospitality guest.

(e) The amount of alcohol, wine, or heavy beer sold, served, or furnished to each hospitality guest.

(5) The licensee must maintain the records at the licensed premises for three years to ensure compliance with the hospitality amenity license.

(6) The licensee may keep the record in written or electronic form.

(7) The licensee must make the record available to DABC or law enforcement for inspection.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [February 25,] 2020

Authorizing, and Implemented or Interpreted Law: 32B-2-202

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R82-7-102	Filing No. 53023

Agency Information

1. Department:	Alcoholic Beverage Control	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state:	Salt Lake City, UT 84104-1630	
Mailing address:	PO Box 30408	
City, state, zip:	Salt Lake City, UT 84130-0408	
Contact person(s):		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R82-7-102. Off-Premise Beer Retailer State License and Master Off-Premise Beer Retailer License
3. Purpose of the new rule or reason for the change:
After an internal review of this rule, Alcoholic Beverage Control discovered that as previously written, Rule R82-7 could be incorrectly interpreted such that the 10th of the month deadline only applied to master off-premise (OP) licensees and not all OP licensees.
4. Summary of the new rule or change:
This rule amendment clarifies that the 10th of the month application deadline applies to both OP beer retailer and master OP beer retailer; and reorganizes the section for simplicity.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
None--This amendment clarifies the monthly application deadline for OP beer retailer and master OP beer retailer licenses. It does not create additional cost or savings.
B) Local governments:
None--This amendment clarifies the monthly application deadline for OP beer retailer and master OP beer retailer

licenses. It does not create additional cost or savings.																																								
C) Small businesses ("small business" means a business employing 1-49 persons):																																								
None--This amendment clarifies the monthly application deadline for OP beer retailer and master OP beer retailer licenses. It does not create additional cost or savings.																																								
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																																								
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E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):																																								
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F) Compliance costs for affected persons:																																								
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Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

This amendment clarifies the monthly application deadline for OP beer retailer and master OP beer retailer licenses. There will be no anticipated cost or savings to businesses because of this rule amendment.

B) Name and title of department head commenting on the fiscal impacts:

Salvador Petilos, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 32B-2-202 | Section 32B-7-408

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/15/2020

10. This rule change MAY become effective on: 10/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative

Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Salvador Petilos, Executive Director	Date:	08/14/2020
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R82. Alcoholic Beverage Control, Administration.

R82-7. Off-Premise.

R82-7-102. Off-Premise Beer Retailer State License and Master Off-Premise Beer Retailer [State] License.

(1) ~~[-Authority and General Purpose.] [This] The authority for this rule is [pursuant to s] Subsection 32B-2-202(1)(c) [which requires the Commission to set policy by written rules that establishes criteria and for issuing and denying licenses] and [s] Section 32B-7-408~~, which authorizes the Commission to make rules establishing how a person may apply for a master off-premise beer retailer state license].

(2) The purpose of this rule is to establish:

(a) the criteria for issuing and denying licenses; and

(b) the process to apply for a master off-premise beer retailer state license.

(3) The application process is as follows:

(i) ~~[(a)] [N] no license application will be included on the agenda of a monthly Commission meeting for consideration for issuance of a license [until in accordance with subsection 32B-7-404(2)] unless:~~

(i) ~~[(a)] [F] the applicant has submitted a complete application to the Department [in accordance with] that meets the requirements of [s] Sections 32B-7-402 or 32B-7-408; and~~

(ii) ~~[(b)] the Department has completed an investigation and inspected the proposed licensed premises.~~

(b) ~~[(a)] A ["] complete application ["] includes the Department's application form and [all] supplemental materials listed on the Department's application checklist.~~

(4) ~~[(3)] (a) [A] An application for an on-premise or master on-premise license that meets the requirements of [subpart (2)] Subsection (3)(a) [of this rule] must be filed with the Department no later than the 10th day of the month in order [for the application to be included] to be put on that month's Commission meeting agenda;~~

(b) ~~[unless] If the 10th day of the month is a Saturday, Sunday, or state or federal holiday, [in which case all application requirements of subpart (2)(a)] the application must be filed on the next business day after the 10th day of the month.~~

(c) ~~[(b)] An incomplete application will be returned to the applicant.~~

(d) ~~[(a)] A complete [d] application filed after the deadline in [subpart] Subsection (4) [(3)] (a) [of this rule] will not be considered by the Commission that month, but will be put [included] on the agenda of the Commission meeting for the following month.~~

(e) ~~[(4)] [Subpart] Subsection (2)(a) [of this rule] does not preclude the Commission from considering an application for a conditional license under the terms and conditions of [s] Section 32B-7-406.~~

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [February 25,] 2020

Authorizing, and Implemented or Interpreted Law: 32B-2-202

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R152-49	Filing No. 53044

Agency Information

1. Department:	Commerce	
Agency:	Consumer Protection	
Building:	Heber Wells	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146704	
City, state, zip:	Salt Lake City, UT 84114-6704	
Contact person(s):		
Name:	Phone:	Email:
Daniel Larsen	801-530-6145	dblarsen@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R152-49. Immigration Consultants Registration Act Rule
3. Purpose of the new rule or reason for the change:
During the Division of Consumer Protection's (Division) five-year review of this rule, the Division identified portions of this rule that could be changed to simplify the application for registration as an immigration consultant, minimize the amount of sensitive personally identifiable information the Division obtains and retains, to conform the Division's verification of an applicant's lawful presence to current standards, and to conform this rule to the rulewriting manual.
4. Summary of the new rule or change:
This amendment simplifies the application for registration as an immigration consultant and reduces the amount of sensitive personally identifiable information submitted to and retained by the Division. The amendment also clarifies Division practice with respect to verifying an applicant's lawful presence in the United States, in accordance with Subsection 63G-12-402(3)(k). This amendment also makes nonsubstantive changes to conform this rule to the rulewriting manual.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The amendment is not expected to have any fiscal impact on state government revenues or expenditures because it does not impose any new requirements on the state.
B) Local governments:
This amendment is not expected to have any fiscal impact on local governments' revenues or expenditures because it does not create any new requirement local governments must follow, nor does it otherwise constrain local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule does not impose new requirements beyond what is already required by Title 13, Chapter 49, Immigration Consultants Registration Act, and by the current Section R152-49-202. The amendment simplifies the application for registration as an immigration consultant and this will be a small fiscal benefit to small businesses. Thus, all amendments as a whole should allow for greater efficiency. Accordingly, no fiscal impact is expected for small business as these costs are either inestimable or there is no fiscal impact.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
These amendments are not expected to impact non-small businesses' revenues or expenditures because they establish and clarify definitions, streamline filing procedures, and minimize sensitive information given to the Division. This results in greater efficiency. Any other fiscal impact beyond those described for non-small businesses are either inestimable or there is no fiscal impact.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This amendment is not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because it does not impose any new requirements, nor does it otherwise constrain them.
F) Compliance costs for affected persons:
This amendment does not impose any compliance cost beyond the application cost already authorized in accordance with Sections 13-49-202, 63J-1-504, and in accordance with H.B. 8, passed in the 2020 General Session.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Chris Parker, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The Division proposes amendments to update the Immigration Consultants Registration Act Rule in harmony with Title 13, Chapter 49, Immigration Consultants Registration Act. This amendment is meant to simplify the application for registration as an immigration consultant reducing the amount of sensitive personal information given to, and maintained by, the Division. Also, amendments are made to update references and make nonsubstantive formatting changes for clarity.

This rule does not impose new requirements beyond what is already required by Title 13, Chapter 49, and by the current Section R152-49-202. The amendment simplifies the application for registration as an immigration consultant and this will be a small fiscal benefit to small businesses. Thus, all amendments as a whole should allow for greater efficiency. Accordingly, no fiscal impact is expected for small business as these costs are either inestimable or there is no fiscal impact.

These amendments are not expected to impact non-small businesses' revenues or expenditures because they establish and clarify definitions, streamline filing procedures, and minimize sensitive information given to the Division. This results in greater efficiency. Any other fiscal impact beyond those described for small businesses are either inestimable or there is no fiscal impact.

B) Name and title of department head commenting on the fiscal impacts:

Chris Parker, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsection 13-2-5(1)	Subsection 13-49-202(1)	Subsection 13-49-301(1)
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/15/2020

10. This rule change MAY become effective on: 10/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Daniel O'Bannon, Director	Date:	08/31/2020
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R152. Commerce, Consumer Protection.

R152-49. Immigration Consultants Registration Act Rule.

R152-49-1[04]. [Authority and] Purpose.

(1) [~~Authority. These rules are promulgated under.~~]The purpose of this rule is to:

(a) [~~Utah Code Subsection 13-2-5(1); and~~]describe the information an applicant must provide in and with an application for registration as an immigration consultant; and

(b) [~~Utah Code Subsection 13-49-202(1)]aid the division's administration and enforcement of Title 13, Chapter 49, Immigration Consultants Registration Act.~~

R152-49-2. Authority.

(2)[1] [~~Purpose. These rules.~~]This rule is enacted in accordance with Subsections 13-2-5(1), 13-49-202(1), and 13-49-301(1).

[~~(a) prescribe certain contents of the application form that shall be submitted to the Division in order to request registration as an immigration consultant; and~~

~~(b) impose upon registered immigration consultants a duty to notify the Division of changes in information that is on record with the Division.]~~

R152-49-3. Definitions.

(1) "Driver license or identification card number" means:

(a) the number assigned to a driver license or identification card issued in accordance with Title 53, Chapter 3, Uniform Driver License Act; or

(b) the number assigned to a driver license or identification card issued by a state other than Utah if, as part of issuing the driver license or identification card, the state verifies an individual's lawful presence in the United States.

R152-49-[202]4. Application for Registration[—Duty to Notify Division of Changes].

(1) [~~In addition to the requirements contained in Utah Code Section 13-49-202, an applicant for registration as an immigration consultant shall submit a complete application form, including the following documents and information:]An application for registration as an immigration consultant shall be executed on a form approved by the division, and include:~~

(a) [~~photocopy of:]the applicant's:~~

(i) [~~a state issued identification card or driver license;]name;~~

(ii) [~~a passport issued by the United States Department of State; or]street address;~~

(iii) [~~an identification card issued by any branch of the United States armed forces;]mailing address;~~

(iv) telephone number, and if applicable, facsimile number;

(v) email address;

(vi) web address, if the applicant maintains a website;

(vii) driver license or identification card number;

(b) [~~applicant's date of birth;]a complete fingerprint card and the applicant's consent to a fingerprint criminal background check by the Utah Bureau of Criminal Identification;~~

(c) a certification, under penalty of perjury, that the applicant is:

(i) a United States citizen;

~~(ii) a qualified alien as defined in 8 U.S.C. Sec. 1641; or~~

~~(iii) lawfully present in the United States;~~

[~~(e)(i) applicant's social security number, if the applicant has one; and~~

~~(ii) applicant's individual taxpayer identification number (ITIN), if the applicant has one;]~~

(d) a complete list of:

(i) any other name[s] used by the applicant at any time past or present; and

(ii) [~~all]any entity name[s], including any dba[s], [through which]the applicant uses[will engage in the activities of] while acting as an immigration consultant;~~

(c) [~~pursuant to Section 13-49-301(1),]~~a copy of [~~the]any contract that the applicant will use to create a contractual obligation with a client;[and]~~

(f) a copy of the disclosure document the applicant is required to provide to a client [under]in accordance with [Section]Subsection 13-49-303(2):

(i) written in English; and

(ii) written in each [~~of the]native language[s] of the applicant's clientele[-]; and~~

(g) a cash bond or surety bond payable to the division in accordance with Section 13-49-204.

R152-49-5. Duty to Notify Division of Change.

(2)[1] Any applicant for registration as an immigration consultant or registered immigration consultant shall, [W]within 30 days of [any]a change [n]to any information or document[s] that the applicant or registrant is required to provide to the division:[are on file with the Division, a registered immigration consultant shall:]

(a) notify the [D]division in writing of the change; and

(b) provide to the [D]division the new information or document,[current versions of any affected contracts, disclosures, and other documents:]

KEY: immigration consultant, registration, consumer protection

Date of Enactment or Last Substantive Amendment: [September 21, 2015]2020

Authorizing, and Implemented or Interpreted Law: 13-2-5(1); 13-49-202(1); 13-49-301(1);[13-49-303(2)]

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-28	Filing No. 53041

Agency Information

1. Department:	Commerce
Agency:	Occupational and Professional Licensing
Building:	Heber M. Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111-2316
Mailing address:	PO Box 146741
City, state, zip:	Salt Lake City, UT 84114-6741
Contact person(s):	

Name:	Phone:	Email:
Jana Johansen	801-530-6621	janajohansen@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-28. Veterinary Practice Act Rule
3. Purpose of the new rule or reason for the change:
The Division of Occupational and Professional Licensing (Division) in collaboration with the Veterinary Licensing Board is filing these proposed amendments to update the rule in accordance with S.B. 23 and H.B. 455 passed in the 2020 General Session. In particular, these amendments will implement the new state certification of "state certified veterinary technician".
4. Summary of the new rule or change:
In Section R156-28-102, the proposed amendments correct grammar.
In Sections R156-28-302a, R156-28-302b, and R156-28-302c, the proposed amendment corrects grammar.
In Section R156-28-304a, the proposed amendments make this section specific to veterinarians, correct grammar, and add to continuing education requirements one hour of continuing education specific to opioid use/abuse.
New Section R156-28-304b outlines the continuing education requirements for state certified veterinary technicians.
New Section R156-28-309a outlines education requirements related to obtaining Utah Veterinary Technician Certification in accordance with statutory changes made by H.B. 455 (2020).
New Section R156-28-309b outlines experience requirements related to obtaining Utah Veterinary Technician Certification in accordance with statutory changes made by H.B. 455 (2020).
New Section R156-28-309c outlines examination requirements related to obtaining Utah Veterinary Technician Certification in accordance with statutory changes made by H.B. 455 (2020).
In Section R156-28-502, the proposed amendment updates the AVMA Ethics Act to the most current reference.
In Section R156-28-503, the proposed amendments make technical changes and add a reference to the controlled substance practice act.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
No state agencies will be directly or indirectly affected by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes. Accordingly, the amendments are not expected to impact the state budget.
B) Local governments:
No local governments will be directly or indirectly affected by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are approximately 231 small businesses in Utah owned by individuals in the veterinary industry (North American Industry Classification System (NAICS) 541940). As described below for other persons, small businesses are not expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are approximately five non-small businesses in Utah owned by individuals in the veterinary industry (NAICS 541940). As described below for other persons, non-small businesses are not expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
Approximately 25 individuals are expected to apply in FY2020 to become a state certified veterinary technician in accordance with the proposed additions to this rule that set forth the new certification requirements. Additionally, in each subsequent fiscal year approximately 20 individuals are expected to apply for certification. In Utah there are 980 licensed veterinarians and 24 licensed veterinary interns who will be working with these new state certified veterinary technicians. However, none of these persons are expected to be impacted by this filing because the proposed additions and amendments to the rule merely implement the new state certified veterinary technician profession in accordance with the legislative mandate of H.B. 455 (2020).

F) Compliance costs for affected persons:

An individual who applies to become a state certified veterinary technician will incur a licensing cost of \$50. They will also incur an undeterminable, although nominal, amount to meet the proposed continuing education requirement. However, these costs are contemplated by the new statutory provisions enacted by H.B. 455 (2020) and therefore, the proposed amendments are not expected to impose any compliance costs for affected persons above and beyond the legislative mandate of H.B. 455 (2020).

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
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Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Chris Parker, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The Division, in collaboration with the Veterinary Licensing Board, proposes amendments to Rule R156-28 to update this rule in accordance with S.B. 23 and H.B. 455 (2020). The amendments will implement the new state certification of "state certified veterinary technician". New sections outline education and experience requirements of veterinary technicians, continuing education requirements (CE) requirements for veterinary technicians and for opioid administration and updating the ethics reference. Nonsubstantive changes to grammar and form were also made to aid clarity.

Small Businesses (less than 50 employees): There are approximately 231 small businesses in Utah owned by individuals in the veterinary industry (NAICS 541940). Small businesses are not expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes. The full fiscal impact on small businesses is inestimable as it will depend on the individual characteristics practitioners, on the characteristics of the patients and consumers involved, and on the nature of each veterinary clinic.

Regulatory Impact to Non-Small Businesses (50 or more employees): These amendments will have no expected fiscal impact for non-small businesses in Utah (NAICS code 541940) for the same reasons as described above for small businesses. These costs are either inestimable, for the reasons stated, or there is no fiscal impact.

B) Name and title of department head commenting on the fiscal impacts:

Chris Parker, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-28-101
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Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:

	First Incorporation
Official Title of Materials Incorporated (from title page)	Principles of Veterinary Medical Ethics
Publisher	American Veterinarian Medical Association (AVMA)
Issue, or version	August 2019

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/15/2020
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B) A public hearing (optional) will be held:

On:	At:	At:
09/17/2020	9:00 AM	Heber Wells Bldg, 160 E 300 S via electronic meeting only with the Veterinary Board, Salt Lake City, UT. Note: Google Meeting electronic information will be on the Veterinary Board meeting agenda for the 09/17/2020 meeting.

10. This rule change MAY become effective on:	10/22/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Director	Date:	08/27/2020
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R156. Commerce, Occupational and Professional Licensing. R156-28. Veterinary Practice Act Rule. R156-28-102. Definitions.

In addition to the definitions regarding veterinary practices in Title 58, Chapters 1 and 28, as used in Title 58, Chapters 1 and 28, the following rule definitions supplement the statutory definitions ~~of this rule~~:

(1) "In association with licensed veterinarians," as used in Subsection 58-28-307(6), means ~~the~~ an out of state licensed veterinarian ~~is performing~~ who performs veterinary services in this state ~~as the result of a~~ at the request ~~for assistance or consultation initiated by~~ of a Utah licensed veterinarian regarding a specific client or patient, and the services provided by the out of state licensed veterinarian are limited to that specific request.

(2) "NBEC" means the National Board Examination Committee of the American Veterinary Medical Association.

(3) "Patient" means any animal receiving veterinarian services.

(4) "Practice of veterinary medicine, surgery, and dentistry" as defined in Subsection 58-28-102(11) does not include ~~the implantation of any~~ implanting an electronic device to establish and maintain ~~for the purpose of establishing or maintaining~~ positive identification of animals.

(5) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 28, is further defined in accordance with Subsection 58-1-203(1)(e) in Section R156-28-502.

(6) "Working under," as used in Subsection 58-28-102(~~13~~)17, means: ~~when an individual performs services in Utah as-~~

(a) unlicensed assistive personnel perform the delegated tasks in Utah, while supervised by a ~~licensed~~ veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act; ~~provided;~~

(a)b) the manner and means of ~~work~~ performance of the delegated tasks are subject to the right of control of, or are controlled by, a licensed the supervising veterinarian; and

(b)c) the delegated tasks are ~~maintained~~ recorded in the supervising veterinarian's medical records.

R156-28-302a. Qualifications for Licensure - Education Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the education requirements for licensure in Subsection 58-28-302 are defined, clarified, or established as follows.

(1) Each applicant for licensure as a veterinarian shall ~~comply with one of the following~~:

(a) submit an official transcript demonstrating that the applicant ~~has~~ graduated from a veterinary college ~~which held current accreditation~~ accredited by the Council on Education of the American Veterinary Medical Association (AVMA) at the time of the applicant's graduation; or

(b) if the applicant received a veterinary degree in a foreign country, demonstrate that the applicant's foreign education is equivalent to the requirements of Subsection R156-28-302a(1)(a) by submitting a Certificate of Competence issued by:

(i) the AVMA Educational Commission for Foreign Veterinary Graduates (ECFVG) or

(ii) the American Association of Veterinary State Boards (AAVSB) Program for Assessment of Veterinary Education Equivalence (PAVE).

(2)(a) Each applicant for licensure as a veterinarian intern shall demonstrate that the applicant has met the education ~~provided in~~ requirements described in Subsection R156-28-302a(1), ~~however, if~~

(b) If the applicant has graduated, but the educational institution has not yet posted the degree on the official transcript, the applicant may submit the official transcript together with a notarized letter from the dean or registrar of the educational institution, ~~which~~ that certifies that the applicant has obtained the degree but it is not yet posted to the official transcript.

R156-28-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the experience requirements for licensure in Subsection 58-28-302 are defined, clarified, or established as follows.

(1)(a) Each applicant for licensure as a veterinarian shall:

~~(a)~~ complete 1,000 hours of experience while licensed as a veterinarian intern under the supervision of a licensed veterinarian ~~in accordance with the following~~.

~~(i)~~~~b~~ Experience shall be earned in not less than six months and completed within two years of the date of the application.

~~(ii)~~~~c~~ Experience in the following settings ~~is~~ may not ~~acceptable to~~ fulfill this experience requirement:

~~(A)~~~~i~~ temporary employment experiences of less than eight weeks in duration;

~~(B)~~~~ii~~ part-~~[-]~~time experience of ~~less~~ fewer than 20 hours per week; or

~~(C)~~~~iii~~ experience completed while employed as unlicensed assistive personnel.

~~(iii)~~~~c~~ If the experience is completed in a jurisdiction outside of Utah ~~that~~ which does not issue veterinarian, veterinarian intern, or comparable licenses, or ~~else was~~ completed in a setting ~~which~~ that does not require licensure, the applicant shall demonstrate that the experience was:

~~(A)~~~~i~~ lawfully obtained;

~~(B)~~~~ii~~ obtained after the applicant met the education requirement ~~specified~~ described in Section R156-28-302a;

~~(C)~~~~iii~~ supervised by a ~~competent supervisor who was~~ licensed ~~as a~~ veterinarian, or by a person who was exempted from licensure but possessed substantially equivalent qualifications; and

~~(D)~~~~iv~~ comparable to experience that would be obtained in a standard veterinarian practice setting in Utah.

~~(iv)~~~~d~~ Supervision ~~of the intern by the licensed veterinarian~~ may be obtained by "indirect supervision" as defined in Section 58-28-102, ~~if provided that~~ the supervisor supplements the indirect supervision with routine face to face contact as the ~~licensed veterinarian deems~~ supervisor considers appropriate ~~using~~ in the supervisor's professional judgment.

~~(v)~~~~e~~ Each applicant shall demonstrate completion of the experience required by submitting a verification of experience signed by the applicant and by the applicant's ~~supervising veterinarian~~ supervisor on forms approved by the Division.

~~(v)~~~~f~~ If a supervisor is unavailable or refuses to provide a ~~certification of qualifying~~ verification of experience, the applicant shall:

~~(i)~~ submit a complete explanation of why the supervisor is unavailable; and

~~(ii)~~ submit verification of the experience by alternative means acceptable to the board, which shall demonstrate that the ~~work~~ experience was:

~~(A)~~ profession-related work~~[-]~~;

~~(B)~~ competently performed~~[-]~~;

~~(C)~~ sufficient accumulated experience for the applicant to be granted a license without jeopardy to the public health, safety, or welfare.

~~(b)~~~~2~~ In accordance with Subsections 58-37-6(1)(a), 58-37-6(5)(b)(i) and R156-37-305(1), a veterinary intern is not eligible to obtain a controlled substance license during the internship.

R156-28-302c. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the examination requirements for licensure in Subsection 58-28-302(1)(~~b~~)~~a~~ are defined, clarified, or established as follows:

(1) Applicants who passed examinations prior to May 1, 2000, shall submit documentation showing they passed:

(a) the National Board Examination (NBE) of the National Board Examination Committee (NBEC) of the American Veterinary

Medical Association (AVMA), with a minimum passing score as determined by the NBEC; and

(b) the Clinical Competency Test (CCT) of the NBEC with a minimum passing score as determined by the NBEC.

(2) Applicants who passed examinations after May 1, 2000, shall submit documentation showing they passed the North American Veterinarian Licensing Examination (NAVLE) with a score as determined by the NBEC.

(3) To be eligible to sit for the NAVLE, an applicant shall submit the following to the International Council for Veterinary Assessment (ICVA), in the manner directed by the ICVA:

(a) an application for approval to sit for the NAVLE;

(b) the application fee; and

(c) documentation showing the applicant:

(i) has graduated from, or is enrolled in, a school or college of veterinary medicine accredited by the Council on Education of the American Veterinary Medical Association (AVMA); or

(ii) holds a certificate issued by, or is enrolled in and has completed the Step 3 examination requirement for, one of the following programs:

(A) the Educational Commission for Foreign Veterinary Graduates (ECFVG); or

(B) the Program for the Assessment of Veterinary Education Equivalence (PAVE).

(4) An applicant who has not graduated from veterinary school at the time of application ~~must~~ shall have an expected graduation date no later than ten months from the last date of the applicable testing window.

(5) The following conditions apply to retaking the NAVLE exam:

(a) an applicant may not sit for the NAVLE more than five times;

(b) an applicant may not sit for the NAVLE at a date that is later than five years after the applicant's initial attempt; and

(c) each of the applicant's final two attempts ~~must~~ shall be at least one year from the previous attempt.

R156-28-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), and Sections 58-28-302, and 58-28-310, the renewal date for the two-year renewal cycle applicable to ~~licensees~~ licenses or state certifications under Title 58, Chapter 28 is established by rule in Section R156-1-308a(1).

(2) Renewal procedures shall be in accordance with Sections R156-1-308~~[e]~~~~b~~ through R156-1-308l.

(3) Applicants for renewal shall meet the continuing education requirements specified in Section R156-28-304a or Section R156-28-304b, as applicable.

R156-28-304a. Continuing ~~Professional~~ Education ~~of~~ Veterinarian.

In accordance with Section 58-28-306, there is created a continuing ~~professional~~ education requirement as a condition for renewal or reinstatement of licenses issued under Title 58, Chapter 28. Continuing ~~professional~~ education shall comply with the following criteria:

(1)~~(a)~~ During each two-~~[-]~~year period commencing on September 30 of each even-numbered year, a licensee shall ~~be required to~~ complete at least 24 hours of qualified continuing ~~professional~~ education directly related to the licensee's professional practice.

(b) At least one hour of the 24 hours shall be specifically related to recognizing opioid use and dependency in office staff, clients, and co-workers.

(2) If a licensee [first becomes]is initially licensed during the two-year period, the licensee's required number of continuing [professional]education hours shall be decreased proportionately according to the date of licensure.

(3) [Qualified continuing professional]Continuing education [under this section]shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a veterinarian;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training, and experience; and

(e) have a competent method of registration of individuals who actually completed the professional education program, with records of that registration and completion available for review.

(4) [Credit for]The Division shall recognize continuing [professional]education [shall be recognized in accordance with the following]as follows:

(a) [U]nlimited hours [shall be recognized]for continuing [professional]education as a student or presenter, completed in blocks of time of not less than one hour in formally established classroom courses, seminars, lectures, wet labs, or specific veterinary conferences approved or sponsored by one or more of the following:

(i) the American Veterinary Medical Association;

(ii) the Utah Veterinary Medical Association;

(iii) the American Animal Hospital Association;

(iv) the American Association of Equine Practitioners;

(v) the American Association of Bovine Practitioners;

(vi) certifying boards recognized by the AVMA;

(vii) other state veterinary medical associations or state licensing boards; or

(viii) the Registry of Continuing Education (RACE) of the AASVB[?];

(b) [No more than]up to five continuing [professional]education hours [may be counted]for being the primary author of an article published in a peer reviewed scientific journal, and [no more than]up to two continuing [professional]education hours [may be counted]for being a secondary author[?];

(c) [No more than]up to six continuing [professional]education hours [may be]in practice management courses[?]; and

(d) [Any continuing professional education where there is]if the course has no instructor or [where]the instructor is not physically present, such as for internet, audio and visual recordings, broadcast seminars, mail or other correspondence courses, the course shall assure the licensee's participation and acquisition of the knowledge and skills intended by means of an examination.[These types of continuing professional education courses include internet, audio/visual recordings, broadcast seminars, mail and other correspondence courses.]

(5) A licensee shall [be responsible for maintaining]maintain documentation sufficient to prove compliance with this section [competent records of completed qualified continuing professional education]for a period of four years after the end of the two-year renewal cycle that the continuing education is due[after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with

respect to qualified continuing professional education to demonstrate it meets the requirements under this section].

(6) A licensee who is unable to complete the continuing [professional]education requirement for reasons such as a medical or related condition, humanitarian or ecclesiastical services, or extended presence in a geographical area where continuing education is not available, may be excused from the requirement for a period of up to three years as provided in Section R156-1-308d.

R156-28-304b. Continuing Education - State Certified Veterinary Technician.

In accordance with Section 58-28-310, there is created a continuing education requirement as a condition for renewal or reinstatement of a state certification issued under Title 58, Chapter 28. Continuing education shall comply with the following criteria:

(1)(a) During each two-year period commencing on September 30 of each even-numbered year, a state certified veterinary technician shall complete at least 12 hours of qualified continuing education directly related to their professional practice.

(b) At least nine of the 12 continuing education hours shall be specific to medical practices.

(2) The Division shall only recognize continuing education approved by the American Association of Veterinary State Boards (AAVSB) Registry of Approved Continuing Education (RACE).

