

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

The *Utah State Digest (Digest)* 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 *Digest* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Digest* 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 *Digest* should be addressed to the contact person for the rule. Questions about the *Digest* 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 *Utah State Digest* summarizes the contents of the *Utah State Bulletin* 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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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

Moving the Utah COVID-19 Health Risk Status to Yellow (Low Risk) in Grand County, West Valley City, and Magna

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, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

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 Economic Response Task Force has prepared and updated the Utah Leads Together plan for health and economic recovery to guide the State's efforts to stabilize and reconstitute the state economy while protecting public health, including by presenting economic phases, introducing color-coded health guidance and data tools, and providing plans to assist Utah's high risk individuals and multicultural communities that have been disproportionately impacted by COVID-19;

WHEREAS, the Utah Department of Health has released and updated as an addendum to the Utah Leads Together plan the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation, which provide a color-coded health guidance system comprising four levels of activity designated as Red (High Risk), Orange (Moderate Risk), Yellow (Low Risk), and Green (Normal Risk) (hereinafter, "Utah COVID-19 Health Risk Status"), where Red is most restrictive and each level of guidance after Red becomes progressively less restrictive and more economically engaged while still protecting public health;

WHEREAS, on May 27, 2020, the Utah Department of Health released version 4.5 of the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation;

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, "Phased Guidelines" means the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation Version 4.5.
2. The Utah COVID-19 Public Health Risk Status is:
 - a. Orange (Moderate Risk) in Salt Lake City, the town of Bluff, and the census designated place Mexican Hat; and
 - b. Yellow (Low Risk) in all other areas of the State not identified in Subsection (2)(a).
3. The provisions of the Phased Guidelines apply as follows:
 - a. An individual or business in an area identified in Subsection (2)(a) shall comply with the Orange (Moderate Risk) provisions of the Phased Guidelines;
 - b. An individual or business in an area identified in Subsection (2)(b) shall comply with the Yellow (Low Risk) provisions of the Phased Guidelines;
 - c. Notwithstanding any other provision of this Section (3), any reference in the Phased Guidelines to the use of a mask or face covering is adopted:
 - i. as an order with respect to:
 - A. each individual 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 with respect to any individual not identified in Subsection (3)(c)(i).

4. A political subdivision desiring an exception to this Order or the Phased Guidelines 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. Executive Order 2020-26 is rescinded and replaced by this Order.

This Order is declared effective immediately and shall remain in effect until 11:59 p.m. on June 5, 2020, unless 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 29th day of May, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/027/EO

EXECUTIVE ORDER

Wildland Fire Management

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

WHEREAS, spring in Utah was one of the driest on record; and

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

WHEREAS, wildfire warnings are in place for all of Southern Utah; and portions of Utah's west desert

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

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

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 June 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 June 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/028/EO

EXECUTIVE ORDER

Declaring a State of Emergency Due to Civil Unrest

WHEREAS, On May 31, 2020, protests took place in Salt Lake City in response to the death of an individual in police custody in Minneapolis, Minnesota;

WHEREAS, some protestors became violent and the civil unrest resulted in bodily injury and destruction of private and public property;

WHEREAS, a police car and a private vehicle were overturned by protesters and burned;

WHEREAS, some protestors engaged in looting and vandalism of businesses, including the City Creek Center and extensive defacement of the Utah State Capitol building;

WHEREAS, some office buildings and stores are closed due to the damage and the threat of further violence;

WHEREAS, law enforcement agencies from all over the State of Utah have responded to assist in controlling the violence;

WHEREAS, the Governor activated 200 National Guardsmen to assist in ensuring the safety of citizens and prevent further violence and property damage;

WHEREAS, the Mayor of Salt Lake City declared a curfew from June 1, 2020 8:00 p.m. to June 8, 2020 6:00 a.m.;

WHEREAS, there exists a possibility of future bodily injury and destruction of property due to civil unrest;

WHEREAS, these conditions do create a "State of Emergency" within the intent of the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code Annotated 1953 as amended;

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, declare a "State of Emergency" due to the aforesaid circumstances requiring aid, assistance, and relief available from State resources and hereby order:

1. The closure of the Utah State Capitol building and grounds to all individuals other than officers and employees of the Utah Executive Branch, the Utah Legislature, and the Utah Judiciary; and
2. Assistance from state government to political subdivisions as needed and coordinated by the Utah Department of Public Safety, and other state agencies as necessary.

This Order is declared effective immediately and shall remain in effect until 11:59 p.m. on June 6, 2020, unless 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 1st day of June, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/029/EO

EXECUTIVE ORDER

Extending the Orange (Moderate Risk) and Yellow (Low Risk) Utah COVID-19 Health Risk Status through June 12, 2020

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, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

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 comprising four levels of activity designated as Red (High Risk), Orange (Moderate Risk), Yellow (Low Risk), and Green (Normal Risk) (hereinafter, "Utah COVID-19 Health Risk Status"), where Red is most restrictive, and each level of guidance after Red becomes progressively less restrictive and more economically engaged while still protecting public health;

WHEREAS, Executive Order 2020-27 moved the Utah COVID-19 Health Risk Status to Orange (Moderate Risk) in Salt Lake City, the town of Bluff, and the census-designated place Mexican Hat, and to Yellow (Low Risk) in each other area of the state;