R156-28-309a. Qualifications for State Certification - Education Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the education requirements in Subsection 58-28-309(2)(b) for state certification as a state certified veterinary technician are defined, clarified, or established as follows:

(1) Each applicant shall submit an official transcript demonstrating that the applicant graduated from a veterinary technician training program that was accredited, as of the date of the applicant's graduation by:

(a) the AVMA Committee on Veterinary Technician Education and activities (AVMA-CVTEA); or

(b) the Canadian Veterinary Medical Association (CVMA); or

(2) submit evidence, on forms approved by the Division, of at least 6,000 hours of paid on-the-job training by a licensed veterinarian, that included at minimum:

(a) large animal care;

(b) small animal care;

(c) exotic animal care;

(d) lab skills;

(e) x-ray experience;

(f) surgical experience; and

(g) dental experience.

R156-28-309b. Qualifications for State Certification - Examination Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the examination requirements in Subsection 58-28-309(2)(c) for state certification as a state certified veterinary technician are defined, clarified, or established as follows:

(1) Each applicant shall submit evidence showing that the applicant passed the Veterinary Technician Exam (VTNE) of the American Association of Veterinary State Boards (AAVSB), with a minimum passing score as determined by the AAVSB.

(2) To be eligible to sit for the VTNE, an applicant shall:

(a) submit the following to the American Association of Veterinary State Boards (AAVSB), in the manner directed by the AAVSB:

- (i) an application for approval to sit for the VTNE;
- (ii) the application fee; and
- (iii) final transcripts with graduation date and degree conferred; and

(b) if an applicant has failed the VTNE five or more times, the applicant shall also meet with the Board to request approval to sit for the VTNE.

R156-28-309c. Qualifications for State Certification - Experience Requirements.

In accordance with Subsections 58-1-203(1), 58-1-301(3), and 58-28-309(2)(e), the experience requirement criteria required for state certification as a state certified veterinary technician are as follows:

(1)(a) Each applicant shall have completed at least six continuous months of full time experience working in a veterinary clinic as a veterinary technician or as unlicensed assistive personnel, under the supervision of a veterinarian that has held an active license in good standing for at least two years; or

(b) if the experience is completed in a jurisdiction outside of Utah that does not issue veterinary technician certification or comparable licenses, or completed in a setting that does not require certification or licensure, the applicant shall demonstrate that the experience was:

- (i) lawfully obtained;
- (ii) obtained after the applicant met the education requirement described in Section R156-28-309a;
- (iii) supervised by a licensed veterinarian, or by a person who was exempted from licensure but possessed substantially equivalent qualifications; and
- (iv) comparable to veterinary technician experience that would be obtained in a standard veterinary practice setting in Utah.

(2) Each applicant shall demonstrate completion of the required experience by submitting a verification of experience signed by the applicant and by the applicant's supervisor on forms approved by the Division.

(3) If a supervisor is unavailable or refuses to provide a verification of experience, the applicant shall:

- (a) submit a complete explanation of why the supervisor is unavailable; and
- (b) submit verification of the experience by alternative means acceptable to the Board, which shall demonstrate that the experience was:

- (i) profession-related work;
- (ii) competently performed; and
- (iii) sufficient experience for the applicant to be granted state certification without jeopardy to the public health, safety, or welfare.

R156-28-502. Unprofessional Conduct.

Unprofessional conduct includes:

(1) deviating from the minimum standards of veterinary practice set forth in Section R156-28-503;

(2) permitting unlicensed assistive personnel to perform duties that the individual is not competent by education, training or experience to perform; and

(3) failing to conform to the generally accepted and recognized standards and ethics of the profession, including:

(a) the Principles of Veterinary Medical Ethics of the American Veterinarian Medical Association (AVMA), as approved by the AVMA Executive Board, revised [~~April 2016~~ August 2019, which are hereby incorporated by reference ("Principles"); and

(b) if a licensee fails to establish the veterinarian-client-patient relationship as required in Section II of the Principles, such failure shall not excuse the veterinarian from complying with ~~all~~ other duties that would be imposed on the veterinarian if the veterinarian had properly established the veterinarian-client-patient relationship.

R156-28-503. Minimum Standards of Practice.

In accordance with Subsection 58-28-102(~~[44]~~18) and Section 58-28-603, a veterinarian shall comply with the following minimum standards of practice in addition to the generally recognized standards and ethics of the profession:

(1) A veterinarian shall compile and maintain records on each patient to minimally include:

- (a) client's name, address, and phone number, if telephone is available;
- (b) patient's identification, such as name, number, tag, species, age, and gender, except for herds, flocks or other large groups of animals, ~~which~~ that may be more generally defined;
- (c) veterinarian's diagnosis or evaluation of the patient;
- (d) treatments rendered, including drugs used and dosages;

and (e) date of service.

(2) A veterinarian shall:

(a) maintain veterinary medical records under Subsection (1) ~~[above]~~ so that any veterinarian coming into a veterinary practice may, by reading the veterinary medical record of a particular animal, be able to proceed with the proper care and treatment of the animal; and

(b) maintain veterinary medical records under Subsection (1) ~~[above for a minimum of]~~ for at least five years from the date that ~~[the animal was last treated by]~~ the veterinarian last treated the animal.

(3) A veterinarian shall maintain a sanitary environment to avoid sources and transmission of infection, including: ~~[to include the-]~~

- (a) proper routine disposal of waste materials; and
- (b) proper sterilization or sanitation of ~~all~~ equipment used in diagnosis and treatment.

(4) A veterinarian who holds a controlled substance license shall comply with Title 58, Chapter 37, Utah Controlled Substances Act, and Rule R156-37, Utah Controlled Substances Act Rule.

KEY: veterinary medicine, licensing, veterinarian
Date of Enactment or Last Substantive Amendment: ~~March 25, 2019~~ 2020
Notice of Continuation: November 3, 2016
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-28-101

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-326	Filing No. 53037

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state, zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-326. Early Learning Professional Learning Grant Program
3. Purpose of the new rule or reason for the change:
Due to the 2020 Fifth Special Session, H.B. 5012, Public Education Budget Amendments, H.B. 114, Early Learning Training and Assessment Amendments funding, that was passed in the 2020 General Session, was reallocated, and the program specified in Board Rule R277-326 did not receive the initial awarded funding. However, because the program is still in code, this rule continues to be necessary.
4. Summary of the new rule or change:
The new language, "subject to legislative appropriations", was added in Subsection R277-326-4(1).

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of

funds for this program has been and will continue to be a funding decision made by the Legislature.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.

F) Compliance costs for affected persons:

There are no expected independent compliance costs for affected persons. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
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State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The State Superintendent, Sydnee Dickson, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.			
B) Name and title of department head commenting on the fiscal impacts:			
Sydnee Dickson, State Superintendent			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Article X, Section 3	Section 53F-5-214	Subsection 53E-3-401(4)
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/15/2020
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10. This rule change MAY become effective on:	10/22/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	08/28/2020
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R277. Education, Administration.

R277-326. Early Learning Professional Learning Grant Program.

R277-326-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Section 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
 - (c) Section 53F-5-214, which directs the Board to make rules regarding the required elements of the Early Learning Professional Learning Grant and a formula to determine an LEA's grant amount.
- (2) The purpose of this rule is to provide:
 - (a) the required elements for the Early Learning Professional Learning Grant program including eligibility criteria; and
 - (b) a formula for the grant distribution.

R277-326-2. Definitions.

(1) "Evidence-based" means the same as the term is defined in Subsection R277-406-2(3).

(2) "Focused" means professional learning that is targeted to strategies that align with an LEA's plan and goals that would best support improving outcomes.

(3) "Job-embedded" means learning that is during the workday and designed to enhance instructional practices with the intent of improving student learning outcomes.

(4) "Professional learning" means the same as the term is defined in Subsection 53G-11-303(1).

(5) "Sustained" means multiple professional learning sessions with ongoing support for implementation of professional learning for long-term change.

R277-326-3. Eligibility and Application.

(1) All LEAs are eligible to apply for the Early Learning Professional Learning Grant.

(2) To receive grant funds, an LEA shall submit an application as part of the LEAs Early Learning Plan as described in Section R277-406-4.

(3) An LEA shall include in the application to the Superintendent the LEA's plan:

(a) for the types of professional learning opportunities, the LEA plans to utilize including:

(i) comprehensive professional learning opportunities as described in Section 53G-11-303(2); and

(ii) job-embedded coaching.

(b) how the LEA intends to connect professional learning to the LEA's Early Learning Plan goals; and

(c) how the LEA intends to increase benchmark assessment scores and related outcomes through professional learning opportunities.

(4) An LEA shall only use sustained professional learning opportunities that are evidence-based and focused.

R277-326-4. Distribution and Use of Funds.

(1) ~~The~~Subject to legislative appropriations, the Superintendent shall distribute the Early Learning Professional Learning Grant funds as follows:

(a) a per teacher allotment shall be calculated by dividing the total amount of grant funds by the total number of preschool through grade 3 teachers of all applicants;

(b) an LEA shall receive a grant amount equal to the product of the per teacher allotment described in Subsection (a) and the total number of preschool through grade 3 teachers in the LEA; and

(c) if an LEA's Early Learning Plan is denied or an LEA chooses to forego any grant funds, the grant funds may be reallocated to all other eligible LEAs receiving grant funds as described in Subsections (1)(a) and (b).

(2) For purposes of calculating a grant amount in Subsection (1), an LEA shall determine the LEA's total number of preschool through grade 3 teachers by using employee data from the previous school year of the application school year.

(3) An LEA may use the grant funds for the following purposes:

- (a) teacher stipends to attend trainings;
- (b) presenter fees;
- (c) coaching supports;
- (d) substitute teachers;
- (e) to hire a coach or specialist; and

(f) supplies and materials for teacher professional learning.

(4) An LEA may not use grant funds for:

(a) the purchase of:

(i) property;

(ii) equipment;

(iii) other services; or

(iv) student materials and supplies; or

(b) travel related expenses.

(5) An LEA shall use the grant funds by the end of the fiscal year in which the funds are received.

KEY: professional learning; prek-3, early learning, teacher development

Date of Enactment or Last Substantive Amendment: ~~July 9,~~ 2020

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-5-214

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-327	Filing No. 53038

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state, zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-327. School Leadership Development Grant
3. Purpose of the new rule or reason for the change:
Due to the 2020 Fifth Special Session, H.B. 5012, Public Education Budget Amendments, S.B. 99 School Leadership Development Amendments funding, that passed in the 2020 General Session, was reallocated, and the program specified in Board Rule R277-327 did not receive the initial awarded funding. However, because the program is still in code, this rule continues to be necessary.

4. Summary of the new rule or change:
 The new language, "subject to legislative appropriations", was added in Subsection R277-327-3(2) and Subsection R277-327-4(7).

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
 This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.

B) Local governments:
 This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.

C) Small businesses ("small business" means a business employing 1-49 persons):
 This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.

F) Compliance costs for affected persons:
 There are no expected independent compliance costs for affected persons. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The State Superintendent, Sydnee Dickson, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

B) Name and title of department head commenting on the fiscal impacts:

Sydnee Dickson, State Superintendent

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Article X, Section 3	Section 53F-5-214	Subsection 53E-3-401(4)
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/15/2020
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10. This rule change MAY become effective on:	10/22/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and

will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	08/28/2020
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R277. Education, Administration.

R277-327. School Leadership Development Grant.

R277-327-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Section 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Section 53F-5-214, which directs the Board to make rules establishing the requirements and parameters for the school leadership grant.
- (2) The purpose of this rule is to establish:
 - (a) mentoring program requirements for new principals;
 - (b) grant application and award procedures including a formula for determining an eligible applicant's grant award amount;
 - (c) performance measures and reporting requirements for a grant recipient;
 - (d) principal leadership standards and competencies;
 - (e) professional learning activities to improve principal leadership for which a grant recipient may use a grant award.

R277-327-2. Definitions.

- (1) "Components of programming" means the same as the list of allowable uses described in Subsection 53F-5-214(3)(a) and:
 - (i) leader standards;
 - (ii) preservice preparation;
 - (iii) selective hiring and placement;
 - (iv) job-embedded evaluation and support; and
 - (v) systems and capacity for supporting the leadership pipeline.
- (2) "Eligible applicant" means the same as the term is defined in Subsection 53F-5-214(1)(c).
- (3) "Evidence-based" means a strategy that has demonstrated a statistically significant effect on improving outcomes.
- (4) "Mentoring program" means a program designed by the eligible applicant that contains all required components specified by the Superintendent.
- (5) "Needs assessment" means the relevant assessment chosen by the Superintendent.
- (6) "Principal" means the same as the term is defined in Subsection 53F-5-214(1)(f).
- (7) "Professional learning activities" means the same as the activities described in Subsection 53F-5-214(3).
- (8) "Standards and competencies" means:
 - (a) the competencies described in Section R277-305-4;
 - (b) the Utah Educational Leadership Standards approved by the Board; and
 - (c) other knowledge, skills, and dispositions as determined by the eligible applicant.

R277-327-3. School Leadership Development Planning Grant--Eligibility and Application.

(1) An eligible applicant may apply for a planning grant in preparation for a full plan and receiving a School Leadership implementation grant as described in Section R277-327-4.

(2) A planning grant awarded under Subsection (1) shall be \$15,000 for an eligible applicant pursuant to the requirements described in Subsection (3), subject to legislative appropriations.

(3) In order to qualify for a planning grant, an eligible applicant shall submit to the Superintendent the following by July 1:

(a) evidence the eligible applicant has formed a school leadership development team;

(b) a completed planning grant application including:

(i) a school leadership development purpose statement;

(ii) a list of the eligible applicant's school leadership development team including membership and roles;

(iii) a timeline for actions to develop the full plan by December 1 of the year the grant is awarded including within the School Leadership Development Workshops; and

(iv) a budget table with justification for each budget item; and

(c) a commitment to attend and participate in the School Leadership Development planning grant workshops held by the Superintendent.

(4) If an eligible applicant receives a planning grant, the eligible applicant shall submit an application for a School Leadership Implementation Grant, as described in Section R277-327-4, by the deadline required by the Superintendent.

(a) An eligible applicant that fails to submit a School Leadership Development implementation grant as required in Subsection (4)(a) shall reimburse funds awarded under Subsection (2).

R277-327-4. School Leadership Development Implementation Grant--Eligibility and Application.

(1) An eligible applicant may apply for an implementation grant of the eligible applicant's full plan.

(2) An eligible applicant shall submit an application for an implementation grant by December 1 including:

(a) the requirements described in Subsection R277-327-3(a), (b)(i), (b)(ii), (b)(iv) and;

(b) a timeline of actions for a 5-year period including:

(i) a detailed timeline of each activity for year 1; and

(ii) a high-level timeline of activities for years 2-5;

(c) a commitment to attend and participate in the School Leadership Development workshops held by the Superintendent;

(d) specific plans for a mentoring program and professional learning activities;

(e) a baseline report of the data described in Subsection 53F-5-214(5)(b);

(f) a completed needs assessment; and

(g) an outline of the eligible applicant's evidence-based components of programing including the standards and competencies the eligible applicant will require.

(3) The Superintendent shall score and rank each complete application based on the following criteria:

(a) the eligible applicant's ability to develop and sustain a continuous principal pipeline;

(b) the eligible applicant's demonstration of greatest ability for impact; and

(c) a demonstration that both (a) and (b) are based upon:

(i) number of aspiring, new, or experienced principals;

(ii) identification of the most impactful portions of an eligible applicant's principal pipeline;

(iii) demonstration that the eligible applicant's plan prioritizes the most impactful components for the eligible applicant's context;

(iv) the eligible applicant's use of a needs assessment in overall plan development; and

(v) identification and planned use of evidence-based practices.

(4) The Superintendent shall select the approved applications to be submitted to the Board and notify all applicants within 45 days.

(5) The Board shall approve or deny each eligible applicant's application that has been submitted by the Superintendent.

(6) If the Board denies an eligible applicant's application that has been submitted by the Superintendent, the eligible applicant may amend and re-submit the eligible applicant's application to the Superintendent until the Board approves the application.

(7) An eligible applicant with an approved application may receive up to the eligible applicant's requested amount up to \$250,000 per year, subject to legislative appropriations.

R277-327-5. Reporting Requirements.

(1) An eligible applicant that has received a School Leadership Implementation Grant as described in Section R277-327-4, shall submit an annual report by May 1 in the form described by the Superintendent.

(2) An eligible applicant shall report on:

(a) the data described in 53F-5-214(5)(b);

(b) an accounting of expenditures for the previous year in comparison to the planned budget for that year;

(c) an outline of any needed adjustments to the eligible applicant's 5-year plan based upon outcomes and data from the previous year and

(d) a detailed implementation plan for the upcoming year.

(3) The Superintendent shall create an evaluation team to:

(a) assist an eligible applicant in collecting and reporting required data;

(b) provide determination of continued eligibility; and

(c) analyze and report on the eligible applicant's annual report and other data.

(4) If the evaluation team finds an eligible applicant to be non-compliant with this rule or state code, the eligible applicant is subject to corrective action as described in R277-114.

KEY: school leadership, principal, mentorship

Date of Enactment or Last Substantive Amendment: ~~July 9,~~ 2020

Authorizing, and Implemented^[s] or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-5-214

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-552	Filing No. 53031

Agency Information

1. Department:	Education
Agency:	Administration

Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state, zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-552. Charter School Timelines and Approval Processes
3. Purpose of the new rule or reason for the change:
Rule R277-552 is being amended due to the Board's recent review of an authorizer's processes and due to H.B. 242, passed in the 2020 General Session.
4. Summary of the new rule or change:
Rule R277-552 is amended to update requirements for authorizer expansion and satellite school approval processes. In addition, other procedures for new school approval and changing authorizers have been updated.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. H.B. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in the legislation.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. H.B. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in the legislation.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. H.B. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in the legislation.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. H.B. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in the legislation.

F) Compliance costs for affected persons:

There are no expected independent compliance costs for affected persons. H.B. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in the legislation.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			

State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The State Superintendent, Sydnee Dickson, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

B) Name and title of department head commenting on the fiscal impacts:

Sydnee Dickson, State Superintendent

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Article X, Section 3	Sections 53G-5-304 through 53G-5-306	Subsection 53G-6-504(5)
Subsection 53E-3-401(4)	Section 53F-2-702	20 U.S.C. Sec. 8063

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/15/2020

10. This rule change MAY become effective on: 10/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	08/20/2020
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R277. Education, Administration.

R277-552. Charter School Timelines and Approval Processes.

R277-552-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities;
 - (c) Subsection 53G-6-504(5), which requires the Board to make rules regarding a charter school expansion or satellite campus;
 - (d) Sections 53G-5-304 through 53G-5-306, which require the Board to make a rule providing a timeline for the opening of a charter school;
 - (e) Section 53F-2-702, which directs the Board to distribute funds for charter school students directly to the charter school;
 - (f) the Charter School Expansion Act of 1998, 20 U.S.C. Sec. 8063, which directs the Board to submit specific information prior to a charter school's receipt of federal funds; and
 - (g) Subsection 53G-5-205(5), which requires the Board to make rules establishing minimum standards that an [charter school] authorizer is required to apply in authorizing and monitoring charter schools.
- (2) The purpose of this rule is to:
 - (a) establish procedures for timelines and approval processes for new charter schools; and
 - (b) provide criteria and standards for consideration of high performing charter schools to expand and request new schools that are satellite schools.

R277-552-2. Definitions.

"Market analysis" means a qualitative and quantitative analysis of the educational market near a proposed charter school, including:

- (1) the school's target demographics;
- (2) population and development trends in the area;
- (3) nearby competing public schools;
- (4) the proposed school's own forecasts, along with supporting data; and
- (5) any risks, barriers, or regulations that may impact a proposed school's success.

R277-552-[2]3. Charter School Authorization Process.

(1) An individual or non-profit organization as described in Subsection 53G-5-302(2)(b) may apply to open a charter school from any statutorily approved authorizer.

(2) An authorizer shall submit a process to the Board for approval of:

- (a) a new charter school;
- (b) a charter school expansion; or
- (c) ~~a replication school; or~~
- ~~(d) a satellite school.~~

(3) A new authorizer shall submit a new charter school application process to the Board for approval at least six months prior to accepting applications for a new charter school.

(4) An existing authorizer may not authorize a new charter school for the 2021-22 school year and beyond until the Board approves the authorizer's application process.

~~(4)5(a)~~ (a) The Board shall approve or deny an authorizer's proposed application process, including expansion and satellite approval processes, within ~~65~~90 days of receipt of the proposed process from an authorizer.

(b) If the Board denies an application process, the Superintendent shall provide a written explanation of the reasons for the denial to the applicant within 45 days.

(c) If an authorizer's application process is denied, the authorizer may submit a revised application process for approval at any time.

~~(5) An existing authorizer may not authorize a new charter school for the 2021-22 school year and beyond until the Board approves the authorizer's application process.]~~

(6) An authorizer shall have an application and charter agreement, which shall include all elements required by Title 53G, Chapter 5, Part 3, Charter School Authorization.

(7) An authorizer shall maintain the official signed charter agreement, which shall presumptively be the final, and complete agreement between a school and the school's authorizer.

(8) An authorizer's review process for a new charter school shall include:

- (a) a plan for mandatory pre-operational and other trainings;
- (b) an evaluation of the school's governing board, including:
 - (i) a review of the resumes of and background information of proposed governing board members; and
 - (ii) a capacity interview of the proposed governing board;
- (c) an evaluation of the school's financial viability, including:
 - (i) a market analysis;
 - (ii) anticipated enrollment; and
 - (iii) anticipated and break even budgets;
- (d) an evaluation of the school's academic program and academic standards by which the authorizer will hold the school accountable; and

(e) an evaluation of the school's proposed pre-operational plan, including implementation of:

- (i) applicable legal requirements for public schools;
- (ii) required policies;
- (iii) student data systems, including student data privacy requirements;
- ~~(i)iv~~v reporting; and
- ~~(i)v~~v financial management.

(9) An authorizer's review process shall include contacting the school district in which a proposed charter school will be located and consideration of any feedback provided by the district.

(10) An authorizer shall design its approval process so that the authorizer notifies the Superintendent of an authorizer approval of a request identified in Subsection (2) no later than October 1, one fiscal year prior to the state fiscal year the charter school intends to serve students.

R277-552-[3]4. Timelines - Charter School Starting Date and Facilities.

(1) A charter school may receive state start-up funds if the charter school is approved as a new charter school by October 1, one fiscal year prior to the state fiscal year the charter school intends to serve students.

(2) Prior to receiving state start-up funds an authorizer, other than the State Charter School Board, shall certify in writing to the State Charter School Board that a charter school has:

- (a) completed all required financial ~~identifying~~ documents;
- (b) completed background checks for each governing board member; and
- (c) executed a signed charter agreement, which includes academic goals.

(3) Prior to an LEA receiving state start-up funds, the State Charter School Board shall require the LEA to submit documentation supporting the information required in Subsections (2)(a) and (c) to the Superintendent.

(4) A charter school may receive state funds, including minimum school program funds, if the charter school authorizer certifies in writing to the Superintendent by June 30 prior to the school's first operational year that:

- (a) the charter school meets the requirements of Subsection (2);
- (b) the charter school's governing board has adopted all policies required by statute or ~~b~~Board rule, including a draft special education policies and procedures manual;
- (c) the charter school's governing board has adopted an annual calendar in an open meeting and has submitted the calendar to the Superintendent;

(d) the authorizer has received the charter school's facility contract as required by Subsection 53G-5-404(9);

(e) the charter school has met the requirements of Subsections (5) and (6) and that the school's building is ~~on track to be completed~~ scheduled for completion, including all required inspections, prior to occupancy;

(f)(i) the charter school has hired an executive director and a business administrator; or

(ii)(A) the charter school governing board has designated an executive director or business administrator employed by a third party; and

(B) the charter school governing board has established policies regarding the charter school's supervision of the charter school's third-party contractors;

(g) the charter school's enrollment is on track to be sufficient to meet the school's financial obligations and implement the charter school agreement;

(h) the charter school has an approved student data system that has successfully communicated with UTREx, including meeting the compatibility requirements of Subsection R277-484-5(3); ~~and~~

(i) the charter school has a functional accounting system~~[-]; and~~

~~(j) the charter school has a budgeted net lease adjusted debt burden ratio of under 30% based on the school's executed facility agreement; and~~

~~(k) the charter school has complied with all legal requirements for new charter schools in a school's pre-operational year.~~

(5) An authorizer shall:

(4); (a) create a process to verify the requirements in Subsection

(b) maintain documentation of Subsection (5)(a); ~~and~~

(c) provide the documentation described in Subsection (5)(b) to the Superintendent upon request~~[-]; and~~

~~(d) submit a copy of the process required in Subsection (5)(a) to the Board for approval along with the authorizer's process for approving new charters under Subsection R277-552-3(2).~~

(6) A charter school shall begin construction on a new or existing facility requiring major renovation, such as requiring a project number consistent with Rule R277-471, no later than January 1 of the year the charter school is scheduled to open.

(7) A charter school that intends to occupy a facility requiring only minimal renovation, such as renovation not requiring a project number according to Rule R277-471, shall enter into a written agreement no later than May 1 of the calendar year the charter school is scheduled to open.

(8) If a charter school fails to meet the requirements of this section within 36 months of approval, the approval of the charter school shall expire.

R277-552-~~4~~5. Charter Amendment Requests.

(1) An authorizer shall have a policy establishing a process for consideration of proposed amendments to a school's charter agreement.

(2) An authorizer's timeline for consideration of an amendment to a charter agreement may not conflict with any funding deadline established in Board rule.

R277-552-~~5~~6. Charter School Expansion Requests.

~~(1) A charter school may request approval for an expansion if:~~

~~(a) the charter school satisfies the requirements of federal and state law, regulations, rule, and the charter agreement; and~~

~~(b)(i) the charter school's charter agreement provides for an expansion consistent with the request; or~~

~~(ii) the charter school governing board has submitted a formal amendment request to the charter school authorizer consistent with the charter school authorizer's requirements.~~

~~(2) If the charter school authorizer approves a charter school expansion, the expansion shall be approved before October 1 of the state fiscal year prior to the school's intended expansion date.~~

~~(3) A charter school authorizer that authorizes an expansion of the authorizer's charter school shall provide the total number of students by grade that the charter school is authorized to enroll to the Superintendent on or before October 1 of the state fiscal year prior to the charter school's intended expansion date.~~

~~(4) When considering whether to approve a charter school's request for an expansion, an authorizer shall consider the following:~~

~~(a) the amount of time the charter school has operated successfully meeting the terms of its charter agreement;~~

~~(b) two years of academic performance data of students at the charter school, including whether the charter school is performing at or above:~~

~~(i) the academic goals established in the charter school's charter agreement; and~~

~~(ii) the average academic performance of other district and charter schools in the area, or for schools targeting specific populations, schools with similar demographics;~~

~~(c) the financial position of the charter school, as evidenced by the charter school's financial records, including the charter school's:~~

~~(i) most recent annual financial report (AFR);~~

~~(ii) annual program report (APR); and~~

~~(iii) audited financial statement;~~

~~(d) whether the charter school has a waiting list for enrollment;~~

~~(e) adequacy of the charter school's facility;~~

~~(f) any student safety issues; and~~

~~(g) ability to meet state and federal reporting requirements, including whether the charter school has regularly met Board reporting deadlines.~~

~~(5) A charter school requesting an expansion shall provide the information described in Subsection (4) to the authorizer with the charter school's request for expansion.]~~

~~(1) An authorization process developed by an authorizer in accordance with Subsection R277-552-3(2) shall comply with this Section R277-552-6 for a charter school expansion.~~

~~(2) An authorizer may only consider an application from a charter school for an expansion if:~~

~~(a) the charter school is in compliance with the requirements of federal and state law, regulations, and Board rule, including:~~

~~(i) Title 53E, Chapter 9, Student Privacy and Data Protection;~~

~~(ii) Title 53G, Chapter 7, Part 5, Student Fees;~~

~~(iii) Title 53G, Chapter 9, Part 7, Suicide Prevention;~~

~~(iv) Title 53G, Chapter 8, Discipline and Safety;~~

~~(v) Title 52, Chapter 4, Open and Public Meetings Act;~~

~~(vi) Title 63G, Chapter 6a, Utah Procurement Code; and~~

~~(vii) the IDEA and Rule R277-750, with no unresolved audit exceptions;~~

~~(viii) Rule R277-113, Local Education Agency (LEA) Fiscal and Auditing Policies;~~

~~(ix) Section 53G-9-207, Child sexual abuse prevention; and~~

~~(x) Subsection 63G-7-301(3) and Rule R277-322;~~

~~(b) the request is consistent with the charter school's charter agreement;~~

~~(c) the expanding school or LEA is performing:~~

~~(i) consistent with or above the charter school's stated academic goals; and~~

~~(ii) at or above the average student performance of other nearby schools on statewide assessments, unless serving a specialized population consistent with the school's charter agreement;~~

~~(d) if the proposed expansion will require additional physical facilities, the charter school has maintained a net lease adjusted debt burden ratio of under 25% for each of the last three years;~~

~~(e) the charter school's financial statements report revenues in excess of expenditures for at least three of the last four fiscal years; and~~

~~(f) the charter school provides any additional information or documentation requested by the charter school authorizer.~~

(3) An authorizer shall provide documentation of an applicant school's eligibility to apply under Subsection (2) to the Superintendent upon request.

(4) An authorizer may only approve an application from a charter school for an expansion if:

(a) the charter school is meeting the terms of its charter agreement;

(b) the charter school is academically and operationally successful, taking into consideration at least two years of academic performance data of students at the charter school;

(c) the charter school:

(i) provides educational services consistent with state law and Board rule;

(ii) administers and has capacity to carry out statewide assessments including proctoring statewide assessments, consistent with Section 53E-4-303 and Rule R277-404; and

(iii) provides evidence-based instruction for special populations as required by federal law;

(d) the charter school has adequate qualified administrators and staff to meet the needs of the proposed student population at the school;

(e) the school is in compliance with all applicable school legal obligations;

(f) the charter school has maintained for each of the last three years:

(i) a re-enrollment rate of at least 80%;

(ii) a wait list of at least 40% of its annual enrollment; or

(iii) other evidence of market demand satisfactory to the authorizer;

(g) the charter school is financially viable, as evidenced by the charter school's financial records, including the charter school's:

(i) most recent annual financial report;

(ii) annual program report; and

(iii) audited financial statement;

(h) the charter school's proposal provides an adequate facility for the school; and

(i) the charter school has appropriately dealt with student safety issues, if any.

(5) An authorizer shall:

(a) approve a proposed expansion before October 1 of the state fiscal year prior to the school year that the intends to expand; and

(b) provide the total number of students by grade that the charter school expansion is authorized to enroll to the Superintendent on or before October 1 of the state fiscal year prior to the school year that the school intends to expand.

R277-552-[6]7. Requests for a New [~~Replication or~~]Satellite School for an Approved Charter School.

~~[(1) A charter school and all of the charter school's replication or satellite schools are a single LEA for purposes of public school funding and reporting.~~

~~(2) An existing charter school may submit a request to the charter school's authorizer for a replication or satellite charter school if:~~

~~(a) the charter school satisfies requirements of federal and state law, regulations, and rule;~~

~~(b) the charter school has operated successfully for at least three years meeting the terms of its charter agreement;~~

~~(c) the students at the charter school are performing on standardized assessments at or above the academic goals in the charter agreement, or, if there are no such goals in the charter agreement, are performing at or above surrounding schools;~~

~~(d) the charter school has adequate qualified administrators and staff to meet the needs of the proposed student population at the replication or satellite charter school;~~

~~(e) the charter school provides any additional information or documentation requested by the charter school authorizer; and~~

~~(f) the charter school is in good standing with its authorizer.~~

~~(3) As part of the application process, the authorizer shall review the charter school's:~~

~~(a) educational services, assessment, and curriculum;~~

~~(b) governing board's capacity to manage multiple campuses; and~~

~~(c) the school's financial viability.~~

~~(4) A replication or satellite charter school that will receive School LAND Trust funds shall have a charter trust land council and satisfy all requirements for charter trust land councils consistent with Rule R277-477.~~

~~(5) A replication or satellite charter school may receive state funding if the authorizer approves the replication or satellite charter school by October 1 of the state fiscal year prior to the year the school intends to serve students.~~

~~(6) If a replication or satellite charter school does not open within 36 months of approval, the approval shall expire.~~

~~(7) A charter school authorizer that authorizes a replication or satellite charter school shall provide the total number of students by grade that the charter school is authorized to enroll to the Superintendent on or before October 1 of the state fiscal year prior to the charter school's intended expansion date.]~~

(1) An authorization process developed by an authorizer in accordance with Subsection R277-552-3(2) shall comply with this Section R277-552-7 for a satellite school.

(2) An authorizer may only consider an application from a charter school for a satellite school if:

(a) the charter school is in compliance with the requirements of federal and state law, regulations, and Board rule, including:

(i) Title 53E, Chapter 9, Student Privacy and Data Protection;

(ii) Title 53G, Chapter 7, Part 5, Student Fees;

(iii) Title 53G, Chapter 9, Part 7, Suicide Prevention;

(iv) Title 53G, Chapter 8, Discipline and Safety;

(v) Title 52, Chapter 4, Open and Public Meetings Act;

(vi) Title 63G, Chapter 6a, Utah Procurement Code; and

(vii) the IDEA and Rule R277-750, with no unresolved audit exceptions;

(viii) Rule R277-113, Local Education Agency (LEA) Fiscal and Auditing Policies;

(ix) Section 53G-9-207, Child sexual abuse prevention; and

(x) Subsection 63G-7-301(3) and Rule R277-322;

(b) the request is consistent with the charter school's charter agreement;

(c) all schools operating under the governance of the existing charter school are performing:

(i) consistent with or above the charter school's stated academic goals; or

(ii) if no student performance goals have been established, above the standardized student assessment measures of other comparable nearby schools;

(d) the charter school has maintained a net lease adjusted debt burden ratio of under 25% for each of the last three years;

(e) the charter school's financial statements report revenues in excess of expenditures for at least three of the last four years;

(f) the charter school provides a market analysis, including documentation of the school's potential for enrollment stability, covering

all public schools within a ten mile radius, including analysis of whether nearby schools are at enrollment capacity; and

(g) the charter school provides any additional information or documentation requested by the charter school authorizer.

(3) An authorizer shall provide documentation of an applicant school's eligibility to apply under Subsection (2) to the Superintendent upon request.

(4) An authorizer may only approve an application from a charter school for a satellite school if:

(a) the charter school is meeting the terms of its charter agreement;

(b) the charter school has maintained for each of the last three years:

(i) a re-enrollment rate of at least 80%;

(ii) a wait list of at least 40% of its annual enrollment; or

(iii) there is a demonstrated demand for the proposed satellite, taking into consideration the market analysis required under Subsection (2)(f);

(c) the charter school is academically and operationally successful, taking into consideration at least two years of academic performance data of students at the charter school, including whether the charter school is performing at or above:

(i) the academic goals established in the charter school's agreement; and

(ii) the average academic performance of other district and charter schools in the area or schools targeting similar populations or demographics;

(d) the charter school has plans for the new school to:

(i) provide educational services consistent with state law and Board rule;

(ii) administer and have capacity to carry out statewide assessments including proctoring statewide assessments, consistent with Section 53E-4-303 and Rule R277-404; and

(iii) provide evidence-based instruction for special populations as required by federal law;

(e) the charter school has adequate qualified administrators and staff to meet the needs of the proposed student population at the new school;

(f) the school is in compliance with all public school legal obligations;

(g) the charter school is in good standing with its authorizer; and

(h) the charter school is financially viable, as evidenced by the charter school's financial records, including the charter school's:

(i) most recent annual financial report;

(ii) annual program report; and

(iii) audited financial statement.

(5) An authorizer shall:

(a) approve a proposed satellite school before October 1 of the state fiscal year prior to the school year that the proposed school intends to first serve students;

(b) provide the total number of students by grade that the satellite school is authorized to enroll to the Superintendent on or before October 1 of the state fiscal year prior to the school year that the proposed school intends to first serve students; and

(c) ensure that a proposed school that will receive School LAND Trust funds has a charter trust land council and satisfies all requirements of Rule R277-477, including transparency of information for parents.

(6) A charter school and all of the charter school's satellite schools are a single LEA for purposes of public school funding and reporting.

(7) If a satellite charter school does not open within 36 months of approval, the approval shall expire.

(8) If an authorizer denies an application for a satellite school, the school may immediately apply for a new charter in accordance with an authorizer's approved processes.

R277-552-[7]8. Procedures and Timelines to Change Charter School Authorizers.

(1) A charter school may transfer to another charter school authorizer.

(2) A charter school shall submit an application to the new charter school authorizer at least 90 days prior to the proposed transfer.

(3) The charter school authorizer transfer application shall include:

(a) the name and contact information of all current governing board members;

(b) financial records that demonstrate the charter school's financial position, including the following:

(i) most recent annual financial report (AFR);

(ii) annual project report (APR); and

(iii) audited financial statement;

(c) test scores, including all state required assessments;

(d) current employees and assignments;

(e) board minutes for the most recent 12 months; and

(f) affidavits, signed by all board members certifying:

(i) the charter school's compliance with all state and federal laws and regulations, including documentation if requested;

(ii) all information on the transfer application is complete and accurate;

(iii) the charter school is current with all required charter school governing board policies;

(iv) the charter school is operating consistent with the charter school's charter agreement; and

(v) there are no outstanding lawsuits, judgments, or liens against the charter school.

(4) The current authorizer of a charter school seeking to transfer charter school authorizers shall submit a position statement to the new charter school authorizer about:

(a) the charter school's status;

(b) compliance with the charter school authorizer requirements; and

(c) unresolved concerns.

(5) If a school applies to change authorizer's, the existing authorizer shall advise the proposed authorizer if there is any outstanding debt to the existing authorizer or the state.

([5]6) A new charter school authorizer shall review an application for transferring to another charter school authorizer [~~for acceptance~~] within 60 days of submission of a complete application, including all required documentation.

(7) Prior to accepting a charter school's transfer from another authorizer, the new authorizer shall request and consider information from the Board and current authorizer concerning the charter school's financial and academic performance.

(8) The Superintendent and current authorizer shall provide the information described in Subsection (7) to a new charter authorizer within 30 days of request described in Subsection (7).

([6]9) If an authorizer accepts the transfer of a [~~new~~] charter school, the new authorizer shall notify the Superintendent within 30 days.

[~~—~~(7) Prior to accepting a charter school from another authorizer, a new charter authorizer shall request and consider

information from the Board and current authorizer of the charter school's financial and academic performance.

(8) The Superintendent and current authorizer shall provide the information described in Subsection (7) to a new charter authorizer within 30 days of request described in Subsection (7).]

KEY: training, timelines, expansion, satellite

Date of Enactment or Last Substantive Amendment: [~~May 23, 2019~~2020]

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53G-5-205; 53F-2-702; 53G-6-503

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R317-1-7	Filing No. 53042

Agency Information

1. Department:	Environmental Quality	
Agency:	Water Quality	
Room no.:	DEQ, Third Floor	
Building:	Multi Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144870	
City, state, zip:	Salt Lake City, UT 84114-4870	
Contact person(s):		
Name:	Phone:	Email:
Jodi Gardberg	801-536-4372	jgardberg@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R317-1-7. TMDLs
3. Purpose of the new rule or reason for the change:
The purpose of this amendment is to incorporate by reference into the rule the completed Total Maximum Daily Load (TMDL) study for Fremont River for <i>E. coli</i> as approved by the Water Quality Board.
4. Summary of the new rule or change:
This section incorporates by reference the completed Fremont River TMDL for <i>E. coli</i> into this rule. This TMDL document was approved by the Water Quality Board on August 26, 2020, to initiate rulemaking to adopt the TMDL.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There are no anticipated impacts to the state budget. The proposed amendment will be addressed using existing state resources. The Implementation Plan of the TMDL suggests improvements that may be made on a strictly voluntary basis, with local interest and leadership driving the process. The Fremont River *E. coli* TMDL is entirely nonpoint source based. Therefore, none of the recommendations within it are mandated. The Division of Water Quality (DWQ) and other state and federal agencies provide opportunities for cost share incentives for those interested in implementing best management practices, but all are on a voluntary basis and currently in place.

B) Local governments:

All estimated costs for implementing this TMDL are associated with strategies that are voluntary. It is not anticipated that local governments will be affected.

C) Small businesses ("small business" means a business employing 1-49 persons):

All estimated costs for implementing this TMDL are associated with strategies that are voluntary. It is not anticipated that small businesses will be affected.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

All estimated costs for implementing this TMDL are associated with strategies that are voluntary. It is not anticipated that non-small businesses will be affected.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The study includes general recommendations for voluntary strategies and management options for reducing bacteria loading in the watershed. It does not identify specific projects and locations. As such, no estimated costs for implementation were calculated.

F) Compliance costs for affected persons:

All strategies are voluntary; therefore, compliance costs do not apply. There are no permitted point source discharges within the watershed. All loading is nonpoint source in origin.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
No fiscal impact to businesses are anticipated as a result of the TMDL. Potential strategies and management options for reducing non-point sources of pollutants are identified, but are not specifically mandated.			
B) Name and title of department head commenting on the fiscal impacts:			
L. Scott Baird, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Title 19, Chapter 5

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:

	First Incorporation
Official Title of Materials Incorporated (from title page)	<i>E. coli</i> Total Maximum Daily Load (TMDL) for Fremont River
Publisher	Division of Water Quality
Date Issued	October 28, 2020
Issue, or version	First

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/15/2020

10. This rule change MAY become effective on: 10/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Erica B. Gaddis, DWQ Director	Date:	08/27/2020
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**R317. Environmental Quality, Water Quality.
R317-1. Definitions and General Requirements.
R317-1-7. TMDLs.**

The following TMDLs are approved by the Board and hereby incorporated by reference into these rules:

- 7.1 Middle Bear River -- February 23, 2010
- 7.2 Chalk Creek -- December 23, 1997
- 7.3 Otter Creek -- December 23, 1997
- 7.4 Little Bear River -- May 23, 2000
- 7.5 Mantua Reservoir -- May 23, 2000
- 7.6 East Canyon Creek -- September 14, 2010

- 7.7 East Canyon Reservoir -- September 14, 2010
- 7.8 Kents Lake -- September 1, 2000
- 7.9 LaBaron Reservoir -- September 1, 2000
- 7.10 Minersville Reservoir -- September 1, 2000
- 7.11 Puffer Lake -- September 1, 2000
- 7.12 Scofield Reservoir -- September 1, 2000
- 7.13 Onion Creek (near Moab) -- July 25, 2002
- 7.14 Cottonwood Wash -- September 9, 2002
- 7.15 Deer Creek Reservoir -- September 9, 2002
- 7.16 Hyrum Reservoir -- September 9, 2002
- 7.17 Little Cottonwood Creek -- September 9, 2002
- 7.18 Lower Bear River -- September 9, 2002
- 7.19 Malad River -- September 9, 2002
- 7.20 Mill Creek (near Moab) -- September 9, 2002
- 7.21 Spring Creek -- September 9, 2002
- 7.22 Forsyth Reservoir -- September 27, 2002
- 7.23 Johnson Valley Reservoir -- September 27, 2002
- 7.24 Lower Fremont River -- September 27, 2002
- 7.25 Mill Meadow Reservoir -- September 27, 2002
- 7.26 UM Creek -- September 27, 2002
- 7.27 Upper Fremont River -- September 27, 2002
- 7.28 Deep Creek -- October 9, 2002
- 7.29 Uinta River -- October 9, 2002
- 7.30 Pineview Reservoir -- December 9, 2002
- 7.31 Browne Lake -- February 19, 2003
- 7.32 San Pitch River -- November 18, 2003
- 7.33 Newton Creek -- June 24, 2004
- 7.34 Panguitch Lake -- June 24, 2004
- 7.35 West Colorado -- August 4, 2004
- 7.36 Silver Creek -- August 4, 2004
- 7.37 Upper Sevier River -- August 4, 2004
- 7.38 Lower and Middle Sevier River -- August 17, 2004
- 7.39 Lower Colorado River -- September 20, 2004
- 7.40 Upper Bear River -- August 4, 2006
- 7.41 Echo Creek -- August 4, 2006
- 7.42 Soldier Creek -- August 4, 2006
- 7.43 East Fork Sevier River -- August 4, 2006
- 7.44 Koosharem Reservoir -- August 4, 2006
- 7.45 Lower Box Creek Reservoir -- August 4, 2006
- 7.46 Otter Creek Reservoir -- August 4, 2006
- 7.47 Thistle Creek -- July 9, 2007
- 7.48 Strawberry Reservoir -- July 9, 2007
- 7.49 Matt Warner Reservoir -- July 9, 2007
- 7.50 Calder Reservoir -- July 9, 2007
- 7.51 Lower Duchesne River -- July 9, 2007
- 7.52 Lake Fork River -- July 9, 2007
- 7.53 Brough Reservoir -- August 22, 2008
- 7.54 Steinaker Reservoir -- August 22, 2008
- 7.55 Red Fleet Reservoir -- August 22, 2008
- 7.56 Newcastle Reservoir -- August 22, 2008
- 7.57 Cutler Reservoir -- February 23, 2010
- 7.58 Pariette Draw -- September 28, 2010
- 7.59 Emigration Creek -- September 1, 2011
- 7.60 Jordan River -- June 27, 2012
- 7.61 Colorado River -- December 5, 2013
- 7.62 Echo Reservoir -- March 26, 2014
- 7.63 Rockport Reservoir -- March 26, 2014
- 7.64 Nine Mile Creek -- October 27, 2016
- 7.65 North Fork Virgin River -- May 23, 2018
- 7.66 Fremont River -- October 28, 2020

KEY: TMDL, water pollution
Date of Enactment or Last Substantive Amendment: ~~July 1, 2019~~ **2020**
Notice of Continuation: August 30, 2017
Authorizing, and Implemented or Interpreted Law: 19-5

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R317-2	Filing No. 53043

Agency Information

1. Department:	Environmental Quality	
Agency:	Water Quality	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144870	
City, state, zip:	Salt Lake City, UT 84114-4870	
Contact person(s):		
Name:	Phone:	Email:
Chris Bittner	801-536-4371	cbittner@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R317-2. Standards of Quality for Waters of the State
3. Purpose of the new rule or reason for the change:
The rule is being amended to include the 2014, 2017, and 2020 reviews of the Colorado River Salinity Standards; change the designated use for a segment of the Jordan River, Salt Lake, and Utah Counties, from cold water to warm water aquatic life; to change the total dissolved solids criterion for a segment of Kanab Creek, Kane County; and correct typographical errors for the Fremont River and the word treatment.
4. Summary of the new rule or change:
In Section R317-2-4, the 2014, 2017, and 2020 reviews to the Colorado River Salinity Standards are added. These reviews do not result in any changes to existing requirements. In Subsection R317-2-13.5(a), the aquatic life use for the JORDAN RIVER from the confluence with Little Cottonwood Creek to the Narrows Diversion is changed from Class 3A to Class 3B. Class 3A is protected for cold water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain, whereas Class 3B is warm water. This change is based on the natural conditions of the water

temperature. With the change to Class 3B, this segment will be the same as the upstream and downstream segments. The Utah Division of Wildlife Resources supports this change. In Subsection R317-2-13.2(a), two segments of KANAB CREEK are assigned less stringent site-specific criteria for total dissolved solids (TDS). The site-specific criteria are added to footnote 4 of Table 2.14.1. These criteria reflect natural conditions and are protective of the continued agricultural use of Kanab Creek for crop irrigation. Additional information regarding these changes is available at <https://deq.utah.gov/water-quality/water-quality-laws-and-rules-proposed-rule-changes>

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There are no direct costs because no state agency is a constrained party. With the exception of the Division of Water Quality (DWQ), no other state agencies are impacted indirectly. For the DWQ, the indirect fiscal impacts are neutral for the Jordan River and Kanab Creek changes. These changes do not affect the frequency of routine monitoring for the Jordan River. The additional segmentation for Kanab Creek would potentially require additional monitoring locations but in this instance, the additional locations are already routinely monitored by Division of Oil, Gas, and Mining.

B) Local governments:

The South Valley and Jordan Basin Water Reclamation Facilities are constrained parties. These facilities serve the cities of Midvale, West Jordan, Bluffdale, Copperton, Draper, Herriman, South Jordan, Sandy, Riverton and other areas in unincorporated parts of Salt Lake County. The change will result in substantial but inestimable fiscal benefits for these communities. The benefits are from avoiding the substantive expenditures that would be necessary to meet the existing temperature criterion associated with the Class 3A, cold water use. The constrained parties provided independently prepared cost estimates to comply with the existing standard. The South Valley Water Reclamation Facility estimated capital costs of \$68,000,000 and annual operating and maintenance costs of \$1,000,000. The Jordan Basin Water Reclamation Facility estimated capital costs of \$19,000,000 and annual operating and maintenance costs of \$1,000,000. The benefits for this change are inestimable over the next three years because expenditures to meet water quality standards are limited under the Clean Water Act when compliance would cause undue economic hardship.

C) Small businesses ("small business" means a business employing 1-49 persons):

Permitted discharges in Utah to the Colorado River are constrained parties for the requirements of the Colorado River Salinity Standards but the updates are neutral

because they don't include new or additional requirements. For the changes to the Kanab Creek total dissolved criteria, the Alton Coal LLC is the only constrained party because their discharge permit limit for TDS is based on the criterion being changed. The Kanab Creek TDS criterion will be neutral or result in inestimable fiscal savings for the mine. The savings are inestimable because the mine infrequently discharges, and the discharge concentrations of TDS vary for these discharges. The change has no effects if the mine does not discharge. The discharges and TDS concentrations are dependent on: 1) the capacity of the available settling ponds, 2) the quantities of groundwater currently being intercepted in the active mining areas, 3) weather conditions/precipitation, and 4) the quantities of water used onsite for dust control. If the mine discharges, the change to less stringent criteria will allow higher total dissolved solids concentrations in the discharge that may result in fiscal benefits from avoiding unnecessary treatment. The change is neutral or beneficial for the two cattle ranching and farming businesses potentially affected by the change. The change is neutral because the change is based on the current water quality.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

No non-small businesses are constrained parties or will be impacted by indirect costs/benefits for the Jordan River or Kanab Creek. No non-small businesses use the water from the affected segments of either the Jordan River or Kanab Creek.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The change to warm water use for the Jordan River reflects the natural conditions of the river and does not affect how the water can be used by other persons such as recreational users. The changes to the TDS concentrations criteria are based on the existing TDS concentrations in Kanab Creek. The water from Kanab Creek is used for irrigation and stock watering near Alton. These water users are not constrained parties. The indirect impacts to these water users are neutral or beneficial because the Kanab Creek water quality will continue to support these activities. The change would be beneficial if higher TDS water that would not currently be permitted to be discharged is allowed to be discharged. This would potentially increase the water available for irrigation.

F) Compliance costs for affected persons:

No additional compliance costs are associated with these changes.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there

are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Scott Baird, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

These changes will result in fiscal benefits with no increase in costs.

B) Name and title of department head commenting on the fiscal impacts:

L. Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state

and federal laws. State code or constitution citations (required):

Title 19, Chapter 5	FWPCA 33 USC 1251, 1311-1317, 1329	
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/30/2020

B) A public hearing (optional) will be held:

On:	At:	At:
10/21/2020	06:00 PM	https://utdeq.adobeconnect.com/publichearing/

10. This rule change MAY become effective on: 11/06/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Erica B. Gaddis, DWQ Director	Date:	08/28/2020
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R317. Environmental Quality, Water Quality.

R317-2. Standards of Quality for Waters of the State.

R317-2-4. Colorado River Salinity Standards.

In addition to quality protection afforded by these rules to waters of the Colorado River and its tributaries, such waters shall be protected also by requirements of "Proposed Water Quality Standards for Salinity including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975" and a supplement dated August 26, 1975, entitled "Supplement, including Modifications to Proposed Water Quality Standards for Salinity including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975", as approved by the seven Colorado River Basin States and the U.S. Environmental Protection Agency, as updated by the 1978 Revision and the 1981, 1984, 1987, 1990, 1993, 1996, 1999,

2002, 2005, 2008, ~~and~~ 2011, 2014, 2017, and 2020 reviews of the above documents.

R317-2-13. Classification of Waters of the State (see R317-2-6).
 13.1 Upper Colorado River Basin
 a. Colorado River Drainage

TABLE

Paria River and tributaries, from state line to headwaters	2B	3C	4	
All tributaries to Lake Powell except as listed below:	2B	3B	4	
Tributaries to Escalante River from confluence with Boulder Creek to headwaters, including Boulder Creek	2B	3A	4	
Dirty Devil River and tributaries, from Lake Powell to Fremont River	2B	3C	4	
Deer Creek and tributaries, from confluence with Boulder Creek to headwaters	2B	3A	4	
[Fremont] Fremont River and tributaries from confluence with Muddy Creek to Capitol Reef National Park, except as listed below:	1C	2B	3C	4
Pleasant Creek and tributaries, from confluence with Fremont River to East boundary of Capitol Reef National Park	2B	3C	4	
Pleasant Creek and tributaries, from East boundary of Capitol Reef National Park to headwaters	1C	2B	3A	
Fremont River and tributaries, through Capitol Reef National Park to headwaters	1C	2A	3A	4
Muddy Creek and tributaries, from Confluence with Fremont River to Highway U-10 crossing, except as listed below	2B	3C	4	
Muddy Creek from confluence with Fremont River to confluence with Ivie Creek	2B	3C	4*	
Muddy Creek and tributaries from the confluence with Ivie Creek to U-10	2B	3C	4*	
Ivie Creek and its tributaries from the confluence with Muddy Creek to the confluence with Quitchapah Creek	2B	3C	4*	
Ivie Creek and its tributaries from the confluence with Quitchapah Creek to U-10, except as listed below:	2B	3C	4*	
Quitchapah Creek from the confluence with Ivie Creek to U-10	2B	3C	4*	
Quitchapah Creek and tributaries, from Highway U-10 crossing to headwaters	2B	3A	4	

Ivie Creek and tributaries, from Highway U-10 to headwaters	2B	3A	4	
Muddy Creek and tributaries, from Highway U-10 crossing to headwaters	1C	2B	3A	4
San Juan River and tributaries from Lake Powell to state line except as listed below:	1C	2A	3B	4
Johnson Creek and tributaries, from confluence with Recapture Creek to headwaters	1C	2B	3A	4
Verdure Creek and tributaries, from Highway US-191 crossing to headwaters	2B	3A	4	
North Creek and tributaries, from confluence with Montezuma Creek to headwaters	1C	2B	3A	4
South Creek and tributaries, from confluence with Montezuma Creek to headwaters	1C	2B	3A	4
Spring Creek and tributaries, from confluence with Vega Creek to headwaters	2B	3A	4	
Montezuma Creek and tributaries, from U.S. Highway 191 to headwaters	1C	2B	3A	4
Colorado River and tributaries, from Lake Powell to state line except as listed below:	1C	2A	3B	4
Indian Creek and tributaries, through Newspaper Rock State Park to headwaters	1C	2B	3A	4
Kane Canyon Creek and tributaries, from confluence with Colorado River to headwaters	2B	3C	4	
Mill Creek and tributaries, from confluence with Colorado River to headwaters	1C	2A	3A	4
Castle Creek from confluence with the Colorado River to Seventh Day Adventist Diversion	1C	2A	3B	4*
Onion Creek from the confluence with Colorado River to road crossing above Stinking Springs	1C	2A	3B	4*
Dolores River and tributaries, from confluence with Colorado River to state line	2B	3C	4	
Roc Creek and tributaries, from confluence with Dolores River to headwaters	2B	3A	4	
LaSal Creek and tributaries from state line to headwaters	2B	3A	4	
Lion Canyon Creek and tributaries, from state line to headwaters	2B	3A	4	
Little Dolores River and tributaries, from confluence with Colorado River to state line	2B	3C	4	

Bitter Creek and tributaries,
from confluence with Colorado
River to headwaters 2B 3C 4

Price River and tributaries from
confluence with Green River to
confluence with Soldier Creek 2B 3C 4*

(*) Site-specific criteria are associated with this use.

b. Green River Drainage

TABLE

Green River and tributaries, from
confluence with Colorado River to
state line, except as listed below: 1C 2A 3B 4

Thompson Creek and tributaries
from Interstate 70 to headwaters 2B 3C 4

San Rafael River and tributaries
from confluence with Green River
to confluence with Ferron Creek,
except as listed below: 2B 3C

San Rafael River from the
confluence with the Green
River to Buckhorn Crossing 2B 3C 4*

San Rafael River from
Buckhorn Crossing to the
confluence with Huntington
Creek and Cottonwood Creek 2B 3C 4*

Ferron Creek and tributaries,
from confluence with San Rafael
River to Millsite Reservoir,
except as listed below: 2B 3C 4

Ferron Creek from the
confluence with San Rafael
River to Highway 10 2B 3C 4*

Ferron Creek and tributaries, from
Millsite Reservoir to headwaters 1C 2B 3A 4

Huntington Creek and tributaries,
from confluence with Cottonwood
Creek to Highway U-10 crossing 2B 3C 4*

Huntington Creek and tributaries
from Highway U-10 crossing to
headwaters 1C 2B 3A 4

Cottonwood Creek and tributaries
from confluence with Huntington
Creek to Highway U-57 crossing,
except as listed below: 2B 3C 4

Cottonwood Creek from the
confluence with Huntington
Creek to U-57 2B 3C 4*

Rock Canyon Creek from the
confluence with Cottonwood
Creek to headwaters 2B 3C 4*

Cottonwood Creek and tributaries
from Highway U-57 crossing to
headwaters 1C 2B 3A 4

Cottonwood Canal, Emery County 1C 2B 3E 4

Price River and tributaries, from
confluence with Green River to
Carbon Canal Diversion at Price
City Golf Course,
except as listed below 2B 3C 4

Price River and tributaries from
the confluence with Soldier
Creek to Carbon Canal Diversion 2B 3C 4*

Grassy Trail Creek and
tributaries, from Grassy Trail
Creek Reservoir to headwaters 1C 2B 3A 4

Price River and tributaries,
from Carbon Canal Diversion at
Price City Golf Course to Price
City Water Treatment Plant intake 2B 3A 4

Price River and tributaries, from
Price City Water Treatment Plant
intake to headwaters 1C 2B 3A 4

Range Creek and tributaries, from
confluence with Green River to
Range Creek Ranch 2B 3A 4

Range Creek and tributaries, from
Range Creek Ranch to headwaters 1C 2B 3A 4

Rock Creek and tributaries, from
confluence with Green River to
headwaters 2B 3A 4

Nine Mile Creek and tributaries,
from confluence with Green River
to headwaters 2B 3A 4

Pariette Draw and tributaries,
from confluence with Green River
to headwaters 2B 3B 3D 4

Willow Creek and tributaries
(Uintah County), from confluence
with Green River to headwaters 2B 3A 4

White River and tributaries, from
confluence with Green River to
state line, except as listed below: 2B 3B 4

Bitter Creek and tributaries
from White River to headwaters 2B 3A 4

Duchesne River and tributaries,
from confluence with Green River
to Myton Water Treatment Plant
intake, except as listed below 2B 3B 4

Uinta River and tributaries
from confluence with Duchesne
River to U.S. Highway 40 crossing 2B 3B 4

Uinta River and tributaries,
from U.S. Highway 40 crossing 2B 3A 4

Power House Canal from
confluence with Uinta River
to headwaters 2B 3A 4

Whiterocks River and Canal,
from Tridell Water Treatment
Plant to headwaters 1C 2B 3A 4

Duchesne River and tributaries,
from Myton Water Treatment Plant
intake to headwaters 1C 2B 3A 4

Lake Fork River and tributaries,
from confluence with Duchesne
River to headwaters 1C 2B 3A 4

Lake Fork Canal from Dry Gulch Canal Diversion to Moon Lake	1C	2B	3E	4
Dry Gulch Canal, from Myton Water Treatment Plant to Lake Fork Canal	1C	2B	3E	4
Ashley Creek and tributaries, from confluence with Green River to Steinaker diversion		2B	3B	4
Ashley Creek and tributaries, from Steinaker diversion to headwaters	1C	2B	3A	4
Big Brush Creek and tributaries from confluence with Green River to Tyzack (Red Fleet) Dam		2B	3B	4
Big Brush Creek and tributaries, from Tyzack (Red Fleet) Dam to headwaters	1C	2B	3A	4
Jones Hole Creek and tributaries from confluence with Green River to headwaters		2B	3A	
Diamond Gulch Creek and tributaries, from confluence with Green River to headwaters		2B	3A	4
Pot Creek and tributaries, from Crouse Reservoir to headwaters		2B	3A	4
Green River and tributaries, from Utah-Colorado state line to Flaming Gorge Dam, except as listed below:	2A	3A		4
Sears Creek and tributaries, Daggett County		2B	3A	
Tolivers Creek and tributaries, Daggett County		2B	3A	
Red Creek and tributaries, from confluence with Green River to state line		2B	3C	4
Jackson Creek and tributaries, Daggett County		2B	3A	
Davenport Creek and tributaries, Daggett County		2B	3A	
Goslin Creek and tributaries, Daggett County		2B	3A	
Gorge Creek and tributaries, Daggett County		2B	3A	
Beaver Creek and tributaries, Daggett County		2B	3A	
O-Wi-Yu-Kuts Creek and tributaries, Daggett County		2B	3A	
Tributaries to Flaming Gorge Reservoir, except as listed below		2B	3A	4
Birch Spring Draw and tributaries, from Flaming Gorge Reservoir to headwaters		2B	3C	4
Spring Creek and tributaries, from Flaming Gorge Reservoir to headwaters		2B	3A	

All tributaries of Flaming Gorge Reservoir from Utah-Wyoming state line to headwaters 2B 3A 4

(*) Site-specific criteria are associated with this use.

13.2 Lower Colorado River Basin
a. Virgin River Drainage

TABLE

Beaver Dam Wash and tributaries, from Motoqua to headwaters		2B	3B	4
Virgin River and tributaries, from state line to Quail Creek diversion, except as listed below:		2B	3B	4
Virgin River from the Utah-Arizona border to Pah Tempe Springs		2B	3B	4*
Virgin River from the Utah-Arizona border to Pah Tempe Springs		2B	3B	4*
Santa Clara River from confluence with Virgin River to Gunlock Reservoir	1C	2B	3B	4
Santa Clara River and tributaries, from Gunlock Reservoir to headwaters		2B	3A	4
Leeds Creek from confluence with Quail Creek to headwaters		2B	3A	4
Quail Creek from Quail Creek Reservoir to headwaters	1C	2B	3A	4
Ash Creek and tributaries, from confluence with Virgin River to Ash Creek Reservoir		2B	3A	4
Ash Creek and tributaries, from Ash Creek Reservoir to headwaters		2B	3A	4
Virgin River and tributaries, from the Quail Creek diversion to headwaters, except as listed below:	1C	2B	3C	4
North Creek, from the confluence with Virgin River to headwaters	1C	2B	3C	4*
North Fork Virgin River and tributaries	1C	2A	3A	4
Kolob Creek, from confluence with Virgin River to headwaters		2B	3A	4
East Fork Virgin River, from town of Glendale to headwaters		2B	3A	4

(*) Site-specific criteria are associated with this use.

b. Kanab Creek Drainage

TABLE

[Kanab Creek and tributaries, from state line to irrigation diversion at confluence with Reservoir Canyon]	2B	3C	4
[Kanab Creek and tributaries, from state line to immediately below the confluence with Sink Valley Wash]	2B	3C	4

Kanab Creek and tributaries, from immediately below the confluence with Sink Valley Wash to Simpson Hollow Wash 2B 3C 4*

Kanab Creek and tributaries, from immediately above Simpson Hollow Wash to irrigation diversion at confluence with Reservoir Canyon 2B 3C 4*

Kanab Creek and tributaries, from irrigation diversion at confluence with Reservoir Canyon to headwaters 2B 3A 4

Johnson Wash and tributaries, from state line to confluence with Skutumpah Canyon 2B 3C 4

Johnson Wash and tributaries, from confluence with Skutumpah Canyon to headwaters 2B 3A 4

(*) Site-specific criteria are associated with this use.

13.3 Bear River Basin
a. Bear River Drainage

TABLE

Bear River and tributaries, from Great Salt Lake to Utah-Idaho border, except as listed below: 2B 3B 3D 4

Perry Canyon Creek from U.S. Forest boundary to headwaters 2B 3A 4

Box Elder Creek from confluence with Black Slough to Brigham City Reservoir (Mayor's Pond) 2B 3C 4

Box Elder Creek, from Brigham City Reservoir (Mayor's Pond) to headwaters 2B 3A 4

Salt Creek from confluence with Bear River to Crystal Hot Springs 2B 3B 3D 4

Malad River and tributaries, from confluence with Bear River to state line 2B 3C 4

Little Bear River and tributaries, from Cutler Reservoir to headwaters, except as listed below: 2B 3A 3D 4

South Fork Spring Creek from confluence with Pelican Pond Slough Stream to U.S. Highway 89 2B 3A 3D 4*

Logan River and tributaries, from Cutler Reservoir to headwaters 2B 3A 3D 4

Blacksmith Fork and tributaries, from confluence with Logan River to headwaters, except as listed below 2B 3A 4

Sheep Creek and tributaries from Confluence with Blacksmith Fork River to headwaters 1C 2B 3A 4

Newton Creek and tributaries, from Cutler Reservoir to Newton Reservoir 2B 3A 4

Clarkston Creek and tributaries, from Newton Reservoir to headwaters 2B 3A 4

Birch Creek and tributaries, from confluence with Clarkston Creek to headwaters 2B 3A 4

Summit Creek and tributaries, from confluence with Bear River to headwaters 2B 3A 4

Cub River and tributaries, from confluence with Bear River to state line, except as listed below: 2B 3B 4

High Creek and tributaries from confluence with Cub River to headwaters 2B 3A 4

All tributaries to Bear Lake from Bear Lake to headwaters, except as listed below 2B 3A 4

Swan Springs tributary to Swan Creek 1C 2B 3A 4

Bear River and tributaries in Rich County 2B 3A 4

Bear River and tributaries, from Utah-Wyoming state line to headwaters (Summit County) 2B 3A 4

Mill Creek and tributaries, from state line to headwaters (Summit County) 2B 3A 4

(*) Site-specific criteria are associated with this use.

13.4 Weber River Basin
a. Weber River Drainage

TABLE

Willard Creek, from Willard Bay Reservoir to headwaters 2B 3A 4

Weber River, from Great Salt Lake to Slaterville diversion, except as listed below: 2B 3C 3D 4

Four Mile Creek from Interstate 15 to headwaters 2B 3A 4

Weber River and tributaries, from Slaterville diversion to Stoddard diversion, except as listed below 2B 3A 4

Ogden River and tributaries, from confluence with Weber River to Pineview Dam, except as listed below: 2A 3A 4

Wheeler Creek from confluence with Ogden River to headwaters 1C 2B 3A 4

All tributaries to Pineview Reservoir 1C 2B 3A 4

Strongs Canyon Creek and tributaries, from U.S. National Forest boundary to headwaters 1C 2B 3A 4

Burch Creek and tributaries, from Harrison Boulevard in Ogden to Headwaters 1C 2B 3A 4

Spring Creek and tributaries, from U.S. National Forest boundary to headwaters	1C	2B 3A	4
Weber River and tributaries, from Stoddard diversion to headwaters, except as listed below	1C	2B 3A	4
Silver Creek and tributaries, from the confluence with Weber River to below the confluence with Tollgate Creek	1C	2B 3A	4
Silver Creek and tributaries, from confluence with Tollgate Creek to headwaters	1C	2B 3A	4*

Big Cottonwood Creek and tributaries, from confluence with Jordan River to Big Cottonwood Water Treatment Plant	2B 3A	4	
Big Cottonwood Creek and tributaries from Big Cottonwood Water Treatment Plant to headwaters	1C	2B 3A	
Deaf Smith Canyon Creek and tributaries	1C	2B 3A	4
Little Cottonwood Creek and tributaries, from confluence with Jordan River to Metropolitan Water Treatment Plant	2B 3A	4	
Little Cottonwood Creek and tributaries, from Metropolitan Water Treatment Plant to headwaters	1C	2B 3A	

13.5 Utah Lake-Jordan River Basin
a. Jordan River Drainage

TABLE

Jordan River, from Farmington Bay to North Temple Street, Salt Lake City	2B	3B*	3D	4
State Canal, from Farmington Bay to confluence with the Jordan River	2B	3B*	3D	4
Jordan River, from North Temple Street in Salt Lake City to confluence with Little Cottonwood Creek	2B	3B*		4
Surplus Canal from Great Salt Lake to the diversion from the Jordan River	2B	3B*	3D	4
Jordan River from confluence with Little Cottonwood Creek to Narrows Diversion	2B	3A	<u>3B</u>	4
Jordan River, from Narrows Diversion to Utah Lake	1C	2B	3B	4
City Creek, from Memory Park in Salt Lake City to City Creek Water Treatment Plant	2B	3A		
City Creek, from City Creek Water Treatment Plant to headwaters	1C	2B 3A		
Red Butte Creek and tributaries, from Liberty Park pond inlet to Red Butte Reservoir	2B	3A		4
Red Butte Creek and tributaries, from Red Butte Reservoir to headwaters	1C	2B 3A		
Emigration Creek and tributaries, from 1100 East in Salt Lake City to headwaters	2B	3A		4
Parleys Creek and tributaries, from 1300 East in Salt Lake City to Mountain Dell Reservoir	1C	2B 3A		
Parleys Creek and tributaries, from Mountain Dell Reservoir to headwaters	1C	2B 3A		
Mill Creek (Salt Lake County) from confluence with Jordan River to Interstate 15	2B	3C*		4
Mill Creek (Salt Lake County) and tributaries, from Interstate 15 to headwaters	2B	3A		4

Bells Canyon Creek and tributaries, from Lower Bells Canyon Reservoir to headwaters	1C	2B 3A	
Little Willow Creek and tributaries, from Draper Irrigation Company diversion to headwaters	1C	2B 3A	
Big Willow Creek and tributaries, from Draper Irrigation Company diversion to headwaters	1C	2B 3A	
South Fork of Dry Creek and tributaries, from Draper Irrigation Company diversion to headwaters	1C	2B 3A	
All permanent streams on east slope of Oquirrh Mountains (Coon, Barneys, Bingham, Butterfield, and Rose Creeks)	2B	3D	4
Kersey Creek from confluence of C-7 Ditch to headwaters	2B	3D	

(*) Site-specific criteria are associated with this use.

b. Provo River Drainage

TABLE

Provo River and tributaries, from Utah Lake to Murdock Diversion	2B 3A	4	
Provo River and tributaries, from Murdock Diversion to headwaters, except as listed below:	1C	2B 3A	4
Upper Falls drainage above Provo City diversion	1C	2B 3A	
Bridal Veil Falls drainage above Provo City diversion	1C	2B 3A	
Lost Creek and tributaries above Provo City diversion	1C	2B 3A	

c. Utah Lake Drainage

TABLE

Dry Creek and tributaries (above Alpine), from U.S. National Forest boundary to headwaters	2B 3A	4
American Fork Creek and tributaries, from diversion at mouth of American Fork Canyon to headwaters	2B 3A	4

Spring Creek and tributaries, from Utah Lake near Lehi to headwaters	2B 3A	4	Salt Creek from Nephi diversion to headwaters	2B 3A	4
Lindon Hollow Creek and tributaries, from Utah Lake to headwaters	2B 3B	4	Currant Creek from mouth of Goshen Canyon to Mona Reservoir	2B 3A	4
Grove Creek from Murdock Diversion to headwaters	1C 2B 3A		Currant Creek from Mona Reservoir to headwaters	2B 3A	4
Battle Creek from Murdock Diversion to Headwaters	1C 2B 3A		Peteetneet Creek and tributaries, from irrigation diversion above Maple Dell to headwaters	2B 3A	4
Rock Canyon Creek and tributaries (East of Provo), from U.S. National Forest boundary to headwaters	1C 2B 3A	4	Summit Creek and tributaries (above Santaquin), from U.S. National Forest boundary to headwaters	2B 3A	4
Mill Race (except from Interstate 15 to the Provo City WWTP discharge) and tributaries, from Utah Lake to headwaters	2B 3B	4	All other permanent streams entering Utah Lake	2B 3B	4

13.6 Sevier River Basin a. Sevier River Drainage

TABLE

Spring Creek and tributaries, from Utah Lake (Provo Bay) to 50 feet upstream from the east boundary of the Industrial Parkway Road Right-of-way	2B 3B	4	Sevier River and tributaries, from Sevier Lake to Gunnison Bend Reservoir to U.S. National Forest boundary, except as listed below:	2B 3C	4
Tributary to Spring Creek (Utah County) which receives the Springville City WWTP effluent from confluence with Spring Creek to headwaters	2B 3D	4	Sevier River from Gunnison Bend Reservoir to Clear Lake	2B 3C	4*
Spring Creek and tributaries from 50 feet upstream from the east boundary of the Industrial Parkway Road right-of-way to the headwaters	2B 3A	4	Beaver River and tributaries, from Minersville City to headwaters	2B 3A	4
Ironton Canal from Utah Lake (Provo Bay) to the east boundary of the Denver and Rio Grande Western Railroad right-of-way	2B 3C	4	Little Creek and tributaries, from irrigation diversion to headwaters	2B 3A	4
Ironton Canal from the east boundary of the Denver and Rio Grande Western Railroad right-of-way to the point of diversion from Spring Creek	2B 3A	4	Pinto Creek and tributaries, from Newcastle Reservoir to headwaters	2B 3A	4
Hobble Creek and tributaries, from Utah Lake to headwaters	2B 3A	4	Coal Creek and tributaries	2B 3A	4
Dry Creek and tributaries, from Utah Lake (Provo Bay) to U.S. Highway 89	2B 3E	4	Summit Creek and tributaries	2B 3A	4
Dry Creek and tributaries, from U.S. Highway 89 to headwaters	2B 3A	4	Parowan Creek and tributaries	2B 3A	4
Spanish Fork River and tributaries, from Utah Lake to diversion at Moark Junction	2B 3B 3D	4	Tributaries to Sevier River from Sevier Lake to Gunnison Bend Reservoir from U.S. National Forest boundary to headwaters, including:	2B 3A	4
Spanish Fork River and tributaries, from diversion at Moark Junction to headwaters	2B 3A	4	Pioneer Creek and tributaries, Millard County	2B 3A	4
Benjamin Slough and tributaries, from Utah Lake to headwaters, except as listed below	2B 3B	4	Chalk Creek and tributaries, Millard County	2B 3A	4
Beer Creek (Utah County) from 4850 West (in NE1/4NE1/4 sec. 36, T.8.S., R.1.E.) to headwaters	2B 3C	4	Meadow Creek and tributaries, Millard County	2B 3A	4
			Corn Creek and tributaries, Millard County	2B 3A	4
			Sevier River and tributaries, below U.S. National Forest boundary from Gunnison Bend Reservoir to Annabella Diversion, except as listed below	2B 3B	4
			Sevier River between Gunnison Bend Reservoir and DMAD Reservoir	2B 3B	4*
			Oak Creek and tributaries Millard County	2B 3A	4

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Round Valley Creek and tributaries, Millard County	2B 3A	4	Pinto Creek and tributaries, from Newcastle Reservoir to headwaters	2B 3A	4
Judd Creek and tributaries, Juab County	2B 3A	4	Coal Creek and tributaries	2B 3A	4
Meadow Creek and tributaries, Juab County	2B 3A	4	Summit Creek and tributaries	2B 3A	4
Cherry Creek and tributaries, Juab County	2B 3A	4	Parowan Creek and tributaries	2B 3A	4
Tanner Creek and tributaries, Juab County	2B	3E 4	Duck Creek and tributaries	1C 2B 3A	4
Baker Hot Springs, Juab County	2B	3D 4	(*) Site-specific criteria are associated with this use.		
Chicken Creek and tributaries, Juab County	2B 3A	4	13.7 Great Salt Lake Basin		
San Pitch River and tributaries, from confluence with Sevier River to Highway U-132 crossing, except as listed below:	2B	3C 3D 4	a. Western Great Salt Lake Drainage		
San Pitch River from below Gunnison Reservoir to the Sevier River	2B	3C 3D 4*	TABLE		
Twelve Mile Creek (South Creek) and tributaries, from U.S. National Forest boundary to headwaters	2B 3A	4	Grouse Creek and tributaries, Box Elder County	2B 3A	4
Six Mile Creek and tributaries, Sanpete County	2B 3A	4	Muddy Creek and tributaries, Box Elder County	2B 3A	4
Manti Creek (South Creek) and tributaries, from U.S. National Forest boundary to headwaters	2B 3A	4	Dove Creek and tributaries, Box Elder County	2B 3A	4
Ephraim Creek (Cottonwood Creek) and tributaries, from U.S. National Forest to headwaters	2B 3A	4	Pine Creek and tributaries, Box Elder County	2B 3A	4
Oak Creek and tributaries, from U.S. National Forest boundary near Spring City to headwaters	2B 3A	4	Rock Creek and tributaries, Box Elder County	2B 3A	4
Fountain Green Creek and tributaries, from U.S. National Forest boundary to headwaters	2B 3A	4	Fisher Creek and tributaries, Box Elder County	2B 3A	4
San Pitch River and tributaries, from Highway U-132 crossing to headwaters	2B 3A	4	Dunn Creek and tributaries, Box Elder County	2B 3A	4
Lost Creek from the confluence with Sevier River to U.S. National Forest boundary	2B	3C 3D 4*	Indian Creek and tributaries, Box Elder County	2B 3A	4
Brine Creek-Petersen Creek from the confluence with the Sevier River to Highway U-119 Crossing	2B	3C 3D 4*	Tenmile Creek and tributaries, Box Elder County	2B 3A	4
Tributaries to Sevier River from Gunnison Bend Reservoir to Annabella diversion from U.S. National Forest boundary to headwaters	2B 3A	4	Curlew (Deep) Creek, Box Elder County	2B 3A	4
Sevier River and tributaries, from Annabella diversion to headwaters	2B 3A	4	Blue Creek and tributaries, Box Elder County, from Bear River Bay, Great Salt Lake to Blue Creek Reservoir	2B 3D	4*
Monroe Creek and tributaries, from diversion to headwaters	2B 3A	4	Blue Creek and tributaries from Blue Creek Reservoir to headwaters	2B 3B	4*
Little Creek and tributaries, from irrigation diversion to headwaters	2B 3A	4	All perennial streams on the east slope of the Pilot Mountain Range	1C 2B 3A	4
			Donner Creek and tributaries, from irrigation diversion to Utah-Nevada state line	2B 3A	4
			Bettridge Creek and tributaries, from irrigation diversion to Utah-Nevada state line	2B 3A	4
			North Willow Creek and tributaries, Tooele County	2B 3A	4
			South Willow Creek and tributaries, Tooele County	2B 3A	4
			Hickman Creek and tributaries, Tooele County	2B 3A	4
			Barlow Creek and tributaries, Tooele County	2B 3A	4

Clover Creek and tributaries, Tooele County	2B 3A	4
Faust Creek and tributaries, Tooele County	2B 3A	4
Vernon Creek and tributaries, Tooele County	2B 3A	4
Ophir Creek and tributaries, Tooele County	2B 3A	4
Soldier Creek and tributaries, from the Drinking Water Treatment Facility to headwaters, Tooele County	1C 2B 3A	4
Settlement Canyon Creek and tributaries, Tooele County	2B 3A	4
Middle Canyon Creek and tributaries, Tooele County	2B 3A	4
Tank Wash and tributaries, Tooele County	2B 3A	4
Basin Creek and tributaries, Juab and Tooele Counties	2B 3A	4
Thomas Creek and tributaries, Juab County	2B 3A	4
Indian Farm Creek and tributaries, Juab County	2B 3A	4
Cottonwood Creek and tributaries, Juab County	2B 3A	4
Red Cedar Creek and tributaries, Juab County	2B 3A	4
Granite Creek and tributaries, Juab County	2B 3A	4
Trout Creek and tributaries, Juab County	2B 3A	4
Birch Creek and tributaries, Juab County	2B 3A	4
Deep Creek and tributaries, from Rock Spring Creek to headwaters, Juab and Tooele Counties	2B 3A	4
Cold Spring, Juab County	2B 3C 3D	
Cane Spring, Juab County	2B 3C 3D	
Lake Creek, from Garrison (Pruess) Reservoir to Nevada state line	2B 3A	4
Snake Creek and tributaries, Millard County	2B 3B	4
Salt Marsh Spring Complex, Millard County	2B 3A	
Twin Springs, Millard County	2B 3B	
Tule Spring, Millard County	2B 3C 3D	
Coyote Spring Complex, Millard County	2B 3C 3D	
Hamblin Valley Wash and tributaries, from Nevada state line to headwaters (Beaver and Iron Counties)	2B 3D	4

Indian Creek and tributaries, Beaver County, from Indian Creek Reservoir to headwaters	2B 3A	4
Shoal Creek and tributaries, Iron County	2B 3A	4

(*) Site-specific criteria are associated with this use.

b. Farmington Bay Drainage

TABLE

Corbett Creek and tributaries, from Highway to headwaters	2B 3A	4
Kays Creek and tributaries, from Farmington Bay to U.S. National Forest boundary	2B 3B	4
North Fork Kays Creek and tributaries, from U.S. National Forest boundary to headwaters	2B 3A	4
Middle Fork Kays Creek and tributaries, from U.S. National Forest boundary to headwaters	1C 2B 3A	4
South Fork Kays Creek and tributaries, from U.S. National Forest boundary to headwaters	1C 2B 3A	4
Snow Creek and tributaries	2B 3C	4
Holmes Creek and tributaries, from Farmington Bay to U.S. National Forest boundary	2B 3B	4
Holmes Creek and tributaries, from U.S. National Forest boundary to headwaters	1C 2B 3A	4
Baer Creek and tributaries, from Farmington Bay to Interstate 15	2B 3B	4
Baer Creek and tributaries, from Interstate 15 to U.S. Highway 89	2B 3B	4
Baer Creek and tributaries, from U.S. Highway 89 to headwaters	1C 2B 3A	4
Shepard Creek and tributaries, from U.S. National Forest boundary to headwaters	1C 2B 3A	4
Farmington Creek and tributaries, from Farmington Bay Waterfowl Management Area to U.S. National Forest boundary	2B 3B	4
Farmington Creek and tributaries, from U.S. National Forest boundary to headwaters	1C 2B 3A	4
Rudd Creek and tributaries, from Davis aqueduct to headwaters	2B 3A	4
Steed Creek and tributaries, from U.S. National Forest boundary to headwaters	1C 2B 3A	4
Davis Creek and tributaries, from U.S. Highway 89 to headwaters	2B 3A	4
Lone Pine Creek and tributaries, from U.S. Highway 89 to headwaters	2B 3A	4

Ricks Creek and tributaries, from Highway Interstate 15 to headwaters	1C	2B 3A	4
Barnard Creek and tributaries, from U.S. Highway 89 to headwaters		2B 3A	4
Parrish Creek and tributaries, from Davis Aqueduct to headwaters		2B 3A	4
Deuel Creek and tributaries, (Centerville Canyon) from Davis Aqueduct to headwaters		2B 3A	4
Stone Creek and tributaries, from Farmington Bay Waterfowl Management Area to U.S. National Forest Boundary		2B 3A	4
Stone Creek and tributaries, from U.S. National Forest boundary to headwaters	1C	2B 3A	4
Barton Creek and tributaries, from U.S. National Forest boundary to headwaters		2B 3A	4
Mill Creek (Davis County) and tributaries, from confluence with State Canal to U.S. National Forest boundary		2B 3B	4
Mill Creek (Davis County) and tributaries, from U.S. National Forest boundary to headwaters	1C	2B 3A	4
North Canyon Creek and tributaries from U.S. National Forest boundary to headwaters		2B 3A	4
Howard Slough		2B 3C	4
Hooper Slough		2B 3C	4
Willard Slough		2B 3C	4
Willard Creek to Headwaters	1C	2B 3A	4
Chicken Creek to Headwaters	1C	2B 3A	4
Cold Water Creek to Headwaters	1C	2B 3A	4
One House Creek to Headwaters	1C	2B 3A	4
Garner Creek to Headwaters	1C	2B 3A	4

13.8 Snake River Basin
a. Raft River Drainage (Box Elder County)

	TABLE		
Raft River and tributaries		2B 3A	4
Clear Creek and tributaries, from Utah-Idaho state line to headwaters		2B 3A	4
Onemile Creek and tributaries, from Utah-Idaho state line to headwaters		2B 3A	4
George Creek and tributaries, from Utah-Idaho state line to headwaters		2B 3A	4
Johnson Creek and tributaries, from Utah-Idaho state line to headwaters		2B 3A	4
Birch Creek and tributaries, from state line to headwaters		2B 3A	4

Pole Creek and tributaries, from state line to headwaters	2B 3A	4
Goose Creek and tributaries	2B 3A	4
Hardesty Creek and tributaries, from state line to headwaters	2B 3A	4
Meadow Creek and tributaries, from state line to headwaters	2B 3A	4

13.9 All irrigation canals and ditches statewide, except as otherwise designated: 2B, 3E, 4

13.10 All drainage canals and ditches statewide, except as otherwise designated: 2B, 3E

13.11 National Wildlife Refuges and State Waterfowl Management Areas, and other Areas Associated with the Great Salt Lake

TABLE

Bear River National Wildlife Refuge, Box Elder County	2B	3B	3D
Bear River Bay			
Open Water below approximately 4,208 ft.			5C
Transitional Waters approximately 4,208 ft. to Open Water			5E
Open Water above approximately 4,208 ft.	2B	3B	3D
Browns Park Waterfowl Management Area, Daggett County	2B 3A		3D
Clear Lake Waterfowl Management Area, Millard County	2B		3C 3D
Desert Lake Waterfowl Management Area, Emery County	2B		3C 3D
Farmington Bay Waterfowl Management Area, Davis and Salt Lake Counties	2B		3C 3D
Farmington Bay			
Open Water below approximately 4,208 ft.			5D
Transitional Waters approximately 4,208 ft. to Open Water			5E
Open Water above approximately 4,208 ft.	2B	3B	3D
Fish Springs National Wildlife Refuge, Juab County	2B		3C 3D
Harold Crane Waterfowl Management Area, Box Elder County	2B		3C 3D
Gilbert Bay			
Open Water below approximately 4,208 ft.			5A
Transitional Waters approximately 4,208 ft. to Open Water			5E
Open Water above approximately 4,208 ft.	2B	3B	3D
Gunnison Bay			
Open Water below approximately 4,208 ft.			5B

Transitional Waters approximately
4,208 ft. to Open Water
Open Water above approximately
4,208 ft.

5E

Pelican Pond 2B 3B 4
Tony Grove Lake 2B 3A 4

d. Carbon County

Howard Slough Waterfowl
Management Area, Weber County 2B 3C 3D

TABLE

Locomotive Springs Waterfowl
Management Area, Box Elder County 2B 3B 3D

Grassy Trail Creek Reservoir 1C 2B 3A 4

Ogden Bay Waterfowl Management
Area, Weber County 2B 3C 3D

Olsen Pond 2B 3B 4

Ouray National Wildlife Refuge,
Uintah County 2B 3B 3D

Scofield Reservoir 1C 2B 3A 4

e. Daggett County

Powell Slough Waterfowl
Management Area, Utah County 2B 3C 3D

TABLE

Public Shooting Grounds Waterfowl
Management Area, Box Elder County 2B 3C 3D

Browne Reservoir 2B 3A 4

Salt Creek Waterfowl Management
Area, Box Elder County 2B 3C 3D

Daggett Lake 2B 3A 4

Stewart Lake Waterfowl Management
Area, Uintah County 2B 3B 3D

Flaming Gorge Reservoir (Utah
portion) 1C 2A 3A 4
Long Park Reservoir 1C 2B 3A 4

Timpie Springs Waterfowl
Management Area, Tooele County 2B 3B 3D

Sheep Creek Reservoir 2B 3A 4

Spirit Lake 2B 3A 4

Upper Potter Lake 2B 3A 4

13.12 Lakes and Reservoirs. All lakes and any reservoirs
greater than 10 acres not listed in 13.12 are assigned by default to the
classification of the stream with which they are associated.

f. Davis County

a. Beaver County

TABLE

TABLE

Anderson Meadow Reservoir 2B 3A 4

Farmington Ponds 2B 3A 4

Manderfield Reservoir 2B 3A 4

Kaysville Highway Ponds 2B 3A 4

LaBaron Reservoir 2B 3A 4

Holmes Creek Reservoir 2B 3B 4

Kents Lake 2B 3A 4

g. Duchesne County

TABLE

Minersville Reservoir 2B 3A 3D 4

Allred Lake 2B 3A 4

Puffer Lake 2B 3A 4

Atwine Lake 2B 3A 4

Three Creeks Reservoir 2B 3A 4

Atwood Lake 2B 3A 4

b. Box Elder County

Betsy Lake 2B 3A 4

TABLE

Cutler Reservoir (including
portion in Cache County) 2B 3B 3D 4

Big Sandwash Reservoir 1C 2B 3A 4

Etna Reservoir 2B 3A 4

Bluebell Lake 2B 3A 4

Lynn Reservoir 2B 3A 4

Brown Duck Reservoir 2B 3A 4

Mantua Reservoir 2B 3A 4

Butterfly Lake 2B 3A 4

Willard Bay Reservoir 1C 2A 3B 3D 4

Cedarview Reservoir 2B 3A 4

c. Cache County

TABLE

Hyrum Reservoir 2A 3A 4

Chain Lake #1 2B 3A 4

Newton Reservoir 2B 3A 4

Chepeta Lake 2B 3A 4

Porcupine Reservoir 2B 3A 4

Clements Reservoir 2B 3A 4

Cleveland Lake 2B 3A 4

Cliff Lake 2B 3A 4

Continent Lake 2B 3A 4

NOTICES OF PROPOSED RULES

Crater Lake	2B 3A	4	Spider Lake	2B 3A	4
Crescent Lake	2B 3A	4	Spirit Lake	2B 3A	4
Daynes Lake	2B 3A	4	Starvation Reservoir	1C 2A 3A	4
Dean Lake	2B 3A	4	Superior Lake	2B 3A	4
Doll Lake	2B 3A	4	Swasey Hole Reservoir	2B 3A	4
Drift Lake	2B 3A	4	Taylor Lake	2B 3A	4
Elbow Lake	2B 3A	4	Thompson Lake	2B 3A	4
Farmers Lake	2B 3A	4	Timothy Reservoir #1	2B 3A	4
Fern Lake	2B 3A	4	Timothy Reservoir #6	2B 3A	4
Fish Hatchery Lake	2B 3A	4	Timothy Reservoir #7	2B 3A	4
Five Point Reservoir	2B 3A	4	Twin Pots Reservoir	1C 2B 3A	4
Fox Lake Reservoir	2B 3A	4	Upper Stillwater Reservoir	1C 2B 3A	4
Governors Lake	2B 3A	4	X - 24 Lake	2B 3A	4
Granddaddy Lake	2B 3A	4	h. Emery County		
Hoover Lake	2B 3A	4	TABLE		
Island Lake	2B 3A	4	Cleveland Reservoir	2B 3A	4
Jean Lake	2B 3A	4	Electric Lake	2B 3A	4
Jordan Lake	2B 3A	4	Huntington Reservoir	2B 3A	4
Kidney Lake	2B 3A	4	Huntington North Reservoir	2A 3B	4
Kidney Lake West	2B 3A	4	Joes Valley Reservoir	2A 3A	4
Lily Lake	2B 3A	4	Millsite Reservoir	1C 2A 3A	4
Midview Reservoir (Lake Boreham)	2B 3B	4	i. Garfield County		
Milk Reservoir	2B 3A	4	TABLE		
Mirror Lake	2B 3A	4	Barney Lake	2B 3A	4
Mohawk Lake	2B 3A	4	Cyclone Lake	2B 3A	4
Moon Lake	1C 2A 3A	4	Deer Lake	2B 3A	4
North Star Lake	2B 3A	4	Jacobs Valley Reservoir	2B 3C 3D	4
Palisade Lake	2B 3A	4	Lower Bowns Reservoir	2B 3A	4
Pine Island Lake	2B 3A	4	North Creek Reservoir	2B 3A	4
Pinto Lake	2B 3A	4	Panguitch Lake	2B 3A	4
Pole Creek Lake	2B 3A	4	Pine Lake	2B 3A	4
Potters Lake	2B 3A	4	Oak Creek Reservoir (Upper Bowns)	2B 3A	4
Powell Lake	2B 3A	4	Pleasant Lake	2B 3A	4
Pyramid Lake	2A 3A	4	Posey Lake	2B 3A	4
Queant Lake	2B 3A	4	Purple Lake	2B 3A	4
Rainbow Lake	2B 3A	4	Raft Lake	2B 3A	4
Red Creek Reservoir	2B 3A	4	Row Lake #3	2B 3A	4
Rudolph Lake	2B 3A	4	Row Lake #7	2B 3A	4
Scout Lake	2A 3A	4	Spectacle Reservoir	2B 3A	4

Tropic Reservoir	2B 3A	4
West Deer Lake	2B 3A	4
Wide Hollow Reservoir	2B 3A	4

Birch Creek Reservoir	2B 3A	4
Little Creek Reservoir	2B 3A	4
Woodruff Creek Reservoir	2B 3A	4

j. Iron County

TABLE

Newcastle Reservoir	2B 3A	4
Red Creek Reservoir	2B 3A	4
Yankee Meadow Reservoir	2B 3A	4

k. Juab County

TABLE

Chicken Creek Reservoir	2B 3C 3D	4
Mona Reservoir	2B 3B	4
Sevier Bridge (Yuba) Reservoir	2A 3B	4

l. Kane County

TABLE

Navajo Lake	2B 3A	4
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m. Millard County

TABLE

DMAD Reservoir	2B 3B	4
Fools Creek Reservoir	2B 3C 3D	4
Garrison Reservoir (Pruess Lake)	2B 3B	4
Gunnison Bend Reservoir	2B 3B	4

n. Morgan County

TABLE

East Canyon Reservoir	1C 2A 3A	4
Lost Creek Reservoir	1C 2B 3A	4

o. Piute County

TABLE

Barney Reservoir	2B 3A	4
Lower Boxcreek Reservoir	2B 3A	4
Manning Meadow Reservoir	2B 3A	4
Otter Creek Reservoir	2B 3A	4
Piute Reservoir	2B 3A	4
Upper Boxcreek Reservoir	2B 3A	4

p. Rich County

TABLE

Bear Lake (Utah portion)	2A 3A	4
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q. Salt Lake County

TABLE

Decker Lake	2B 3B 3D	4
Lake Mary	1C 2B 3A	
Little Dell Reservoir	1C 2B 3A	
Mountain Dell Reservoir	1C 2B 3A	

r. San Juan County

TABLE

Blanding Reservoir #4	1C 2B 3A	4
Dark Canyon Lake	1C 2B 3A	4
Kens Lake	2B 3A*	4
Lake Powell (Utah portion)	1C 2A 3B	4
Lloyds Lake	1C 2B 3A	4
Monticello Lake	2B 3A	4
Recapture Reservoir	2B 3A	4

(*) Site-specific criteria are associated with this use.

s. Sanpete County

TABLE

Duck Fork Reservoir	2B 3A	4
Fairview Lakes	1C 2B 3A	4
Ferron Reservoir	2B 3A	4
Lower Gooseberry Reservoir	1C 2B 3A	4
Gunnison Reservoir	2B 3C	4
Island Lake	2B 3A	4
Miller Flat Reservoir	2B 3A	4
Ninemile Reservoir	2B 3A	4
Palisade Reservoir	2A 3A	4
Rolfson Reservoir	2B 3C	4
Twin Lakes	2B 3A	4
Willow Lake	2B 3A	4

t. Sevier County

TABLE

Annabella Reservoir	2B 3A	4
Big Lake	2B 3A	4
Farnsworth Lake	2B 3A	4

NOTICES OF PROPOSED RULES

Fish Lake	2B 3A	4
Forsythe Reservoir	2B 3A	4
Johnson Valley Reservoir	2B 3A	4
Koosharem Reservoir	2B 3A	4
Lost Creek Reservoir	2B 3A	4
Redmond Lake	2B 3B	4
Rex Reservoir	2B 3A	4
Salina Reservoir	2B 3A	4
Sheep Valley Reservoir	2B 3A	4

u. Summit County

TABLE

Abes Lake	2B 3A	4
Alexander Lake	2B 3A	4
Amethyst Lake	2B 3A	4
Beaver Lake	2B 3A	4
Beaver Meadow Reservoir	2B 3A	4
Big Elk Reservoir	2B 3A	4
Blanchard Lake	2B 3A	4
Bridger Lake	2B 3A	4
China Lake	2B 3A	4
Cliff Lake	2B 3A	4
Clyde Lake	2B 3A	4
Coffin Lake	2B 3A	4
Cuberant Lake	2B 3A	4
East Red Castle Lake	2B 3A	4
Echo Reservoir	1C 2A 3A	4
Fish Lake	2B 3A	4
Fish Reservoir	2B 3A	4
Haystack Reservoir #1	2B 3A	4
Henrys Fork Reservoir	2B 3A	4
Hoop Lake	2B 3A	4
Island Lake	2B 3A	4
Island Reservoir	2B 3A	4
Jesson Lake	2B 3A	4
Kamas Lake	2B 3A	4
Lily Lake	2B 3A	4
Lost Reservoir	2B 3A	4
Lower Red Castle Lake	2B 3A	4

Lyman Lake	2A 3A	4
Marsh Lake	2B 3A	4
Marshall Lake	2B 3A	4
McPheters Lake	2B 3A	4
Meadow Reservoir	2B 3A	4
Meeks Cabin Reservoir	2B 3A	4
Notch Mountain Reservoir	2B 3A	4
Red Castle Lake	2B 3A	4
Rockport Reservoir	1C 2A 3A	4
Ryder Lake	2B 3A	4
Sand Reservoir	2B 3A	4
Scow Lake	2B 3A	4
Smith Moorehouse Reservoir	1C 2B 3A	4
Star Lake	2B 3A	4
Stateline Reservoir	2B 3A	4
Tamarack Lake	2B 3A	4
Trial Lake	1C 2B 3A	4
Upper Lyman Lake	2B 3A	4
Upper Red Castle	2B 3A	4
Wall Lake Reservoir	2B 3A	4
Washington Reservoir	2B 3A	4
Whitney Reservoir	2B 3A	4

v. Tooele County

TABLE

Blue Lake	2B 3B	4
Clear Lake	2B 3B	4
Grantsville Reservoir	2B 3A	4
Horseshoe Lake	2B 3B	4
Kanaka Lake	2B 3B	4
Rush Lake	2B 3B	4
Settlement Canyon Reservoir	2B 3A	4
Stansbury Lake	2B 3B	4
Vernon Reservoir	2B 3A	4

w. Uintah County

TABLE

Ashley Twin Lakes (Ashley Creek)	1C 2B 3A	4
Bottle Hollow Reservoir	2B 3A	4
Brough Reservoir	2B 3A	4
Calder Reservoir	2B 3A	4

Crouse Reservoir	2B 3A	4
East Park Reservoir	2B 3A	4
Fish Lake	2B 3A	4
Goose Lake #2	2B 3A	4
Matt Warner Reservoir	2B 3A	4
Oaks Park Reservoir	2B 3A	4
Paradise Park Reservoir	2B 3A	4
Pelican Lake	2B 3B	4
Red Fleet Reservoir	1C 2A 3A	4
Steinaker Reservoir	1C 2A 3A	4
Towave Reservoir	2B 3A	4
Weaver Reservoir	2B 3A	4
Whiterocks Lake	2B 3A	4
Workman Lake	2B 3A	4

x. Utah County

TABLE

Big East Lake	2B 3A	4
Salem Pond	2A 3A	4
Silver Flat Lake Reservoir	2B 3A	4
Tibble Fork Reservoir	2B 3A	4
Utah Lake	2A 3B 3D	4

y. Wasatch County

TABLE

Currant Creek Reservoir	1C 2B 3A	4
Deer Creek Reservoir	1C 2A 3A	4
Jordanelle Reservoir	1C 2A 3A	4
Mill Hollow Reservoir	2B 3A	4
Strawberry Reservoir	1C 2B 3A	4

z. Washington County

TABLE

Baker Dam Reservoir	2B 3A	4
Gunlock Reservoir	1C 2A 3B	4
Ivins Reservoir	2B 3B	4
Kolob Reservoir	2B 3A	4
Lower Enterprise Reservoir	2B 3A	4
Quail Creek Reservoir	1C 2A 3B	4
Sand Hollow Reservoir	1C 2A 3B	4
Upper Enterprise Reservoir	2B 3A	4

aa. Wayne County

TABLE

Blind Lake	2B 3A	4
Cook Lake	2B 3A	4
Donkey Reservoir	2B 3A	4
Fish Creek Reservoir	2B 3A	4
Mill Meadow Reservoir	2B 3A	4
Raft Lake	2B 3A	4

bb. Weber County

TABLE

Causey Reservoir	2B 3A	4
Pineview Reservoir	1C 2A 3A	4

13.13 Unclassified Waters

All waters not specifically classified are presumptively classified: 2B, 3D

R317-2-14. Numeric Criteria.

TABLE 2.14.1
NUMERIC CRITERIA FOR DOMESTIC,
RECREATION, AND AGRICULTURAL USES

Parameter	Domestic Source 1C(1)	Recreation and Aesthetics 2A 2B	Agri- culture 4
BACTERIOLOGICAL			
(30-DAY GEOMETRIC MEAN) (NO.)/100 ML) (7)			
E. coli	206	126 206	
MAXIMUM (NO.)/100 ML) (7)			
E. coli	668	409 668	
PHYSICAL			
pH (RANGE)	6.5-9.0	6.5-9.0 6.5-9.0	6.5-9.0
Turbidity Increase (NTU)		10 10	
METALS (DISSOLVED, MAXIMUM MG/L) (2)			
Arsenic	0.01		0.1
Barium	1.0		
Beryllium	<0.004		
Cadmium	0.01		0.01
Chromium	0.05		0.10
Copper			0.2
Lead	0.015		0.1
Mercury	0.002		
Selenium	0.05		0.05
Silver	0.05		
INORGANICS (MAXIMUM MG/L)			
Bromate	0.01		
Boron			0.75
Chlorite	<1.0		
Fluoride	4.0		
Nitrates as N	10		
Total Dissolved Solids (4)			1200
RADIOLOGICAL			

(MAXIMUM pCi/L)			
Gross Alpha	15		15
Gross Beta	4 mrem/yr	Radium 226, 228	
(Combined)	5		
Strontium 90	8		
Tritium	20000		
Uranium	30		

ORGANICS
(MAXIMUM UG/L)

2,4-D 94-75-7	70
2,4,5-TP 93-72-1	10
Alachlor 15972-60-8	2
Atrazine 1912-24-9	3
Carbofuran 1563-66-2	40
Dichloroethylene (cis-1,2) 156-59-2	70
Dalapon 75-99-0	200
Di(2ethylhexyl)adipate 103-23-1	400
Dibromochloropropane 96-12-8	0.2
Dinoseb 88-85-7	7
Diquat 85-00-7	20
Endothall 145-73-3	100
Ethylene Dibromide 106-93-4	0.05
Glyphosate 1071-83-6	700
Xylenes 1330-20-7	10,000

POLLUTION

INDICATORS (5)

BOD (MG/L)	5	5	5
Nitrate as N (MG/L)	4	4	
Total Phosphorus as P (MG/L) (6)	0.05	0.05	

FOOTNOTES:

(1) See also numeric criteria for water and organism in Table 2.14.6.

(2) The dissolved metals method involves filtration of the sample in the field, acidification of the sample in the field, no digestion process in the laboratory, and analysis by approved laboratory methods for the required detection levels.

(3) Reserved

(4) SITE SPECIFIC STANDARDS FOR TOTAL DISSOLVED SOLIDS (TDS)

Blue Creek and tributaries, Box Elder County, from Bear River Bay, Great Salt Lake to Blue Creek Reservoir: March through October daily maximum 4,900 mg/l and an average of 3,800 mg/l; November through February daily maximum 6,300 mg/l and an average of 4,700 mg/l. Assessments will be based on TDS concentrations measured at the location of STORET 4960740.

Blue Creek Reservoir and tributaries, Box Elder County, daily maximum 2,100 mg/l;

Castle Creek from confluence with the Colorado River to Seventh Day Adventist Diversion: 1,800 mg/l;

Cottonwood Creek from the confluence with Huntington Creek to Highway U-57: 3,500 mg/l;

Ferron Creek from the confluence with San Rafael River to Highway U-10: 3,500 mg/l;

Huntington Creek and tributaries from the confluence with Cottonwood Creek to Highway U-10: 4,800 mg/l;

Ivie Creek and its tributaries from the confluence with Muddy Creek to the confluence with Quitcupah Creek: 3,800 mg/l provided that total sulfate not exceed 2,000 mg/l to protect the livestock watering agricultural existing use;

Ivie Creek and its tributaries from the confluence with Quitcupah Creek to Highway U-10: 2,600 mg/l;

Kanab Creek and tributaries from immediately below the confluence with Sink Valley Wash to the confluence of Simpson Hollow Wash: April through November, daily maximum 1,900 mg/l. December through March, daily maximum 1,700 mg/l. Assessments shall be based on TDS concentrations measured in Kanab Creek.;

Kanab Creek and tributaries from immediately above Simpson Hollow Wash to irrigation diversion at confluence with Reservoir Canyon: April through November, daily maximum 1,400 mg/l. Assessments shall be based on TDS concentrations measured in Kanab Creek.;

Lost Creek from the confluence with Sevier River to U.S. National Forest boundary: 4,600 mg/l;

Muddy Creek and tributaries from the confluence with Ivie Creek to Highway U-10: 2,600 mg/l;

Muddy Creek from confluence with Fremont River to confluence with Ivie Creek: 5,800 mg/l;

North Creek from the confluence with Virgin River to headwaters: 2,035 mg/l;

Onion Creek from the confluence with Colorado River to road crossing above Stinking Springs: 3000 mg/l;

Brine Creek-Petersen Creek, from the confluence with the Sevier River to Highway U-119 Crossing: 9,700 mg/l;

Price River and tributaries from confluence with Green River to confluence with Soldier Creek: 3,000 mg/l;

Price River and tributaries from the confluence with Soldier Creek to Carbon Canal Diversion: 1,700 mg/l;

Quitcupah Creek and tributaries from the confluence with Ivie Creek to Highway U-10: 3,800 mg/l provided that total sulfate not exceed 2,000 mg/l to protect the livestock watering agricultural existing use;

Rock Canyon Creek from the confluence with Cottonwood Creek to headwaters: 3,500 mg/l;

San Pitch River from below Gunnison Reservoir to the Sevier River: 2,400 mg/l;

San Rafael River from the confluence with the Green River to Buckhorn Crossing: 4,100 mg/l;

San Rafael River from the Buckhorn Crossing to the confluence with Huntington Creek and Cottonwood Creek: 3,500 mg/l;

Sevier River between Gunnison Bend Reservoir and DMAD Reservoir: 1,725 mg/l;

Sevier River from Gunnison Bend Reservoir to Crafts Lake: 3,370 mg/l;

Silver Creek and tributaries, Summit County, from confluence with Tollgate Creek to headwaters: maximum 1,900 mg/L.

South Fork Spring Creek from confluence with Pelican Pond Slough Stream to U.S. Highway 89 1,450 mg/l (Apr.-Sept.)
1,950 mg/l (Oct.-March)

Virgin River from the Utah/Arizona border to Pah Tempe Springs: 2,360 mg/l

(5) Investigations should be conducted to develop more information where these pollution indicator levels are exceeded. These indicators are superseded by numeric criteria in waters where promulgated.

(6) Total Phosphorus as P (mg/l) indicator for lakes and reservoirs shall be 0.025.

(7) Where the criteria are exceeded and there is a reasonable basis for concluding that the indicator bacteria E. coli are primarily from natural sources (wildlife), e.g., in National Wildlife Refuges and State Waterfowl Management Areas, the

criteria may be considered attained provided the density attributable to non-wildlife sources is less than the criteria. Exceedences of E. coli from nonhuman nonpoint sources will generally be addressed through appropriate Federal, State, and local nonpoint source programs.

Measurement of E. coli using the "Quanti-Tray 2000" procedure is approved as a field analysis. Other EPA approved methods may also be used.

For water quality assessment purposes, up to 10% of representative samples may exceed the 668 per 100 ml criterion (for 1C and 2B waters) and 409 per 100 ml (for 2A waters). For small datasets, where exceedences of these criteria are observed, follow-up ambient monitoring should be conducted to better characterize water quality.

TABLE 2.14.2
NUMERIC CRITERIA FOR AQUATIC WILDLIFE(8)

Parameter	Aquatic Wildlife				
	3A	3B	3C	3D	5
PHYSICAL					
Total Dissolved Gases	(1)	(1)			
Minimum Dissolved Oxygen (MG/L) (2)(2a)					
30 Day Average	6.5	5.5	5.0	5.0	
7 Day Average	9.5/5.0	6.0/4.0			
Minimum	8.0/4.0	5.0/3.0	3.0	3.0	
Max. Temperature(C)(3)	20	27	27		
Max. Temperature Change (C)(3)	2	4	4		
pH (Range)(2a)	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0	
Turbidity Increase (NTU)	10	10	15	15	
METALS (4)					
(DISSOLVED, UG/L)(5)					
Aluminum					
4 Day Average (6)	87	87	87	87	
1 Hour Average	750	750	750	750	
Arsenic (Trivalent)					
4 Day Average	150	150	150	150	
1 Hour Average	340	340	340	340	
Cadmium (7)					
4 Day Average	0.72	0.72	0.72	0.72	
1 Hour Average	1.8	1.8	1.8	1.8	
Chromium (Hexavalent)					
4 Day Average	11	11	11	11	
1 Hour Average	16	16	16	16	
Chromium (Trivalent) (7)					
4 Day Average	74	74	74	74	
1 Hour Average	570	570	570	570	
Copper (7)					
4 Day Average	9	9	9	9	
1 Hour Average	13	13	13	13	
Cyanide (Free)					
4 Day Average	5.2	5.2	5.2		
1 Hour Average	22	22	22	22	
Iron (Maximum)	1000	1000	1000	1000	
Lead (7)					
4 Day Average	2.5	2.5	2.5	2.5	
1 Hour Average	65	65	65	65	

Mercury				
4 Day Average	0.012	0.012	0.012	0.012
Nickel (7)				
4 Day Average	52	52	52	52
1 Hour Average	468	468	468	468
Selenium				
4 Day Average	4.6	4.6	4.6	4.6
1 Hour Average	18.4	18.4	18.4	18.4
Selenium (14)				
Gilbert Bay (Class 5A)				
Great Salt Lake				
Geometric Mean over				
Nesting Season				
(mg/kg dry wt)				12.5
Silver				
1 Hour Average (7)	3.2	3.2	3.2	3.2
Tributyltin				
4 Day Average	0.072	0.072	0.072	0.072
1 Hour Average	0.46	0.46	0.46	0.46
Zinc (7)				
4 Day Average	120	120	120	120
1 Hour Average	120	120	120	120
INORGANICS (MG/L) (4)				
Total Ammonia as N (9)				
30 Day Average	(9a)	(9a)	(9a)	(9a)
1 Hour Average	(9b)	(9b)	(9b)	(9b)
Chlorine (Total Residual)				
4 Day Average	0.011	0.011	0.011	0.011
1 Hour Average	0.019	0.019	0.019	0.019
Hydrogen Sulfide (Undissociated, Max. UG/L)	2.0	2.0	2.0	2.0
Phenol (Maximum)	0.01	0.01	0.01	0.01
RADIOLOGICAL (MAXIMUM pCi/L)				
ORGANICS (UG/L) (4)				
Acrolein				
4 Day Average	3.0	3.0	3.0	3.0
1 Hour Average	3.0	3.0	3.0	3.0
Aldrin				
1 Hour Average	1.5	1.5	1.5	1.5
Carbaryl				
4 Day Average	2.1	2.1	2.1	2.1
1 Hour Average	2.1	2.1	2.1	2.1
Chlordane				
4 Day Average	0.0043	0.0043	0.0043	0.0043
1 Hour Average	1.2	1.2	1.2	1.2
Chlorpyrifos				
4 Day Average	0.041	0.041	0.041	0.041
1 Hour Average	0.083	0.083	0.083	0.083
4,4' -DDT				
4 Day Average	0.0010	0.0010	0.0010	0.0010
1 Hour Average	0.55	0.55	0.55	0.55
Diazinon				
4 Day Average	0.17	0.17	0.17	0.17
1 Hour Average	0.17	0.17	0.17	0.17
Dieldrin				
4 Day Average	0.056	0.056	0.056	0.056
1 Hour Average	0.24	0.24	0.24	0.24

Alpha-Endosulfan				
4 Day Average	0.056	0.056	0.056	0.056
1 Hour Average	0.11	0.11	0.11	0.11
beta-Endosulfan				
4 Day Average	0.056	0.056	0.056	0.056
1 Day Average	0.11	0.11	0.11	0.11
Endrin				
4 Day Average	0.036	0.036	0.036	0.036
1 Hour Average	0.086	0.086	0.086	0.086
Heptachlor				
4 Day Average	0.0038	0.0038	0.0038	0.0038
1 Hour Average	0.26	0.26	0.26	0.26
Heptachlor epoxide				
4 Day Average	0.0038	0.0038	0.0038	0.0038
1 Hour Average	0.26	0.26	0.26	0.26
Hexachlorocyclohexane (Lindane)				
4 Day Average	0.08	0.08	0.08	0.08
1 Hour Average	1.0	1.0	1.0	1.0
Methoxychlor (Maximum)				
4 Day Average	0.03	0.03	0.03	0.03
1 Hour Average	0.001	0.001	0.001	0.001
Mirex (Maximum)				
4 Day Average	0.03	0.03	0.03	0.03
1 Hour Average	0.001	0.001	0.001	0.001
Nonylphenol				
4 Day Average	6.6	6.6	6.6	6.6
1 Hour Average	28.0	28.0	28.0	28.0
Parathion				
4 Day Average	0.013	0.013	0.013	0.013
1 Hour Average	0.066	0.066	0.066	0.066
PCBs				
4 Day Average	0.014	0.014	0.014	0.014
Pentachlorophenol (11)				
4 Day Average	15	15	15	15
1 Hour Average	19	19	19	19
Toxaphene				
4 Day Average	0.0002	0.0002	0.0002	0.0002
1 Hour Average	0.73	0.73	0.73	0.73
POLLUTION INDICATORS (10)				
Gross Alpha (pCi/L)	15	15	15	15
Gross Beta (pCi/L)	50	50	50	50
BOD (MG/L)	5	5	5	5
Nitrate as N (MG/L)	4	4	4	4
Total Phosphorus as P(MG/L) (12)	0.05	0.05		

FOOTNOTES:

- (1) Not to exceed 110% of saturation.
- (2) These limits are not applicable to lower water levels in deep impoundments. First number in column is for when early life stages are present, second number is for when all other life stages present.
- (2a) These criteria are not applicable to Great Salt Lake impounded wetlands. Surface water in these wetlands shall be protected from changes in pH and dissolved oxygen that create significant adverse impacts to the existing beneficial uses. To ensure protection of uses, the Director shall develop reasonable protocols and guidelines that quantify the physical, chemical, and biological integrity of these waters. These protocols and guidelines will include input from local governments, the regulated community, and the general public. The Director will inform the Water Quality Board of any protocols or guidelines that are developed.
- (3) Site Specific Standards for Temperature
Kens Lake: From June 1st - September 20th, 27 degrees C.
- (4) Where criteria are listed as 4-day average and 1-hour average concentrations, these concentrations should not

be exceeded more often than once every three years on the average.

(5) The dissolved metals method involves filtration of the sample in the field, acidification of the sample in the field, no digestion process in the laboratory, and analysis by EPA approved laboratory methods for the required detection levels.

(6) The criterion for aluminum will be implemented as follows:

Where the pH is equal to or greater than 7.0 and the hardness is equal to or greater than 50 ppm as CaCO₃ in the receiving water after mixing, the 87 ug/l chronic criterion (expressed as total recoverable) will not apply, and aluminum will be regulated based on compliance with the 750 ug/l acute aluminum criterion (expressed as total recoverable).

(7) Hardness dependent criteria. 100 mg/l used. Conversion factors for ratio of total recoverable metals to dissolved metals must also be applied.

In waters with a hardness greater than 400 mg/l as CaCO₃, calculations will assume a hardness of 400 mg/l as CaCO₃. See Table 2.14.3 for complete equations for hardness and conversion factors.

(8) See also numeric criteria for organism only in Table 2.14.6.

(9) The following equations are used to calculate Ammonia criteria concentrations:

(9a) The thirty-day average concentration of total ammonia nitrogen (in mg/l as N) does not exceed, more than once every three years on the average, the chronic criterion calculated using the following equations.

Fish Early Life Stages are Present:
mg/l as N (Chronic) = $((0.0577/(1+10^{7.688-pH})) + (2.487/(1+10^{pH-7.688}))) * \text{MIN}(2.85, 1.45*10^{0.028*(25-1)})$

Fish Early Life Stages are Absent:
mg/l as N (Chronic) = $((0.0577/(1+10^{7.688-pH})) + (2.487/(1+10^{pH-7.688}))) * 1.45*10^{0.028*(25-\text{MAX}(1,7))}$

Mill Creek (Salt Lake County) from confluence with Jordan River to Interstate 15, Jordan River from 900 South Street to confluence with Mill Creek, Surplus Canal from 900 South Street to diversion from the Jordan River, Fish Early Life Stages are Present:

mg/l as N (Chronic) = $0.9405 * ((0.0278/(1+10^{7.688-pH})) + ((1.1994/(1+10^{pH-7.688}))) * \text{MIN}(6.920, (7.547*10^{0.028*(20-1)})))$

Mill Creek (Salt Lake County) from confluence with Jordan River to Interstate 15, Jordan River from 900 South Street to confluence with Mill Creek, Surplus Canal from 900 South Street to diversion from the Jordan River, Fish Early Life Stages are Absent:

mg/L as N (chronic) = $0.9405 * ((0.0278/(1+10^{7.688-pH})) + (1.1994/(1+10^{pH-7.688}))) * (7.547*10^{0.028*(20-\text{MAX}(1,7))})$

(9b) The one-hour average concentration of total ammonia nitrogen (in mg/l as N) does not exceed, more than once every three years on the average the acute criterion calculated using the following equations.

Class 3A:
mg/l as N (Acute) = $(0.275/(1+10^{7.204-pH})) + (39.0/1+10^{pH-7.204})$

Class 3B, 3C, 3D:
mg/l as N (Acute) = $0.411/(1+10^{7.204-pH}) + (58.4/(1+10^{pH-7.204}))$

Mill Creek (Salt Lake County) from confluence with Jordan River to Interstate 15, Jordan River from 900 South Street to confluence with Mill Creek, Surplus Canal from 900 South Street to diversion from the Jordan River:

mg/l as N (Acute) = $0.729 * (((0.0114/(1+10^{7.204-pH}))+1.6181/(1+10^{pH-7.204}))) * \text{MIN}(51.93, (62.15*10^{0.036*(20-1)}))$

In addition, the highest four-day average within the 30-day period should not exceed 2.5 times the chronic criterion.

The "Fish Early Life Stages are Present" 30-day average total ammonia criterion will be applied by default unless it is determined by the Director, on a site-specific basis, that it is appropriate to apply the "Fish Early Life Stages are Absent" 30-day average criterion for all or some portion of the year. At a minimum, the "Fish Early Life Stages are Present" criterion will apply from the beginning of spawning through the end of the early life stages. Early life stages include the pre-hatch embryonic stage, the post-hatch free embryo or yolk-sac fry stage, and the larval stage for the species of fish expected to occur at the site. The Director will consult with the Division of Wildlife Resources in making such determinations. The Division will maintain information

regarding the waterbodies and time periods where application of the "Early Life Stages are Absent" criterion is determined to be appropriate.

(10) Investigation should be conducted to develop more information where these levels are exceeded.

(11) pH dependent criteria. pH 7.8 used in table. See Table 2.14.4 for equation.

(12) Total Phosphorus as P (mg/l) as a pollution indicator for lakes and reservoirs shall be 0.025. These indicators are superseded by numeric criteria in waters where promulgated.

(13) Reserved

(14) The selenium water quality standard of 12.5 (mg/kg dry weight) for Gilbert Bay is a tissue based standard using the complete egg/embryo of aquatic dependent birds using Gilbert Bay based upon a minimum of five samples over the nesting season. Assessment procedures are incorporated as a part of this standard as follows:

Egg Concentration Triggers: DWQ Responses

Below 5.0 mg/kg: Routine monitoring with sufficient intensity to determine if selenium concentrations within the Great Salt Lake ecosystem are increasing.

5.0 mg/kg: Increased monitoring to address data gaps, loadings, and areas of uncertainty identified from initial Great Salt Lake selenium studies.

6.4 mg/kg: Initiation of a Level II Antidegradation review by the State for all discharge permit renewals or new discharge permits to Great Salt Lake. The Level II Antidegradation review may include an analysis of loading reductions.

9.8 mg/kg: Initiation of preliminary TMDL studies to evaluate selenium loading sources.

12.5 mg/kg and above: Declare impairment. Formalize and implement TMDL.

Antidegradation

Level II Review procedures associated with this standard are referenced at R317-2-3.5.C.

TABLE
1-HOUR AVERAGE (ACUTE) CONCENTRATION OF
TOTAL AMMONIA AS N (MG/L)

pH	Class 3A	Class 3B, 3C, 3D
6.5	32.6	48.8
6.6	31.3	46.8
6.7	29.8	44.6
6.8	28.1	42.0
6.9	26.2	39.1
7.0	24.1	36.1
7.1	22.0	32.8
7.2	19.7	29.5
7.3	17.5	26.2
7.4	15.4	23.0
7.5	13.3	19.9
7.6	11.4	17.0
7.7	9.65	14.4
7.8	8.11	12.1
7.9	6.77	10.1
8.0	5.62	8.40
8.1	4.64	6.95
8.2	3.83	5.72
8.3	3.15	4.71
8.4	2.59	3.88
8.5	2.14	3.20
8.6	1.77	2.65
8.7	1.47	2.20
8.8	1.23	1.84
8.9	1.04	1.56
9.0	0.89	1.32

TABLE
30-DAY AVERAGE (CHRONIC) CONCENTRATION OF
TOTAL AMMONIA AS N (MG/L)

pH	Fish Early Life Stages Present									
	0	14	16	18	20	22	24	26	28	30
6.5	6.67	6.67	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.6	6.57	6.57	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.7	6.44	6.44	5.86	5.15	4.52	3.98	3.50	3.07	2.70	2.37
6.8	6.29	6.29	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.9	6.12	6.12	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7.0	5.91	5.91	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.1	5.67	5.67	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.2	5.39	5.39	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99
7.3	5.08	5.08	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.4	4.73	4.73	4.30	3.78	3.32	2.92	2.57	2.26	1.98	1.74
7.5	4.36	4.36	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.6	3.98	3.98	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.7	3.58	3.58	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.8	3.18	3.18	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.9	2.80	2.80	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.0	2.43	2.43	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.90
8.1	2.10	2.10	1.91	1.68	1.47	1.29	1.14	1.00	0.88	0.77
8.2	1.79	1.79	1.63	1.43	1.26	1.11	0.97	0.86	0.75	0.66
8.3	1.52	1.52	1.39	1.22	1.07	0.94	0.83	0.73	0.64	0.56
8.4	1.29	1.29	1.17	1.03	0.91	0.80	0.70	0.62	0.54	0.48
8.5	1.09	1.09	0.99	0.87	0.76	0.67	0.59	0.52	0.46	0.40
8.6	0.92	0.92	0.84	0.73	0.65	0.57	0.50	0.44	0.39	0.34
8.7	0.78	0.78	0.71	0.62	0.55	0.48	0.42	0.37	0.33	0.29
8.8	0.66	0.66	0.60	0.53	0.46	0.41	0.36	0.32	0.28	0.24
8.9	0.56	0.56	0.51	0.45	0.40	0.35	0.31	0.27	0.24	0.21
9.0	0.49	0.49	0.44	0.39	0.34	0.30	0.26	0.23	0.20	0.18

TABLE
30-DAY AVERAGE (CHRONIC) CONCENTRATION OF
TOTAL AMMONIA AS N (MG/L)

pH	Fish Early Life Stages Absent								
	0-7	8	9	10	11	12	13	14	16
6.5	10.8	10.1	9.51	8.92	8.36	7.84	7.36	6.89	6.06
6.6	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79	5.97
6.7	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66	5.86
6.8	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51	5.72
6.9	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33	5.56
7.0	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11	5.37
7.1	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86	5.15
7.2	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57	4.90
7.3	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25	4.61
7.4	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89	4.30
7.5	7.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51	3.97
7.6	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11	3.61
7.7	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70	3.25
7.8	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29	2.89
7.9	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89	2.54
8.0	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52	2.21
8.1	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17	1.91
8.2	2.91	2.73	2.56	2.40	2.25	2.11	1.98	1.85	1.63
8.3	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58	1.39
8.4	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33	1.17
8.5	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13	0.990
8.6	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.951	0.836
8.7	1.26	1.18	1.11	1.04	0.976	0.915	0.858	0.805	0.707
8.8	1.07	1.01	0.944	0.885	0.829	0.778	0.729	0.684	0.601
8.9	0.917	0.860	0.806	0.758	0.709	0.664	0.623	0.584	0.513
9.0	0.790	0.740	0.694	0.651	0.610	0.572	0.536	0.503	0.442

NOTICES OF PROPOSED RULES

7.3	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.4	3.78	3.32	2.92	2.57	2.26	1.98	1.74
7.5	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.6	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.7	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.8	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.9	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.0	1.94	1.71	1.50	1.32	1.16	1.02	0.897
8.1	1.68	1.47	1.29	1.14	1.00	0.879	0.733
8.2	1.43	1.26	1.11	1.073	0.855	0.752	0.661
8.3	1.22	1.07	0.941	0.827	0.727	0.639	0.562
8.4	1.03	0.906	0.796	0.700	0.615	0.541	0.475
8.5	0.870	0.765	0.672	0.591	0.520	0.457	0.401
8.6	0.735	0.646	0.568	0.499	0.439	0.396	0.339
8.7	0.622	0.547	0.480	0.422	0.371	0.326	0.287
8.8	0.528	0.464	0.408	0.359	0.315	0.277	0.244
8.9	0.451	0.397	0.349	0.306	0.269	0.237	0.208
9.0	0.389	0.342	0.300	0.264	0.232	0.204	0.179

TABLE 2.14.3a
EQUATIONS TO CONVERT TOTAL RECOVERABLE METALS STANDARD WITH HARDNESS (1) DEPENDENCE TO DISSOLVED METALS STANDARD BY APPLICATION OF A CONVERSION FACTOR (CF).

Parameter	4-Day Average (Chronic) Concentration (UG/L)
CADMIUM	$CF * e^{(0.7977 * \ln(\text{hardness}) - 3.909)}$ CF = 1.101672 - ln(hardness) (0.041838)
CHROMIUM III	$CF * e^{(0.8190(\ln(\text{hardness})) + 0.6848)}$ CF = 0.860
COPPER	$CF * e^{(0.8545(\ln(\text{hardness})) - 1.702)}$ CF = 0.960
LEAD	$CF * e^{(1.273(\ln(\text{hardness})) - 4.705)}$ CF = 1.46203 - ln(hardness) (0.145712)
NICKEL	$CF * e^{(0.8460(\ln(\text{hardness})) + 0.0584)}$ CF = 0.997
SILVER	N/A
ZINC	$CF * e^{(0.8473(\ln(\text{hardness})) + 0.884)}$ CF = 0.986

TABLE 2.14.3b
EQUATIONS TO CONVERT TOTAL RECOVERABLE METALS STANDARD WITH HARDNESS (1) DEPENDENCE TO DISSOLVED METALS STANDARD BY APPLICATION OF A CONVERSION FACTOR (CF).

Parameter	1-Hour Average (Acute) Concentration (UG/L)
CADMIUM	$CF * e^{(0.9789 * \ln(\text{hardness}) - 3.866)}$ CF = 1.136672 - ln(hardness) (0.041838)
CHROMIUM (III)	$CF * e^{(0.8190(\ln(\text{hardness})) + 3.7256)}$ CF = 0.316
COPPER	$CF * e^{(0.9422(\ln(\text{hardness})) - 1.700)}$ CF = 0.960
LEAD	$CF * e^{(1.273(\ln(\text{hardness})) - 1.460)}$ CF = 1.46203 - ln(hardness) (0.145712)
NICKEL	$CF * e^{(0.8460(\ln(\text{hardness})) + 2.255)}$ CF = 0.998
SILVER	$CF * e^{(1.72(\ln(\text{hardness})) - 6.59)}$ CF = 0.85
ZINC	$CF * e^{(0.8473(\ln(\text{hardness})) + 0.884)}$ CF = 0.978

FOOTNOTE:
(1) Hardness as mg/l CaCO₃.

TABLE 2.14.4
EQUATIONS FOR PENTACHLOROPHENOL (pH DEPENDENT)

4-Day Average (Chronic) Concentration (UG/L)	1-Hour Average (Acute) Concentration (UG/L)
$e^{(1.005(\text{pH}) - 5.134)}$	$e^{(1.005(\text{pH}) - 4.869)}$

TABLE 2.14.5
SITE SPECIFIC CRITERIA FOR DISSOLVED OXYGEN FOR JORDAN RIVER, SURPLUS CANAL, AND STATE CANAL (SEE SECTION 2.13)

DISSOLVED OXYGEN:	
May-July	
7-day average	5.5 mg/l
30-day average	5.5 mg/l
Instantaneous minimum	4.5 mg/l
August-April	
30-day average	5.5 mg/l
Instantaneous minimum	4.0 mg/l

TABLE 2.14.6
LIST OF HUMAN HEALTH CRITERIA (CONSUMPTION)

Chemical Parameter and CAS #	Water and Organism (ug/L)	Organism Only (ug/L)
	Class 1C	Class 3A,3B,3C,3D
Antimony 7440-36-0	5.6	640
Arsenic 7440-38-2	A	A
Beryllium 7440-41-7	C	C
Chromium III 16065-83-1	C	C
Chromium VI 18540-29-9	C	C
Copper 7440-50-8	1,300	
Mercury 7439-97-6	A	A
Nickel 7440-02-0	610	4,600
Selenium 7782-49-2	170	4,200
Thallium 7440-28-0	0.24	0.47
Zinc 7440-66-6	7,400	26,000
Free Cyanide 57-12-5	4	400
Asbestos 1332-21-4	7 million Fibers/L	
2,3,7,8-TCDD Dioxin 1746-01-6	5.0 E -9 B	5.1 E-9 B
Acrolein 107-02-8	3	400
Acrylonitrile 107-13-1	0.061	7.0
Benzene 71-43-2	2.1 B	51 B
Bromoform 75-25-2	7.0 B	120 B
Carbon Tetrachloride 56-23-5	0.4 B	5 B
Chlorobenzene 108-90-7	100 MCL	800
Chlorodibromomethane 124-48-1	0.80 B	21 B
Chloroform 67-66-3	60 B	2,000 B
Dichlorobromomethane 75-27-4	0.95 B	27 B
1,2-Dichloroethane 107-06-2	9.9 B	2,000 B
1,1-Dichloroethylene 75-35-4	300 MCL	20,000
1,2-Dichloropropane 78-87-5	0.90 B	31 B
1,3-Dichloropropene 542-75-6	0.27	12
Ethylbenzene 100-41-4	68	130
Methyl Bromide 74-83-9	100	10,000
Methylene Chloride 75-09-2	20 B	1,000 B
1,1,2,2-Tetrachloroethane 79-34-5	0.2 B	3 B
Tetrachloroethylene 127-18-4	10 B	29 B
Toluene 108-88-3	57	520
1,2 -Trans-Dichloroethylene 156-60-5	100 MCL	4,000
1,1,1-Trichloroethane 71-55-6	10,000 MCL	200,000
1,1,2-Trichloroethane 79-00-5	0.55 B	8.9 B
Trichloroethylene 79-01-6	0.6 B	7 B
Vinyl Chloride 75-01-4	0.022	1.6
2-Chlorophenol 95-57-8	30	800
2,4-Dichlorophenol 120-83-2	10	60
2,4-Dimethylphenol 105-67-9	100	3,000

2-Methyl-4,6-Dinitrophenol			
534-52-1	2	30	
2,4-Dinitrophenol	10	300	
3-Methyl-4-Chlorophenol			
59-50-7	500	2,000	
Pentachlorophenol	0.03 B	0.04 B	
Phenol	4,000	300,000	
2,4,5-Trichlorophenol	300	600	
2,4,6-Trichlorophenol	1.5 B	2.8 B	
Acenaphthene	70	90	
Anthracene	300	400	
Benzidine	0.00014 B	0.011 B	
BenzoAnthracene	0.0012 B	0.0013 B	
BenzoaPyrene	0.00012 B	0.00013 B	
BenzobFluoranthene	0.0012 B	0.0013 B	
BenzokFluoranthene	0.012 B	0.013 B	
Bis2-ChloroImethylether			
542-88-1	0.00015	0.017	
Bis2-ChloroImethylethylether			
108-60-1	200 B	4000	
Bis2-ChloroethylEther			
111-44-4	0.030 B	2.2 B	
Bis2-ChloroisopropylEther			
39638-32-9	1,400	65,000	
Bis2-EthylhexylPhthalate			
117-81-7	0.32 B	0.37 B	
Butylbenzyl Phthalate			
85-68-7	0.10	0.10	
2-Chloronaphthalene	800	1,000	
Chrysene	0.12 B	0.13 B	
Dibenzoa,hAnthracene	0.00012 B	0.00013 B	
1,2-Dichlorobenzene	1,000	3,000	
1,3-Dichlorobenzene	7	10	
1,4-Dichlorobenzene	300	900	
3,3-Dichlorobenzidine			
91-94-1	0.049 B	0.15 B	
Diethyl Phthalate	600	600	
Dimethyl Phthalate	2,000	2,000	
Di-n-Butyl Phthalate	20	30	
2,4-Dinitrotoluene	0.049 B	1.7 B	
Dinitrophenols	10	1,000	
25550-58-7			
1,2-Diphenylhydrazine			
122-66-7	0.03 B	0.2 B	
Fluoranthene	20	20	
206-44-0			
Fluorene	50	70	
86-73-7			
Hexachlorobenzene	0.000079 B	0.000079 B	
118-74-1			
Hexachlorobutadiene	0.01 B	0.01 B	
87-68-3			
Hexachloroethane	0.1 B	0.1 B	
67-72-1			
Hexachlorocyclopentadiene			
77-47-4	4	4	
Ideno 1,2,3-cdPyrene			
193-39-5	0.0012 B	0.0013 B	
Isophorone	34 B	1,800 B	
78-59-1			
Nitrobenzene	10	600	
98-95-3			
N-Nitrosodiethylamine	0.0008 B	1.24 B	
55-18-5			
N-Nitrosodimethylamine			
62-75-9	0.00069 B	3.0 B	
N-Nitrosodi-n-Propylamine			
621-64-7	0.0050 B	0.51 B	
N-Nitrosodiphenylamine			
86-30-6	3.3 B	6.0 B	
N-Nitrosopyrrolidine	0.016 B	34 B	
930-55-2			
Pentachlorobenzene	0.1	0.1	
608-93-5			
Pyrene	20	30	
129-00-0			
1,2,4-Trichlorobenzene			
120-82-1	0.071 MCL	0.076	
Aldrin	0.00000077 B	0.00000077 B	
309-00-2			
alpha-BHC	0.00036 B	0.00039 B	
319-84-6			
beta-BHC	0.0080 B	0.014 B	
319-85-7			
gamma-BHC (Lindane)	4.2 MCL	4.4	
58-89-9			
Hexachlorocyclohexane (HCH)			
Technical	0.0066	0.010	
608-73-1			
Chlordane	0.00031 B	0.00032 B	
57-74-9			
4,4-DDT	0.000030 B	0.000030 B	
50-29-3			
4,4-DDE	0.000018 B	0.000018 B	
72-55-9			
4,4-DDD	0.00012 B	0.00012 B	
72-54-8			
Dieldrin	0.0000012 B	0.0000012 B	
60-57-1			
alpha-Endosulfan	20	30	
959-98-8			

beta-Endosulfan	33213-65-9	20	40
Endosulfan Sulfate	1031-07-8	20	40
Endrin	72-20-8	0.03	0.03
Endrin Aldehyde	7421-93-4	1	1
Heptachlor	76-44-8	0.0000059 B	0.0000059 B
Heptachlor Epoxide	1024-57-3	0.000032 B	0.000032 B
Methoxychlor	72-43-5	0.02	0.02
Polychlorinated Biphenyls			
(PCBs)	1336-36-3	0.000064 B,D	0.000064 B,D
Toxaphene	8001-35-2	0.00070 B	0.00071 B

FOOTNOTES:

A. See Table 2.14.2

B. Based on carcinogenicity of 10-6 risk.

C. EPA has not calculated a human criterion for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using the State's existing narrative criteria for toxics

D. This standard applies to total PCBs.

TABLE 2.14.7
NUTRIENT CRITERIA FOR CLASSES 2A and 2B (1)

Nutrient Parameters	Criteria
Periphyton	125 mg/m2 chlorophyll-a or 49 g/m2 ash free dry mass

FOOTNOTES:

(1)Applicable to all Category 1 and Category 2 streams with the following exceptions: Quitcupah Creek through Convulsion Canyon from U. S. Forest Service boundary upstream to East Spring Canyon headwaters; North Fork of Quitcupah Creek from the U. S. Forest Service boundary upstream to its confluence with South Fork; Huntington Creek from U. S. Forest Service boundary to confluence with Crandall Creek and Crandall Creek to headwaters.

TABLE 2.14.8
NUTRIENT CRITERIA FOR CLASSES 3A, 3B, 3C, and 3D(1)

Nutrient Parameters	Criteria(2)
Total Phosphorus	0.035 mg/L(3), and
Total Nitrogen	0.40 mg/L(3), or
Total Phosphorus	0.080 mg/L(3), and
Total Nitrogen	0.80 mg/L(3), and
Filamentous Algae	33% cover(4), or
Gross Primary Production	6 g O2/m2-day(5), or
Ecosystem Respiration	5 g O2/m2-day(5)

FOOTNOTES:

(1)_Applicable to all Category 1 and Category 2 streams with the following exceptions: Quitcupah Creek through Convulsion Canyon from U. S. Forest Service boundary upstream to East Spring Canyon headwaters; North Fork of Quitcupah Creek from the U. S. Forest Service boundary upstream to its confluence with South Fork; Huntington Creek from U. S. Forest Service boundary to confluence with Crandall Creek and Crandall Creek to headwaters.

(2)_For water quality assessments, Table 8, Decision Matrix That Will Be Used to Assess Support of Headwater Aquatic Life Uses for Nutrient-related Water Quality Problems, "Proposed Nutrient Criteria: Utah Headwater Streams", Utah Division of Water Quality, March, 2019 is incorporated by reference.

(3)_Not to be exceeded seasonal average for the index period of algal growth through senescence.

(4)_Not to be exceeded average based on at least 3 transects perpendicular to stream flow and spatially dispersed along a reach of at least 50 meters

(5)_ Not to be exceeded during the index period of algal growth through senescence.

KEY: water pollution, water quality standards
Date of Enactment or Last Substantive Amendment: ~~July 1,~~ 2019|2020

Notice of Continuation: September 26, 2017 [~~1317, 1329~~]
 Authorizing, and Implemented or Interpreted Law: 19-5; FWPCA
 33 USC 1251, 1311-~~1317, 1329~~

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R614-1-4	Filing No. 53033

Agency Information

1. Department:	Labor Commission	
Agency:	Occupational Safety and Health	
Street address:	160 East 300 South, Third Floor	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146600	
City, state, zip:	Salt Lake City, UT 84114-6600	
Contact person(s):		
Name:	Phone:	Email:
Cameron Ruppe	801-530-6898	cruppe@utah.gov
Holly Lawrence	801-530-6494	hlawrence@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R614-1-4. Incorporation of Federal Standards
3. Purpose of the new rule or reason for the change:
The purposes of these amendments to Utah's Occupational Safety and Health (UOSH) rules are to: 1) protect workers and other individuals involved in the use of cranes in construction activities; 2) protect worker privacy; 3) reduce employer burden; and 4) satisfy the requirement of Subsection 34A-6-102(2) of the Utah Occupational Safety and Health Act that UOSH's occupational safety and health standards be "as effective as" the standards established by federal Occupational Safety and Health Administration (OSHA).
4. Summary of the new rule or change:
The proposed amendment incorporates the federal OSHA standards for the use of cranes in construction activities which: 1) requires certification/licensure and evaluation of crane operators for their ability to safely operate equipment covered by 29 Code of Federal Regulations (CFR) 1926 Subpart CC; 2) requires documentation of crane-operator evaluation; 3) alters the requirement that crane-operator certification be based on equipment "type and capacity," instead permitting certification based on

equipment "type" or "type and capacity"; and 4) continues requiring training of crane operators. The proposed amendment also incorporates the federal OSHA standards for recording and reporting occupational injuries and illnesses which: 1) eliminates the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301; and 2) requires covered employers to submit their Employer Identification Number (EIN) electronically along with other injury and illness data they are required to submit.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
UOSH's enforcement of the proposed amendment will be absorbed by existing personnel and will not result in additional cost or saving to the state budget.
29 CFR 1926 Subpart CC - Cranes and Derricks in Construction The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC.
The largest cost element of this rule change for state construction projects involving the use of cranes is an evaluation requirement with associated training of \$79.22 per training and \$90.04 for each crane operator evaluation, for a total of \$169.25. An overall savings is expected as a result of the elimination of the requirement that crane-operator certification be based on the capacity of equipment. The cost savings from eliminating this requirement (\$358.13 per an affected crane operator) will outweigh the cost for evaluation of crane operators and documentation of such evaluation; OSHA estimates that approximately 50% of experienced operators would need to certify based on capacity alone under the previous construction crane operator standards. The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.
The total number of crane operators on state construction projects in Utah is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators would incur and overall fiscal

benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

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The elimination of the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301 and the addition of requiring covered employers to submit their EIN electronically along with other injury and illness data is not an economically significant regulatory action. OSHA estimates the time it takes to electronically submit information from OSHA Forms 300 and 301 costs each employer approximately \$11.39 per an injury or illness case.

The total savings for affected employers is based on the number of recordable injuries and illnesses sustained at that establishment. The requirement that employers submit their EIN electronically with injury and illness data is estimated to cost \$4.75 per an affected establishment.

B) Local governments:

Local governments have no administration or enforcement obligations under the proposed amendment.

29 CFR 1926 Subpart CC - Cranes and Derricks in Construction

The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC.

The largest cost element of this rule change for local government construction projects involving the use of cranes is an evaluation requirement with associated training of \$79.22 per training and \$90.04 for each crane operator evaluation, for a total of \$169.25. An overall savings is expected as a result of the elimination of the requirement that crane-operator certification be based on the capacity of equipment. The cost savings from eliminating this requirement (\$358.13 per an affected crane operator) will outweigh the cost for evaluation of crane operators and documentation of such evaluation; OSHA estimates that approximately 50% of experienced operators would need to certify based on capacity alone under the previous construction crane operator standards. The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

The total number of crane operators on local government construction projects in Utah is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators would incur and overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

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The elimination of the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301 and the addition of requiring covered employers to submit their EIN electronically along with other injury and illness data is not an economically significant regulatory action. OSHA estimates the time it takes to electronically submit information from OSHA Forms 300 and 301 costs each employer approximately \$11.39 per an injury or illness case. The total savings for affected employers is based on the number of recordable injuries and illnesses sustained at that establishment. The requirement that employers submit their EIN electronically with injury and illness data is estimated to cost \$4.75 per an affected establishment.

C) Small businesses ("small business" means a business employing 1-49 persons):

29 CFR 1926 Subpart CC - Cranes and Derricks in Construction

The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC.

The largest cost element of this rule change for small business construction projects involving the use of cranes is an evaluation requirement with associated training of \$79.22 per training and \$90.04 for each crane operator evaluation, for a total of \$169.25. Small businesses will, by definition, have few operators, and the \$169.25 cost for each operator evaluation with training will not be a significant impact for even the smallest businesses. At an estimated hourly wage of \$43.25, the annual salary for an operator is \$86,500 ($\$43.25 \times 8 \times 5 \times 50$), so this operator evaluation cost is 0.2% ($169.25 / 86,500$) of an operator's annual salary. Hence, this rule change will not have a significant economic impact on a substantial number of small entities. Small businesses should experience an overall savings as a result of the elimination of the requirement that crane-operator certification be based on the capacity of equipment. The cost savings from eliminating this requirement (\$358.13 per an affected crane operator) will outweigh the cost for required evaluation of crane operators and documentation of such evaluation; OSHA estimates that approximately 50% of experienced operators would need to certify based on capacity alone under the previous construction crane

operator standards. The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

The total number of crane operators on small business construction projects in Utah is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators would incur and overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

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Small businesses will, by definition, have less than fifty (50) employees. The elimination of the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301 does not impact small businesses. The addition of requiring covered employers to submit their EIN electronically along with other injury and illness data is not an economically significant regulatory action. The requirement that employers submit such information with injury and illness data is estimated to cost \$4.75 per an affected establishment.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

29 CFR 1926 Subpart CC - Cranes and Derricks in Construction

The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC.

The largest cost element of this rule change for non-small business construction projects involving the use of cranes is an evaluation requirement with associated training of \$79.22 per training and \$90.04 for each crane operator evaluation, for a total of \$169.25. Non-small businesses that use cranes in their business operations should experience an overall savings as a result of the elimination of the requirement that crane-operator certification be based on the capacity of equipment. The cost savings from eliminating this requirement (\$358.13 per an affected crane operator) will outweigh the cost for required evaluation of crane operators and documentation of such evaluation; OSHA estimates that approximately 50% of experienced operators would need to certify based on capacity alone under the previous construction crane operator standards. The additional costs for evaluating

crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

The total number of crane operators on non-small business construction projects in Utah is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators would incur and overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

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The elimination of the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301 and the addition of requiring covered employers to submit their EIN electronically along with other injury and illness data is not an economically significant regulatory action. OSHA estimates the time it takes to electronically submit information from OSHA Forms 300 and 301 costs each employer approximately \$11.39 per an injury or illness case. The total savings for affected employers is based on the number of recordable injuries and illnesses sustained at that establishment. The requirement that employers submit their EIN electronically with injury and illness data is estimated to cost \$4.75 per an affected establishment.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

29 CFR 1926 Subpart CC - Cranes and Derricks in Construction

The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC.

Persons other than small businesses, non-small businesses, state, or local government entities (other persons) will experience the same fiscal impact as described for small businesses. The largest cost element of this rule change for other persons' construction projects involving the use of cranes is an evaluation requirement with associated training of \$79.22 per training and \$90.04 for each crane operator evaluation, for a total of \$169.25. The cost savings from eliminating the requirement that crane-operator certification be based on the capacity of

equipment (\$358.13 per an affected crane operator) will outweigh the cost for required evaluation of crane operators and documentation of such evaluation; OSHA estimates that approximately 50% of experienced operators would need to certify based on capacity alone under the previous construction crane operator standards. The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

The total number of crane operators on other persons' construction projects in Utah is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators should incur and overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

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The elimination of the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301 and the addition of requiring covered employers to submit their EIN electronically along with other injury and illness data is not an economically significant regulatory action. OSHA estimates the time it takes to electronically submit information from OSHA Forms 300 and 301 costs each employer approximately \$11.39 per an injury or illness case. The total savings for affected employers is based on the number of recordable injuries and illnesses sustained at that establishment. The requirement that employers submit their EIN electronically with injury and illness data is estimated to cost \$4.75 per an affected establishment.

F) Compliance costs for affected persons:

29 CFR 1926 Subpart CC - Cranes and Derricks in Construction

The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC. OSHA has extended the requirement for crane operator certification numerous times

OSHA estimates employers impacted by the final rule, *Cranes and Derricks in Construction: Operator Qualification*, employ approximately 117,130 crane operators nationally and estimates the nationwide annualized cost for crane-operator evaluation,

documentation and training at \$1,685,000 (3% discount rate) and \$1,695,000 (7% discount rate). The nationwide annualized benefit for eliminating crane-operator certifications based on crane capacity is estimated at \$3,436,000 (3% discount rate) and \$4,082,000 (7% discount rate). OSHA estimates the approximate total cost savings throughout the nation, as a result of the changes to 29 CFR 1926 Subpart CC, at \$1,751,000 (3% discount rate) and \$2,387,000 (7% discount rate). At 117,130 crane operators and a total cost savings of \$1,751,000 (3% discount rate) / \$2,387,000 (7% discount rate), the average annualized fiscal benefit for each employer impacted by this rule would be approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

The total number of crane operators on construction projects currently employed in the is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators should incur and overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

29 CFR 1904

The elimination of the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301 and the addition of requiring covered employers to submit their EIN electronically along with other injury and illness data is not an economically significant regulatory action. OSHA estimates the time it takes to electronically submit information from OSHA Forms 300 and 301 costs each employer approximately \$11.39 per an injury or illness case. The total savings for affected employers is based on the number of recordable injuries and illnesses sustained at that establishment. The requirement that employers submit their EIN electronically with injury and illness data is estimated to cost \$4.75 per an affected establishment.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The head of the Labor Commission, Jaceson Maughan has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC.			
The largest cost element of this rule change for small business construction projects involving the use of cranes is an evaluation requirement with associated training of \$79.22 per training and \$90.04 for each crane operator evaluation, for a total of \$169.25. OSHA estimates that approximately 50% of experienced operators would need to certify based on capacity alone under the previous construction crane operator standards. The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of			

operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

The total number of crane operators on construction projects in Utah is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators would incur an overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

B) Name and title of department head commenting on the fiscal impacts:

Jaceson R. Maughan, Commissioner

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Title 34A,
Section 6

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:

	First Incorporation
Official Title of Materials Incorporated (from title page)	29 CFR 1904, July 1, 2019
Date Issued	July 1, 2019

B) This rule adds, updates, or removes the following title of materials incorporated by references:

	Second Incorporation
Official Title of Materials Incorporated (from title page)	29 CFR 1910.6 and 1910.21 through end
Date Issued	July 1, 2019

C) This rule adds, updates, or removes the following title of materials incorporated by references:

	Third Incorporation
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Official Title of Materials Incorporated (from title page)	29 CFR 1926.6 and 1926.20 through end
Date Issued	July 1, 2019

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/15/2020
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10. This rule change MAY become effective on:	10/22/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Jacson R. Maughan, Commissioner	Date:	08/25/2020
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R614. Labor Commission, Occupational Safety and Health.

R614-1. General Provisions.

R614-1-4. Incorporation of Federal Standards.

A. The following federal occupational safety and health standards are hereby incorporated:

1. 29 CFR 1904, July 1, ~~2018~~2019, is incorporated by reference, except 29 CFR 1904.36 and the workplace fatality, injury and illness reporting requirements found in 29 CFR 1904.1, 1904.2, 1904.7 and 1904.39. Workplace fatalities, injuries and illnesses shall be reported pursuant to the more specific Utah standards in subsection 34A-6-301(3)(b)(ii) of the Utah OSH Act and UAC R614-1-5(B)(1).

2. 29 CFR 1908, July 1, 2015, is incorporated by reference.

3. 29 CFR 1910.6 and 1910.21 through the end of part 1910, of the July 1, ~~2018~~2019, edition are incorporated by reference.

4. 29 CFR 1926.6 and 1926.20 through the end of part 1926, of the July 1, ~~2018~~2019, edition are incorporated by reference.

KEY: safety

Date of Enactment or Last Substantive Amendment: ~~December 23, 2019~~2020

Notice of Continuation: October 19, 2017

Authorizing, and Implemented or Interpreted Law: 34A-6

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R647-1-106	Filing No. 53045

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Non-Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT	
Mailing address:	1594 W North Temple, Suite 1210	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R647-1-106. Definitions
3. Purpose of the new rule or reason for the change:
During the 2020 General Session, two bills were passed, S.B. 131 and H.B. 294, that amended the definitions of small mining operations, gravel, mining operations, rock aggregate, and sand, and added a definition for basalt. The change in the small mine definitions also affects the large mining operations, although that definitions is only in the Oil, Gas and Mining; Non-Coal rules, not statute.
4. Summary of the new rule or change:
Section R647-1-106 establishes definitions for terms used within Title R647 Minerals Regulatory Program rules. The change amends the definitions for "small mining operations", "large mining operations", "gravel", "mining operations", "rock aggregate", and "sand". This change also adds a definition for "basalt".

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative.

B) Local governments:			
This rule does not apply to local governments.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There are a total of 559 small business mining operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There is no estimated fiscal cost to these businesses. There will be an estimated fiscal benefit to mining operators who have small mines and would like to expand, as they will not need to apply and pay for a large mining permit. The fiscal benefit is estimated at \$500 per small mine expansion between 20-50 acres, however, it cannot be estimated how many mines will expand.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There are a total of 36 non-small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . There is no estimated fiscal cost to these businesses. There will be an estimated fiscal benefit to mining operators who have small mines and would like to expand, as they will not need to apply and pay for a large mining permit. The fiscal benefit is estimated at \$500 per small mine expansion between 20-50 acres, however, it cannot be estimated how many mines will expand.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
This rule change will not affect persons other than small businesses, businesses, or local government entities.			
F) Compliance costs for affected persons:			
There will be no compliance costs for mineral mine operators.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
This rule change is estimated to have no fiscal costs to state government and businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Brian Steed; Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 40-6-1 et seq.		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency

not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/15/2020

10. This rule change MAY become effective on: 10/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	John Baza; Director of the Division of Oil, Gas and Mining	Date:	08/31/2020
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R647. Natural Resources; Oil, Gas and Mining; Non-Coal.

R647-1. Minerals Regulatory Program.

R647-1-106. Definitions.

"Act" means the Utah Mined Land Reclamation Act, enacted in 1975, as amended. (Section 40-8-1, et seq., UCA).

"Adjudicative proceeding" means an agency action or proceeding that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons, including ~~[a]ny~~ agency actions to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and judicial review of ~~[a]ny~~ of such actions. Those matters not governed by Title 63G, Chapter 4, Administrative Procedures Act, ~~[of the Utah Code annotated]~~ (1953, as amended) shall not be included within this definition.

"Agency" means a board, commission, department, division, officer, council, office, committee, commission, bureau, or other administrative unit of this state, including the agency head, agency employees, or other persons acting on behalf of or under the authority of the agency head, but does not mean the Legislature, the courts, the governor, any political subdivision of the state, or any administrative unit of a political subdivision of the state.

"Agency head" means an individual or body of individuals in whom the ultimate legal authority of the agency is vested by statute.

"Amendment" is an insignificant change in the approved notice of intention.

"Approved Notice of Intention" means a formally filed notice of intention to commence mining operations, including any amendments or revisions thereto that is determined to be complete and contains a mining and reclamation plan, which has been approved by the Division. A notice of intention for exploration having a disturbed area of five acres or less, or a small mining operation must be determined complete in writing by the Division, but does not require a mining and reclamation plan.

"Basalt" (a) means fine grained, dark-colored igneous rock associated with a lava flow or igneous intrusion composed primarily of plagioclase and pyroxene. (b) Utah Geological Survey or the United States Geological Survey published maps that classify material as

"basalt" is prima facie evidence that the material meets the requirements of Subsection (a). An unmapped area can be classified by a Utah Geological Survey Geologist or a licensed professional geologist in the state.

"Board" means the Utah Board of Oil, Gas and Mining. The Board shall hear ~~[a]ny~~ appeals of adjudicative proceedings which commenced before the Division as well as ~~[a]ny~~ adjudicative proceedings and other proceedings which commence before the Board. The Board may appoint a Hearing Examiner for its hearings in accordance with the Rules of Practice and Procedure before the Board of Oil, Gas and Mining.

"Deleterious Materials" means earth, waste or introduced materials exposed by mining operations to air, water, weather or microbiological processes, which would likely produce chemical or physical conditions in the soils or water that are detrimental to the biota or hydrologic systems.

"Deposit" or "mineral deposit" means an accumulation of mineral matter in the form of consolidated rock, unconsolidated materials, solutions, or otherwise occurring on the surface, beneath the surface, or in the waters of the land from which any useful product may be produced, extracted or obtained, or which is extracted by underground mining methods for underground storage. "Deposit" or "mineral deposit" excludes sand, gravel, rock aggregate, basalt for an area not to exceed 50 acres, water, geothermal steam, and oil and gas, but includes oil shale and bituminous sands extracted by mining operations.

"Development" means the work performed in relation to a deposit following its discovery, but prior to and in contemplation of production mining operations. Development includes, ~~[-but is not limited to,]~~ preparing the site for mining operations; further defining the ore deposit by drilling or other means; conducting pilot plant operations; and constructing roads or ancillary facilities.

"Disturbed Area" means the surface land disturbed by mining operations. The disturbed area for small mining operations shall not exceed five acres in an incorporated area of a county or ten acres in an unincorporated area of a county. The disturbed area for large mining operations shall not exceed the acreage described in the approved notice of intention.

"Division" means the Utah Division of Oil, Gas and Mining. The Division Director or designee is the Presiding Officer for ~~[a]ny~~ informal adjudicative proceedings which commence before the Division in accordance with ~~[Rule]~~Section R647-5.

"Exempt Mining Operations" means those mining operations which were previously exempt from the Act because less than 500 tons of material was mined in a period of twelve consecutive months or less than two acres of land was excavated or used as a disposal site in a period of twelve consecutive months. These exemptions were eliminated by statutory amendments in 1986 and are no longer available.

"Exploration" means surface disturbing activities conducted ~~[for the purpose of]~~to discover~~[ing]~~ a deposit or mineral deposit, delineating the boundaries of a deposit or mineral deposit, and identifying regions or specific areas in which deposits or mineral deposits are most likely to exist. "Exploration" includes, ~~[-but is not limited to,]~~ sinking shafts; tunneling; drilling holes; digging pits or cuts; building roads and other access ways.

"Gravel" means a naturally occurring unconsolidated to moderately consolidated accumulation of rock and mineral particles, the dominant size range being between ~~[2]~~4mm and ~~[40]~~75mm, which has been deposited by sedimentary processes.

"Land affected" means the surface and subsurface of an area within the state where mining operations are being or will be conducted, including, ~~[-but not limited to,]~~ (a) on-site private ways, roads, and

railroads; (b) land excavations; (c) exploration sites; (d) drill sites or workings; (e) refuse banks or spoil piles; (f) evaporation or settling ponds; (g) stockpiles; (h) leaching dumps; (i) placer areas; (j) tailings ponds or dumps; (k) work, parking, storage, or waste discharge areas, structures, and facilities. Land affected does not include: (x) lands which have been reclaimed in accordance with an approved plan or as otherwise approved by the Board, (y) lands on which mining operations ceased prior to July 1, 1977, or (z) lands on which previously exempt mining operations ceased prior to April 29, 1989.

"Large Mining Operations" means mining operations which have a disturbed area of more than ~~five~~10 surface acres at any time in an incorporated area of a county or more than ~~ten~~20 surface acres at any time in an unincorporated area of a county.

"License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by statute.

"Mining operations" means those activities conducted on the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, ~~but not limited to,~~ surface mining and the surface effects of underground and in situ mining; on-site transportation, concentrating, milling, evaporation, and other primary processing. "Mining operation" does not include: the extraction of sand, gravel, and rock aggregate; the extraction of basalt for an area not to exceed fifty acres; the extraction of oil and gas; the extraction of geothermal steam; smelting or refining operations; off-site operations and transportation; reconnaissance activities; or activities which will not cause significant surface resource disturbance and do not involve the use of mechanized earth-moving equipment, such as bulldozers or backhoes.

"Notice of Intention" means a notice of intention to commence mining operations, that provide the complete information required for authorization to conduct mining operations, and includes any amendments or revisions thereto.

"Off-site" means the land areas that are outside of or beyond the on-site land.

"On-site" means the surface lands on or under which surface or underground mining operations are conducted. A series of related properties under the control of a single operator but separated by small parcels of land controlled by others will be considered a single site unless excepted by the Division.

"Operator" means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative of any kind, either public or private, owning, controlling, conducting, or managing a mining operation or proposed mining operation.

"Owner" means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative of any kind, either public or private, owning, controlling, conducting, or managing a mineral deposit or the surface of lands employed in mining operations.

"Party" means the Board, Division or other person commencing an adjudicative proceeding, ~~all~~any respondents, ~~all~~any persons permitted by the Board to intervene in the proceeding, and ~~all~~any persons authorized by statute or agency rule to participate as parties in an adjudicative proceeding.

"Permit" means a notice to conduct mining operations issued by the Division. A notice to conduct mining operations is issued by the Division when either a notice of intention for a small mining operation or exploration is determined to be complete and includes a surety approved by the Division, or a notice of intention for a large mining operation or exploration with a plan of operations and surety approved by the Division.

"Person" means an individual, group of individuals, partnership, corporation, association, political subdivision or its units, governmental subdivision or its units, public or private organization or entity of any character, or another agency.

"Presiding Officer" means an agency head, or an individual or body of individuals designated by the agency head, by the agency's rules, or by statute to conduct an adjudicative proceeding. For ~~the purpose of~~ these rules, the Board, or its appointed Hearing Examiner, shall be considered the Presiding Officer of ~~all~~any appeals of informal adjudicative proceedings which commenced before the Division as well as ~~all~~any adjudicative proceedings which commence before the Board. The Division Director or his/her designee shall be considered a Presiding Officer for ~~all~~any informal adjudicative proceedings which commence before the Division in accordance with this ~~Rule~~Section R647-5. If fairness to the parties is not compromised, an agency may substitute one Presiding Officer for another during any proceeding.

"Reclamation" means actions performed during or after mining operations to shape, stabilize, revegetate, or otherwise treat the land affected in order to achieve a safe and ecologically stable condition and use which will be consistent with local environmental conditions and land management practices.

"Regrade or Grade" means to physically alter the topography of any land surface.

"Respondent" means any person against whom an adjudicative proceeding is initiated, whether by an agency or any other person.

"Revision" means a change to an approved Notice of Intention to Conduct Mining Operations, which will increase or decrease the amount of land affected, or alter the location and type of on-site surface facilities, such that the nature of the reclamation plan will differ substantially from that in the approved Notice of Intention.

"Rock Aggregate" means those consolidated rock materials associated with a sand deposit, a gravel deposit, or a sand and gravel deposit, that were created by alluvial sedimentary processes. The definition of rock aggregate specifically excludes any solid rock in the form of bedrock, other than basalt, which is exposed at the surface of the earth or overlain by unconsolidated material.

"Sand" means a naturally occurring unconsolidated to moderately consolidated accumulation of rock and mineral particles, the dominant size range being between ~~1/4~~0.004mm to ~~2~~4mm, which has been deposited by sedimentary processes.

"Shut Down" means an absence of onsite mining operations on ~~all~~any land affected under a complete or approved notice of intention where the operator intends that mining operations are permanently terminated, or the Division, after notice, makes a determination pursuant to R647-3-113.7 or R647-4-117.6.

"Small Mining Operations" means mining operations which have a disturbed area of ~~five~~10 or ~~less~~fewer surface acres at any time in an incorporated area of a county or ~~ten~~20 or ~~less~~fewer surface acres at any time in an unincorporated area of a county.

"Surface Mining" means mining conducted on the surface of the land including open pit, strip, or auger mining; dredging; quarrying; leaching; surface evaporation operations; reworking abandoned dumps and tailings and activities related thereto.

"Suspension" means an absence of ongoing operations on ~~all~~any land affected under an approved notice of intention, where the operator intends that operations will eventually resume.

"Underground Mining" means mining carried out beneath the surface by means of shafts, tunnels or other underground mine openings.

KEY: minerals reclamation
Date of Enactment or Last Substantive Amendment: ~~February 10,~~ 2020
Notice of Continuation: January 24, 2018
Authorizing, and Implemented or Interpreted Law: 40-8-1 et seq.

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R647-3-114	Filing No. 53046

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Non-Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT	
Mailing address:	1594 W North Temple, Suite 1210	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R647-3-114. Mine Enlargement
3. Purpose of the new rule or reason for the change:
During the 2020 General Session, one bill was passed, S.B. 131, that amended the definition of small mining operations and will affect the Mine Enlargement section of Rule R647-3.
4. Summary of the new rule or change:
Section R647-3-114 addresses Mine Enlargement. The change will amend the operation sizes from 5 to 10 acres in incorporated areas, and from 10 to 20 acres in unincorporated areas.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There is no estimated cost to the state, as these amendments are administrative.

B) Local governments:			
This rule does not apply to local governments.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There are a total of 559 small business mining operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There is no estimated fiscal cost to these businesses. There will be an estimated fiscal benefit to mining operators who have small mines and would like to expand, as they will not need to apply and pay for a large mining permit. The fiscal benefit is estimated at \$500 per small mine expansion between 20-50 acres, however, it cannot be estimated how many mines will expand.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There are a total of 36 non-small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . There is no estimated fiscal cost to these businesses. There will be an estimated fiscal benefit to mining operators who have small mines and would like to expand, as they will not need to apply and pay for a large mining permit. The fiscal benefit is estimated at \$500 per small mine expansion between 20-50 acres, however, it cannot be estimated how many mines will expand.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
This rule does not apply to persons other than small businesses, businesses, or state government entities.			
F) Compliance costs for affected persons:			
There will be no compliance costs for mineral mine operators.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
This rule change is estimated to have no fiscal costs to state government and businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Brian Steed; Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 40-6-1 et seq.		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency

not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	10/15/2020

10. This rule change MAY become effective on:	10/22/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	John Baza; Director of the Division of Oil, Gas and Mining	Date:	08/31/2020
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R647. Natural Resources; Oil, Gas and Mining; Non-Coal.

R647-3. Small Mining Operations.

R647-3-114. Mine Enlargement.

Before enlarging a small mining operation beyond ~~five~~ten acres of surface disturbance in an incorporated area of a county or ~~ten~~twenty acres in an unincorporated area of a county, the operator must file a Notice of Intention to Commence Large Mining Operations (FORM MR-LMO) and receive Division approval.

KEY: minerals reclamation

Date of Enactment or Last Substantive Amendment: ~~October 26, 2011~~2020

Notice of Continuation: January 24, 2018

Authorizing, and Implemented or Interpreted Law: 40-8-1 et seq.

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R647-4-118	Filing No. 53047

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining; Non-Coal
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state:	Salt Lake City, UT
Mailing address:	1594 W North Temple, Suite 1210
City, state, zip:	Salt Lake City, UT 84114
Contact person(s):	

Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R647-4-118. Revisions
3. Purpose of the new rule or reason for the change:
During the 2020 General Session, one bill was passed, S.B. 131, that amended the definition of small mining operations and will affect the Revisions section of Rule R647-4.
4. Summary of the new rule or change:
Section R647-4-118 addresses revisions to large mine permits. The change will amend the operation sizes from 5 to 10 acres in incorporated areas, and from 10 to 20 acres in unincorporated areas.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There is no estimated cost to the state, as these amendments are administrative.
B) Local governments:
This rule does not apply to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are a total of 559 small business mining operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There is no estimated fiscal cost to these businesses. There will be an estimated fiscal benefit to mining operators who have small mines and would like to expand, as they will not need to apply and pay for a large mining permit. The fiscal benefit is estimated at \$500 per small mine expansion between 20-50 acres, however, it cannot be estimated how many mines will expand.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are a total of 36 non-small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . There is no estimated fiscal cost to these businesses. There will be

an estimated fiscal benefit to mining operators who have small mines and would like to expand, as they will not need to apply and pay for a large mining permit. The fiscal benefit is estimated at \$500 per small mine expansion between 20-50 acres, however, it cannot be estimated how many mines will expand.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule does not apply to persons other than small businesses, businesses, or state government entities.

F) Compliance costs for affected persons:

There will be no compliance costs for mineral mine operators.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

This rule change is estimated to have no fiscal costs to state government and businesses.

B) Name and title of department head commenting on the fiscal impacts:

Brian Steed; Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 40-6-1 et seq.		
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/15/2020
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10. This rule change MAY become effective on:	10/22/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	John Baza; Director of the Division of Oil, Gas and Mining	Date:	08/31/2020
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R647. Natural Resources; Oil, Gas and Mining; Non-Coal.

R647-4. Large Mining Operations.

R647-4-118. Revisions.

1. In order to revise a notice of intention, an operator shall file a Notice of Intention to Revise Large Mining Operations (FORM MR-REV). This notice of intention ~~will~~ must include all information concerning the revision that would have been required in the original notice of intention.

2. A Notice of Intention to Revise Large Mining Operations (FORM MR-REV) will be processed and considered for approval by the Division in the same manner as an original notice of intention. The operator will be authorized and bound by the requirements of the existing approved notice until the revision is acted upon and any revised surety requirements are satisfied. Those portions of the approved notice of intention not subject to the revision will not be subject to review under this provision.

3. Large mining operations which have a disturbed area of ~~five~~ ten acres or less in an incorporated area of a county or ~~ten~~ twenty acres or less in an unincorporated area of a county may refile as a small mining operation. Reclaimed areas must meet full bond release requirements before they can be excluded from the disturbed acreage.

KEY: minerals reclamation

Date of Enactment or Last Substantive Amendment: ~~October 26, 2011~~ 2020

Notice of Continuation: January 24, 2018

Authorizing, and Implemented or Interpreted Law: 40-8-1 et seq.

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 comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends October 15, 2020.

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 (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through January 13, 2021, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Utah Admin. Code Ref (R no.):	R35-2-2	Filing No. 52790

Agency Information

1. Department:	Administrative Services	
Agency:	Records Committee	
Building:	State Archives	
Street address:	346 S Rio Grande St	
City, state, zip:	Salt Lake City, UT 84101	
Mailing address:	346 S Rio Grande St	
City, state, zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Kendra Yates	801-531-3856	kendrayates@utah.gov
Rebekkah Shaw	801-531-3851	rshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:		
R35-2-2. Scheduling and Declining Requests for Hearings		
3. Change in Proposed Rule:		
Changes Name, date of prior filing:	FILING Publication	Declining Requests for Hearings, Published 06/15/2020
4. Reason for this change:		
The Records Committee (Committee) received public comment from an agency and an attorney at the Utah Attorney General's Office who pointed out that the language of Subsection R35-2-2(6) of the proposed amendment proscribed actions that could be unfair in some cases.		
5. Summary of this change:		
This change rewords Subsection R35-2-2(6) so that the original intent was honored, but the result was not overly proscriptive. The Committee shall deny that particular request but will then be able to make a separate decision about whether or not to hear the appeal. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the June 15, 2020, issue of the Utah State Bulletin, on page 12. Underlining in the rule below indicates text that has been added since the publication of the proposed rule		

mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

6. Aggregate anticipated cost or savings to:			
A) State budget:			
This change has no fiscal impact on state budget because it is only administrative in nature.			
B) Local government:			
This change has no fiscal impact on local governments because it is only administrative and internal in nature.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
This change has no fiscal impact on small businesses because it is only administrative and internal in nature.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
This change has no fiscal impact on non-small businesses because it is only administrative and internal in nature.			
E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):			
This change has no fiscal impact on other persons because it is only administrative in nature.			
F) Compliance costs for affected persons:			
There is no cost for complying with these changes.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Administrative Services, Tani Downing, has reviewed and approved this fiscal analysis.

7. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This change will not have a fiscal impact on businesses, as it is only administrative in nature, and clarifies long-standing processes utilizing staff as they are in their current roles.

B) Name and title of department head commenting on the fiscal impacts:

Tani Downing, Executive Director

Citation Information

8. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsection 63G-2-402(1)(b)	Subsection 63G-2-403(1)	Subsection 63G-2-403(2)
Subsection 63G-2-403(3)(a)	Subsection 63G-2-403(4)	Subsection 63G-2-403(4)(b)(ii)(A)
Subsection 63G-2-403(11)(b)	Section 63G-2-502	

Public Notice Information

10. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/15/2020
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11. This rule change MAY become effective on:	10/22/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 11, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Kenneth Williams, Director of Division of Archives and Records Service	Date:	08/13/2020
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R35. Administrative Services, Records Committee.

R35-2. Declining Appeal Hearings.

R35-2-2. Scheduling and Declining Requests for Hearings.

(1) In order to decline a request for a hearing under Subsection 63G-2-403(4), the Executive Secretary shall consult with the Committee Chair and at least one other member of the Committee.

(a) The Committee Chair and one other member of the Committee must both agree with the Executive Secretary's recommendation to decline to schedule a hearing. Such a decision shall consider the potential for a public interest claim as may be put forward by the petitioner under the provisions of Subsection 63G-2-403(11)(b). A copy of each decision to decline a hearing shall be retained in the file.

(b) The Executive Secretary's notice to the petitioner indicating that the request for a hearing has been declined, as provided for in Subsection 63G-2-403(4)(b)(ii)(A), shall include a copy of the previous order of the Committee holding that the records at issue are appropriately classified.

(2) In any appeal to the Committee of a governmental entity's denial of access to records for the reason that the record is not maintained by the governmental entity, the petitioner shall provide sufficient evidence in the petitioner's statement of facts, reasons, and legal authority in support of the appeal, that the record was maintained by the governmental entity at one time, or that the

NOTICES OF CHANGES IN PROPOSED RULES

governmental entity has concealed, or has not sufficiently or has improperly searched for the record. The Committee Chair shall determine whether or not the petitioner has provided sufficient evidence. If the Committee Chair determines that sufficient evidence has been provided, the Chair shall direct the Executive Secretary to schedule a hearing as otherwise provided in these rules. If the Committee Chair determines that sufficient evidence has not been provided, the Chair shall direct the Executive Secretary to not schedule a hearing and to inform the petitioner of the determination. Evidence that a governmental entity has disposed of the record according to retention schedules is sufficient basis for the Chair to direct the Executive Secretary to not schedule a hearing.

(3) In order to file an appeal, the petitioner must submit the following: a copy of his or her initial records request, or a statement of the specific records requested if a copy is unavailable to the petitioner; a copy of any records appeals; a copy of the final responses from the respondents containing their decisions regarding the records request and appeals; and a statement of relief sought. If any of the above have not been provided, the Executive Secretary shall notify the petitioner that a hearing cannot be scheduled until the proper information is submitted. The petitioner must provide the missing information within seven days of receipt of the notice in order for the notice of appeal to be considered filed pursuant to Subsections 63G-2-403(2) and (4)(a).

(4) An appeal not timely received pursuant to Subsection 63G-2-403(1)(a) will not be scheduled.

(5) An appeal pertaining to the Judiciary, Legislature, or to a political subdivision that has established a local appeals board that has not yet received and addressed the appeal, is not within the Committee's jurisdiction and will not be scheduled pursuant to Title 63G, Chapter 2, Part 7, Applicability to Political Subdivisions, the Judiciary, and the Legislature, and to Subsection 63G-2-402(1)(b).

~~[(6) A petition from a governmental entity challenging jurisdiction based on failure of the petitioner to serve notice of appeal to the governmental entity pursuant to Subsection 63G-2-403(3)(a) shall be denied. The petitioner's appeal will be accepted and a hearing scheduled before the Committee.]~~

(6) If a governmental entity requests to have an appeal dismissed by challenging the committee's jurisdiction based on failure of the petitioner to serve notice of appeal to the governmental entity pursuant to Subsection 63G-2-403(3)(a), the committee shall deny said request.

(7) The Executive Secretary shall report on appeals received at each regularly scheduled meeting of the Committee in order to provide a public record of the actions taken.

(8) If a Committee member has requested a discussion to reconsider the decision to decline or not schedule a hearing, the Committee may, after discussion and by a majority vote, choose to reverse the decision and hold a hearing. Any discussion of reconsideration shall be limited to those Committee members then present, and shall be based only on two questions: whether the records being requested were covered by a previous order of the Committee, and whether the petitioner has, or is likely to, put forth a public interest claim. Neither the petitioner nor the agency whose records are requested shall be heard at this time. If the Committee votes to hold a hearing, the Executive Secretary shall schedule it on the agenda of the next regularly scheduled Committee meeting.

(9) The Executive Secretary shall compile and include in an annual report to the Committee a complete documented list of hearings held, withdrawn, and declined.

KEY: government documents, state records committee, records appeal hearings

Date of Enactment or Last Substantive Amendment: 2020

Notice of Continuation: June 3, 2019

Authorizing, and Implemented or Interpreted Law: 63G-2-402(1)(b); 63G-2-403(1); 63G-2-403(2); 63G-2-403(3)(a); 63G-2-403(4); 63G-2-403(4)(b)(ii)(A); 63G-2-403(11)(b); 63G-2-502

End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text (~~example~~). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R357-35	Filing No. 53048

Agency Information

1. Department:	Governor	
Agency:	Economic Development	
Building:	World Trade Center	
Street address:	60 E South Temple	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	60 E South Temple	
City, state, zip:	Salt Lake City, UT 84111	
Contact person(s):		
Name:	Phone:	Email:
Dane Ishihara	801-538-8664	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R357-35. COVID-19 Commercial Rental and Mortgage Assistance Program
3. Effective Date:
09/01/2020
4. Purpose of the new rule or reason for the change:
During the 2020 Sixth Special Session, S.B. 6009 passed and changed the COVID-19 Commercial Rental Assistance Program to the COVID-19 Commercial Rental and Mortgage Assistance Program. The program will now include grants for rental and mortgage relief to certain businesses that have lost revenue as a result of measures taken to minimize the public's exposure to COVID-19. The Governor's Office of Economic Development (GOED) is responsible for the administration of the program.
5. Summary of the new rule or change:
This new rule will supersede rule Filings No. 52910 that was made effective on 06/30/2020 and No. 52754 that was made effective on 05/08/2020 which governed the COVID-19 Commercial Rental Assistance Program. This rule will codify the requirements of the new COVID-19 Commercial Rental and Mortgage Assistance Program which is a

modification to the COVID-19 Commercial Rental Assistance Program. The program will provide commercial rental and mortgage assistance to small businesses in the state that have been impacted by the COVID-19 pandemic.

6. Regular rulemaking would:

- X cause an imminent peril to the public health, safety, or welfare;
- cause an imminent budget reduction because of budget restraints or federal requirements; or
- place the agency in violation of federal or state law.

Specific reason and justification:

GOED is responsible for economic development in the state and is tasked with, among other things, administering grant programs to enhance the economic health and vitality of the state and its business community. This rule will govern the new COVID-19 Commercial Rental and Mortgage Assistance Program that will provide assistance to small businesses in the state that have been impacted by the COVID-19 pandemic.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

There is no aggregate anticipated cost or savings to the state budget. This rule establishes the requirements for participation in the COVID-19 Commercial Rental and Mortgage Assistance Program.

B) Local governments:

There is no aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.

C) Small businesses ("small business" means a business employing 1-49 persons):

\$40,000,000 in funds will be awarded to small businesses in the state. The COVID-19 Commercial Rental and Mortgage Assistance Program is designed to serve Utah's small businesses that have been impacted by the COVID-19 pandemic.

D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed rule does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

8. Compliance costs for affected persons:

There are no compliance costs for affected persons because participation in the program is optional.

9. A) Comments by the department head on the fiscal impact this rule may have on businesses:

I have reviewed this fiscal analysis and agree with the described fiscal impacts associated with this rule. The Commercial Rental Assistance and Mortgage Program will further assist many of Utah's commercial property owners and leasees in need of help because of the coronavirus pandemic.

B) Name and title of department head commenting on the fiscal impacts:

Val Hale, Executive Director

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section		
63N-14-202		

Agency Authorization Information

Agency head or designee, and title:	Val Hale, Executive Director	Date:	09/01/2020
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R357. Governor, Economic Development.
R357-35. COVID-19 Commercial Rental and Mortgage Assistance Program.

R357-35-101. Title.
This rule is known as the "COVID-19 Commercial Rental Assistance Program."

R357-35-102. Definitions.
In addition to the definitions under Section 63N-14-102 the following terms are defined:

(1) "Awardee" means a qualified business entity that has been awarded a grant under the program.

(2) "ComRent" means the COVID-19 Commercial Rental and Mortgage Assistance Program.

(3) "Master lease" means a rental agreement between the owner of a commercial property and its direct tenant.

R357-35-103. Authority.
This rule is adopted by the office under the authority of Section 63N-14-202.

R357-35-104. Program and Documentation Requirements.
(1) An awardee shall use program funds to pay the entity's master lease or mortgage costs.

(2) The office will not issue a grant until all required information and documentation is submitted and approved, as

determined by the office. Only complete applications will be considered submitted.

(3) A qualified business entity applicant shall submit to the office:

(a) a copy of a current and active master lease for each location;

(b) evidence of most recent master lease payment for each location;

(c) signed W-9 form;

(d) profit & loss statement for a four week period within twelve months of application date; and

(e) profit & loss statement of the four week period of revenue loss.

(4) A qualified startup entity applicant shall submit to the office:

(a) a copy of a current mortgage statement for each location;

(b) evidence of most recent mortgage payment for each location;

(c) signed W-9 form;

(d) profit & loss statement that establishes total expenses and total revenue for a four-week period after March 1, 2020.

R357-35-105. Revenue loss and award calculation.

(1) To measure monthly gross revenue loss the business's gross revenue for any four week period after March 1, 2020, as designated by the business, shall be compared to the business's gross revenue for a four week period designated by the business within 12 months of the application date.

(2) An awardee that previously received program funds will only be eligible for the difference between the total amount previously received and the amount the awardee is eligible for under the current statute and administrative code regime.

KEY: rent assistance, commercial rent, small business, commercial mortgage assistance

Date of Enactment or Last Substantive Amendment: September 1, 2020

Authorizing, and Implemented or Interpreted Law: 63N-14-202

End of the Notices of 120-Day (Emergency) 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 agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <https://rules.utah.gov/>. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R152-49	Filing No. 50251

Agency Information

1. Department:	Commerce	
Agency:	Consumer Protection	
Building:	Heber Wells	
Street address:	160 E 300 S	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146704	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Daniel Larsen	801-530-6145	dblarsen@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R152-49. Immigration Consultants Registration Act Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is enacted in accordance with Subsection 13-2-5(1), which allows the Division of Consumer Protection (Division) to issue rules to administer and enforce chapters listed in Section 13-2-1, with Subsection 13-49-202(1), which allows the Division to prescribe the form of an application for registration as an immigration consultant,

and with Subsection 13-49-301(1), which allows the Division to monitor the content of a contract for services performed by an immigration consultant.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Division is unaware of any written comments regarding this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule ensures that a complete application for registration as an immigration consultant includes all information necessary for the Division to efficiently process the application, and to verify that an applicant's contract and disclosure are drafted in accordance with Sections 13-49-301 and 13-49-303. During the Division's review of the rule, it identified an opportunity to reduce the amount of sensitive personal information an applicant must submit to the Division. The Division has submitted a proposed amendment under Filing No. 53044 in this issue, September 15, 2020, of the Bulletin. For the foregoing reasons, this rule should be continued, as amended.

Agency Authorization Information

Agency head or designee, and title:	Daniel O'Bannon, Director	Date:	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R251-110	Filing No. 50351

Agency Information

1. Department:	Corrections	
Agency:	Administration	
Street address:	14717 S Minuteman Dr	
City, state, zip:	Draper, UT 84020	
Contact person(s):		
Name:	Phone:	Email:
Steve Gehrke	385-237-8040	sgehrke@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R251-110. Sex and Kidnap Offender Registration Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized under Sections 63G-3-201, 64-13-10, and 77-41, of the Utah Code. The purpose of this rule is to define the registrant requirement and process for obtaining sex and kidnap offender registration information.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments on this rule have been received since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of the rule is to define the registrant requirement and process for obtaining sex and kidnap offender registration information. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mike Haddon, Executive Director	Date:	08/21/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R432-100	Filing No.	51071
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Agency Information

1. Department:	Health
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Agency:	Family Health and Preparedness, Licensing	
Room no.:	Suite 100	
Building:	Highland	
Street address:	3760 S Highland Drive	
City, state, zip:	Salt Lake City, UT 84106	
Mailing address:	PO Box 144103	
City, state, zip:	Salt Lake City, UT 84114-4103	
Contact person(s):		
Name:	Phone:	Email:
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-100. General Hospital Standards
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities. The purpose of this rule is to provide regulations for hospital care services.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments from any party regarding this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
There are facilities currently licensed in this category. The Department of Health agrees with the need to continue this rule.

Agency Authorization Information

Agency head or designee, and title:	Joseph Miner, MD, Deputy Director	Date:	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R432-102	Filing No.	51066
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Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Licensing	
Room no.:	Suite 100	
Building:	Highland	
Street address:	3760 S Highland Drive	
City, state, zip:	Salt Lake City, UT 84106	
Mailing address:	PO Box 144103	
City, state, zip:	Salt Lake City, UT 84114-4103	
Contact person(s):		
Name:	Phone:	Email:
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-102. Specialty Hospital - Chemical Dependency/Substance Abuse
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities. The purpose of this rule is to provide regulations for a specialty hospital to provide inpatient chemical dependency/substance abuse services.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments from any party regarding this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
There are facilities currently licensed in this category. The Department of Health agrees with the need to continue this rule.

Agency Authorization Information

Agency head or designee, and title:	Joseph Miner, MD, Deputy Director	Date:	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R432-106	Filing No. 51074

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Licensing	
Room no.:	Suite 100	
Building:	Highland	
Street address:	3760 S Highland Drive	
City, state, zip:	Salt Lake City, UT 84106	
Mailing address:	PO Box 144103	
City, state, zip:	Salt Lake City, UT 84114-4103	
Contact person(s):		
Name:	Phone:	Email:
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-106. Specialty Hospital-Critical Access
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities. The purpose of this rule is to provide regulations for a specialty hospital-critical access services.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments from any party regarding this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
There are facilities currently licensed in this category. The Department of Health agrees with the need to continue this rule.

Agency Authorization Information

Agency head or designee, and title:	Joseph Miner, MD, Deputy Director	Date:	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R432-550	Filing No. 51090

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R432-600	Filing No. 51084

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Licensing	
Room no.:	Suite 100	
Building:	Highland	
Street address:	3760 S Highland Drive	
City, state, zip:	Salt Lake City, UT 84106	
Mailing address:	PO Box 144103	
City, state, zip:	Salt Lake City, UT 84114-4103	
Contact person(s):		
Name:	Phone:	Email:
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Licensing	
Room no.:	Suite 100	
Building:	Highland	
Street address:	3760 S Highland Drive	
City, state, zip:	Salt Lake City, UT 84106	
Mailing address:	PO Box 144103	
City, state, zip:	Salt Lake City, UT 84114-4103	
Contact person(s):		
Name:	Phone:	Email:
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-550. Birthing Centers
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities. The purpose of this rule is to provide regulations for birthing center services.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments from any party regarding this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
There are facilities currently licensed in this category. The Department of Health agrees with the need to continue this rule.

General Information

2. Rule catchline:
R432-600. Abortion Clinic Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities. The purpose of this rule is to provide regulations for abortion clinic services.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments from any party regarding this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
There are facilities currently licensed in this category. The Department of Health agrees with the need to continue this rule.

Agency Authorization Information

Agency head or designee, and title:	Joseph Miner, MD, Deputy Director	Date:	08/31/2020
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Agency Authorization Information

Agency head or designee, and title:	Joseph Miner, MD, Deputy Director	Date:	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R501-14	Filing No. 51186

Agency Information

1. Department:	Human Services	
Agency:	Administration, Administrative Services, Licensing	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R501-14. Human Service Program Background Screening
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized and enacted through Sections 62A-2-106, 62A-2-120, 62A-2-121, and 62A-2-122. This rule clarifies the standards and procedures for approving, denying, or revoking a background screening for the Department of Human Services (Department).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule, as authorized through Sections 62A-2-106, 62A-2-120, 62A-2-121, and 62A-2-122, establishes the standards and makes clarifications for the approving, denying, or revoking an applicant's background screening. This is an essential practice of the Department and its programs. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Executive Director	Date:	08/28/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R590-130	Filing No. 51360

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	3110	
Building:	State Office Building	
Street address:	450 N State St.	
City, state, zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 146901	
City, state, zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-130. Rules Governing Advertisements of Insurance
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 31A-2-201(3) authorizes the Insurance Commissioner to make rules to implement the provisions of Title 31A, Insurance Code. Section 31A-23a-402 authorizes the Insurance Commissioner to define unfair or deceptive acts or practices in the business of insurance. This rule sets advertising guidelines to assure clear and truthful disclosure of the benefits, limitations, and exclusions of policies sold as insurance, and sets procedures for enforcement of this rule by the Department of Insurance (Department).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department has received no written comments regarding this rule during the past five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because some licensees are still using misleading and deceptive information and advertising in the sale of insurance. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer 1	Date:	09/01/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R590-258	Filing No. 51431

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	3110	
Building:	State Office Building	
Street address:	450 N State St.	
City, state, zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 146901	
City, state, zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-258. Email Address Requirement
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 31A-2-201(3) authorizes the Insurance Commissioner to adopt rules to implement the provisions of Title 31A, Insurance Code. Section 31A-23a-412 requires licensees to provide current contact information to the Department of Insurance (Department). Subsection 46-4-501(1) authorizes state governmental agencies to make rules relating to electronic transactions and records.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department has received no written comments regarding this rule during the past five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Email communication with licensees remains the most effective and efficient means of communicating rule updates, alerts, and notifications. The Department requires current contact information to notify licensees of upcoming renewal deadlines and alert them of changes to state statute or Department rule. Continuation of the rule is critical to maintaining open, efficient, and effective governance. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer 1	Date:	09/01/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R592-1	Filing No. 51461

Agency Information

1. Department:	Insurance	
Agency:	Title and Escrow Commission	
Room no.:	3110	
Building:	State Office Building	
Street address:	450 N State St.	
City, state, zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 146901	
City, state, zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R592-1. Title Insurance Licensing

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsections 31A-2-404(2)(a)(ii) and (b) direct the Title and Escrow Commission to make rules pertaining to the licensing of a title licensee and require the concurrence of the Commission in the issuance and renewal of title licensee licenses.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Insurance (Department) has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The law requires that the Title and Escrow Commission concur with the Insurance Commissioner in the issuance and renewal of title licenses. This rule sets the procedure to do this. This has been a useful process because it has opened a dialogue between the Department and members of the title industry who know the players, and whether there are issues and concerns that should be addressed regarding licensure. Therefore, this rule should be continued. In addition, the Title and Escrow Commission, which has rulemaking authority over rules in Title R592, Title and Escrow Commission, voted to continue this rule by a vote of 5-0.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer 1	Date:	09/01/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R722-350	Filing No. 51929

Agency Information

1. Department:	Public Safety	
Agency:	Criminal Investigations and Technical Services, Criminal Identification	
Street address:	3888 W 5400 S	
City, state, zip:	Taylorsville, UT 84129	
Contact person(s):		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov

Greg Willmore	801-965-4533	gwillmor@utah.gov
Nicole Borgeson	801-281-5072	nshepherd@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R722-350. Certificate of Eligibility
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 77-40-111 authorizes the Department of Public Safety (Department) to promulgate rules to implement procedures for the application and issuance of certificates of eligibility.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments received during and since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is authorized under Section 77-40-111 and is necessary in order to outline procedures for an individual to apply for a certificate of eligibility for expungement of a record from their criminal history. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jess L. Anderson, Commissioner	Date:	08/26/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R986-100	Filing No. 52199

Agency Information

1. Department:	Workforce Services	
Agency:	Employment Development	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state, zip:	Salt Lake City, Utah 84111	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address: PO Box 45244		
City, state, zip: Salt Lake City, UT 84145-0244		
Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R986-100. Employment Support Programs
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-3-301 authorizes the Department to pay financial assistance to those participating in the family employment program. Section 35A-3-401 et seq. authorizes the Department to pay general assistance. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-1-303 authorizes the Department to adopt rules governing adjudicative procedures. The Utah Administrative Procedures Act, Title 63G, Chapter 4, defines the procedures the Department must follow in administrative hearings.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department received written comments concerning an amendment to Section R986-100-117 regarding unauthorized purchases using financial assistance benefits. The majority of the comments supported the amendment. The Department received one comment opposing the amendment, arguing this rule goes beyond the limitations discussed in Section 35A-3-302 and any restriction on the use of cash benefits is unreasonable and unenforceable. The comment questioned whether the Department would restrict customers from making purchases at convenience stores and whether the Department was tracking individual purchases and questioned how the Department would inform customers about the change and enforce this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary to provide a framework under both state and federal law for the release of information, what

programs are assigned to the Department and covered by these rules, residency requirements, how to apply for assistance, the requirement to provide and verify information provided to the Department, overpayments, due process rights including the right to appeal, and how to appeal an unfavorable Department decision. Without this rule the Department would be unable to administer its programs and pay benefits as directed by Title 35A. Regarding the opposition to the amendment to Section R986-100-117, the director of the Eligibility Services Division met with the commenter to answer the commenter's questions before the implementation of the rule change. The amendment is an appropriate interpretation of Section 35A-3-302, which limits the use of an electronic benefits card in certain establishments. The amendment clarifies the appropriate use of financial benefits that are intended to support families. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron and Greg Paras, Deputy Directors	Date:	08/21/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R986-200	Filing No. 52195

Agency Information

1. Department:	Workforce Services
Agency:	Employment Development
Building:	Olene Walker Building
Street address:	140 E 300 S
City, state, zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 45244
City, state, zip:	Salt Lake City, UT 84145-0244
Contact person(s):	
Name:	Phone: Email:
Amanda B. McPeck	801-517-4709 ampeck@utah.gov
Please address questions regarding information on this notice to the agency.	

General Information

2. Rule catchline:
R986-200. Family Employment Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Subsection 35A-3-302(5)(b) authorizes the Department to make rules to establish eligibility for the Family Employment Program. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Subsection 35A-3-304(4) authorizes the Department to define full-time work. Section 35A-1-303 authorizes the Department to adopt rules governing adjudicative procedures. The Utah Administrative Procedures Act, Title 63G, Chapter 4, defines the procedures the Department must follow in administrative hearings.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department received written comments concerning an amendment creating a new section, R986-200-250, regarding unauthorized purchases using financial assistance benefits. The majority of the comments supported the amendment. The Department received one comment opposing the amendment, arguing the rule goes beyond the limitations discussed in Section 35A-3-302 and any restriction on the use of cash benefits is unreasonable and unenforceable. The comment questioned whether the Department would restrict customers from making purchases at convenience stores and whether the Department was tracking individual purchases and questioned how the Department would inform customers about the change and enforce the rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to establish eligibility standards for the Family Employment Program including income limits, how to count household size, citizenship requirements, participation requirements, specified relative assistance requirements, time limits, drug testing, and other program eligibility standards. Without this rule, the Department could not administer the program or determine eligibility or pay level. Regarding the opposition to the amendment to Section R986-200-250, the director of the Eligibility Services Division met with the commenter to answer the commenter's questions before the implementation of the rule change. The amendment is an appropriate interpretation of Section 35A-3-302, which limits the use of an electronic benefits card in certain establishments. The amendment clarifies the appropriate use of financial benefits that are intended to support families. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron and Greg Paras, Deputy Directors	Date:	08/21/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R986-300	Filing No. 52205
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Agency Information

1. Department:	Workforce Services	
Agency:	Employee Development	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state, zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-517-4709	ampeck@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
R986-300. Refugee Resettlement Program

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-1-303 authorizes the Department to adopt rules governing adjudicative procedures. The Utah Administrative Procedures Act, Title 63G, Chapter 4, defines the procedures the Department must follow in administrative hearings. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. The Department has been assigned to administer the Refugee Resettlement Program.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received in the last five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to establish eligibility and income standards and to set the amount of refugee settlement assistance available. It is also necessary to explain the

requirement for an employment plan and the penalty for failure to follow the plan. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron and Greg Paras, Deputy Directors	Date:	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R986-400	Filing No. 52198

Agency Information

1. Department:	Workforce Services	
Agency:	Employment Development	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state, zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R986-400. General Assistance
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-3-401 et seq. authorizes the Department to pay general assistance.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received in the last five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to set eligibility standards for individuals applying for assistance including the need to participate in an employment plan, the penalty for failure to participate and time limits. Without this rule, there would be no standards for administering this program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron and Greg Paras, Deputy Directors	Date:	08/21/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R986-500	Filing No. 52200

Agency Information

1. Department:	Workforce Services	
Agency:	Employment Development	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state, zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R986-500. Adoption Assistance
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section

35A-3-308 directs the Department to provide assistance to certain pregnant individuals.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received in the last five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to determine eligibility for adoption assistance, services available to clients, time limits for receipt of benefits and safekeeping on these sensitive records. Without this rule, there would be no standards for administration of the program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron and Greg Paras, Deputy Directors	Date:	08/21/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R986-700	Filing No. 52321

Agency Information

1. Department:	Workforce Services	
Agency:	Employment Development	
Building:	Office of Child Care	
Street address:	140 E 300 S	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state, zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-517-4709	ampeck@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
R986-700. Child Care Assistance

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Section 35A-1-303 authorizes the Department to adopt rules governing adjudicative procedures. The Utah Administrative Procedures Act, Title 63G, Chapter 4, defines the procedures the Department must follow in administrative hearings. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-3-301 authorizes the Department to pay financial assistance to those participating in the family employment program. Section 35A-3-401 et seq. authorizes the Department to pay general assistance. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-3-310 direct the Department to administer the child care program. Section 35A-3-310.5 directs the Department to perform criminal background checks on providers.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received in the last five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to establish eligibility standards for both parents and providers. It is also necessary to explain the payment methods and the consequences for failure to follow program standards. This rule also explains how to obtain a criminal background check and which offenses will be disqualifying. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron and Greg Paras, Deputy Directors	Date:	08/28/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R986-800	Filing No. 52202

Agency Information

1. Department:	Workforce Services
Agency:	Employment Development
Building:	Olene Walker Building

Street address:	140 E 300 S	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state, zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R986-800. Displaced Homemaker Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-3-114 directs the Department to establish this program and provide services as funding permits.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received in the last five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary to establish eligibility standards for the program and explain what services are available. Without this rule, there would be no standards for administration of the program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron and Greg Paras, Deputy Directors	Date:	08/21/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R986-900	Filing No. 52212

Agency Information

1. Department:	Workforce Services	
Agency:	Employment Development	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state, zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R986-900. Supplemental Nutrition Assistance Program (SNAP)
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. The Supplemental Nutrition Assistance Program (SNAP, or "Food Stamps") has been assigned to the Department.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received in the last five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary to show which options the Department has taken when the federal regulations offers an option in administering SNAP. This rule also lists all of the current waivers the Department has received from the federal government. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron and Greg Paras, Deputy Directors	Date:	08/21/2020
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	R765-649	Filing No. 52011

Agency Information

1. Department:	Regents (Board of)	
Agency:	Administration	
Street address:	60 S 400 W	
City, state, zip:	Salt Lake City, UT 84025	
Contact person(s):		
Name:	Phone:	Email:
Geoffrey Landward	801-554-8131	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R765-649. Utah Higher Education Assistance Authority (UHEAA) Privacy Policy
3. Reason for requesting the extension and the new deadline date:
The Department is still reviewing whether this policy is necessary or if changes need to be made and seek an extension to complete that internal review with stakeholders. The new deadline is 12/16/2020.

Agency Authorization Information

Agency head or designee, and title:	Geoffrey Landward, Deputy Commissioner	Date:	08/18/2020
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Administrative Services

Finance

No. 52867 (Repeal and Reenact): R25-7 Travel-Related Reimbursements for State Employees
Published: 08/01/2020
Effective: 09/07/2020

No. 52932 (Amendment): R25-21 Medical Cannabis Payment Provider Standard
Published: 08/01/2020
Effective: 09/07/2020

Agriculture and Food

Plant Industry

No. 52919 (Amendment): R68-24 Industrial Hemp Research Pilot Program for Growers
Published: 07/15/2020
Effective: 09/04/2020

No. 52917 (Amendment): R68-27 Cannabis Cultivation
Published: 07/15/2020
Effective: 09/04/2020

Commerce

Occupational and Professional Licensing

No. 52950 (Amendment): R156-79 Hunting Guides and Outfitters Licensing Act Rule
Published: 08/01/2020
Effective: 09/08/2020

Education

Administration

No. 52870 (Amendment): R277-404 Requirements for Assessments of Student Achievement
Published: 07/15/2020
Effective: 08/24/2020

No. 52912 (Amendment): R277-473 Utah Computer Science Grant

Published: 07/15/2020
Effective: 08/24/2020

No. 52871 (Repeal): R277-624 Electronic Cigarette Products in Schools

Published: 07/15/2020
Effective: 08/24/2020

No. 52872 (Amendment): R277-752 Special Education Intensive Services Fund

Published: 07/15/2020
Effective: 08/24/2020

Environmental Quality

Air Quality

No. 52814 (Amendment): R307-101 Definitions
Published: 07/01/2020
Effective: 09/03/2020

No. 52815 (Amendment): R307-150 Emission Inventories
Published: 07/01/2020
Effective: 09/03/2020

No. 52816 (Amendment): R307-401 Permit: New and Modified Sources

Published: 07/01/2020
Effective: 09/03/2020

No. 52817 (Amendment): R307-415 Fees for Operating Permits

Published: 07/01/2020
Effective: 09/03/2020

No. 52818 (Amendment): R307-801 Purpose and Authority

Published: 07/01/2020
Effective: 09/03/2020

NOTICES OF RULE EFFECTIVE DATES

Waste Management and Radiation Control, Waste Management
No. 52765 (Amendment): R315-270 Hazardous Waste Permit Program -- Permit Modification at the Request of the Permittee
Published: 06/15/2020
Effective: 08/17/2020

Water Quality
No. 52911 (Amendment): R317-1 Requirements for Waste Discharges
Published: 07/15/2020
Effective: 08/27/2020

Health

Child Care Center Licensing Committee
No. 52829 (Repeal and Reenact): R381-60 Hourly Child Care Centers
Published: 07/01/2020
Effective: 09/01/2020

No. 52830 (Repeal and Reenact): R381-70 Out of School Time Child Care Programs
Published: 07/01/2020
Effective: 09/01/2020

No. 52832 (Repeal and Reenact): R381-100 Child Care Centers
Published: 07/01/2020
Effective: 09/01/2020

Disease Control and Prevention, Epidemiology
No. 52934 (Amendment): R386-702 Communicable Disease Rule
Published: 08/01/2020
Effective: 09/08/2020

Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health
No. 52750 (Amendment): R388-805 Ryan White Part B Program
Published: 06/01/2020
Effective: 09/01/2020

Health Care Financing, Coverage and Reimbursement Policy
No. 52936 (New Rule): R414-1C Coronavirus Public Health Emergency Period
Published: 08/01/2020
Effective: 09/07/2020

Family Health and Preparedness, Child Care Licensing
No. 52850 (Repeal and Reenact): R430-8 Exemptions From Child Care Licensing
Published: 07/01/2020
Effective: 09/01/2020

No. 52851 (Repeal and Reenact): R430-50 Residential Certificate Child Care
Published: 07/01/2020
Effective: 09/01/2020

No. 52849 (Repeal and Reenact): R430-90 Licensed Family Child Care
Published: 07/01/2020
Effective: 09/01/2020

Human Resource Management

Administration
No. 52913 (Amendment): R477-7 Postpartum Recovery Leave Postponed
Published: 07/15/2020
Effective: 08/24/2020

Human Services

Administration, Administrative Hearings
No. 52874 (Amendment): R497-100 Adjudicative Proceedings
Published: 07/15/2020
Effective: 09/01/2020

Natural Resources

Wildlife Resources
No. 52844 (Repeal and Reenact): R657-56 Walk-in Access
Published: 08/01/2020
Effective: 09/08/2020

No. 52843 (Amendment): R657-60 Aquatic Invasive Species Interdiction
Published: 08/01/2020
Effective: 09/08/2020

Public Safety

Peace Officer Standards and Training
No. 52730 (Amendment): R728-409 Suspension, Revocation, or Relinquishment of Certification.
Published: 05/15/2020
Effective: 08/25/2020

Transportation

Program Development
No. 52931 (Amendment): R926-11 Clean Fuel Vehicle Decal Program
Published: 08/01/2020
Effective: 09/09/2020

Workforce Services

Housing and Community Development
No. 52888 (New Rule): R990-400 Pandemic Housing Assistance
Published: 07/15/2020
Effective: 08/26/2020