WHEREAS, Executive Order 2020-27 will terminate today, June 5, 2020, at 11:59 p.m.;

WHEREAS, the Utah Department of Health has determined that the Utah COVID-19 Health Risk Status set forth in Executive Order 2020-27 should be maintained to protect public health throughout the state;

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, "Phased Guidelines" means the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation Version 4.5.
2. The Utah COVID-19 Public Health Risk Status is:
 - a. Orange (Moderate Risk) in Salt Lake City, the town of Bluff, and the census-designated place Mexican Hat; and
 - b. Yellow (Low Risk) in each area of the State not identified in Subsection (2)(a).
3. The provisions of the Phased Guidelines apply as follows:
 - a. An individual or business in an area identified in Subsection (2)(a) shall comply with the Orange (Moderate Risk) provisions of the Phased Guidelines;
 - b. An individual or business in an area identified in Subsection (2)(b) shall comply with the Yellow (Low Risk) provisions of the Phased Guidelines;
 - 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 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 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. Executive Order 2020-27 is rescinded and replaced by this Order.

This Order is declared effective immediately and shall remain in effect until 11:59 p.m. on June 12, 2020, unless 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 5th day of June, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/030/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 May 16, 2020, 12:00 a.m., and June 01, 2020, 11:59 p.m. are included in this, the June 15, 2020, issue of the *Utah State Digest*.

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.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least July 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 October 13, 2020, 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.):	R17-6-3	Filing No. 52792

Agency Information

1. Department:	Administrative Services	
Agency:	Archives and Records Service	
Building:	State Archives	
Street address:	346 S Rio Grande St	
City, state:	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

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R17-6-3. Records Storage and Disposal -- Archives Responsibility
3. Purpose of the new rule or reason for the change:
This amendment updates Section R17-6-3 to reference the newly created Records Management Committee (Committee), which took over some of the State Records Committee's responsibilities. The Committee is created at Section 63A-12-112 (see S.B. 25 passed in the 2019 General Session); its duties are described in Section 63A-12-113.
4. Summary of the new rule or change:
The change updates the referenced committee that reviews and approves retention schedules from the State Records Committee to the Records Management Committee.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This amendment has no fiscal impact on state budget because it is only administrative in nature.
B) Local governments:
This amendment 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 amendment 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 amendment 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, 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 has no fiscal impact on 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.

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

This change will not have a fiscal impact on businesses, as it is only administrative in nature.

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

Tani Downing, 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 63A-12-104	Section 63A-12-112	Section 63A-12-113
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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: 07/15/2020

10. This rule change MAY become effective on: 07/22/2020

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:	Kenneth Williams, Division Director	Date:	05/26/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R35-1	Filing No.	52789
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Agency Information

1. Department:	Administrative Services
Agency:	Records Committee
Building:	State Archives
Street address:	346 S Rio Grande St
City, state:	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:

R35-1. State Records Committee Appeal Hearing Procedures

3. Purpose of the new rule or reason for the change:

These amendments are intended to preserve agency ownership of records provided for in camera review and to clarify postponement procedures for State Records Committee (Committee) members and for parties of appeal hearings.

4. Summary of the new rule or change:

The amendment to Subsection R35-1-2(5)(b) states explicitly that records provided to the Committee for in camera review remain in the custody of the agency and no copy transfers into the Committee's custody. The amendment to Subsection R35-1-2(6) states when third party presentations must occur. The amendment to Subsection R35-1-2(12) clarifies the process and time limit for petitioners to request a hearing be postponed.

Fiscal Information

5. Aggregate anticipated cost or savings to:			
A) State budget:			
This amendment has no fiscal impact on state budget because it is only administrative in nature.			
B) Local governments:			
This amendment 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 amendment 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 amendment 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, 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 has no fiscal impact on 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.			
6. A) Comments by the department head on the fiscal impact this 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

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 63G-2-401(5)(c)	Subsection 63G-2-403(9)	Subsection 63G-2-403(4)(a)
Section 63G-2-201	Section 63A-12-101	Section 52-4-203

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:	07/15/2020
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10. This rule change MAY become effective on:	07/22/2020
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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:	Kenneth Williams, Division Director	Date:	05/14/2020
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
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:	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. Declining Requests for Hearings

3. Purpose of the new rule or reason for the change:

The amendments reorganize the existing rules to differentiate between declining an appeal and not scheduling an appeal, to clarify the process for each, and to specify certain categories of appeals that will not be heard.

4. Summary of the new rule or change:

The catchline of Section R35-2-2 is amended, some subsections are reordered, and appeals outside the Committee's jurisdiction and untimely appeals will not be scheduled. Citations are updated.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This amendment has no fiscal impact on state budget because it is only administrative in nature.

B) Local governments:

This amendment 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 amendment 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 amendment 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, 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 has no fiscal impact on 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.			
6. A) Comments by the department head on the fiscal impact this 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

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 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

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: 07/15/2020

10. This rule change MAY become effective on: 07/22/2020

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: Kenneth Williams, Division Director
Date: 05/14/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment
Utah Admin. Code Ref (R no.): R35-4
Filing No.: 52791

Agency Information

1. Department: Administrative Services
Agency: Records Committee
Building: State Archives
Street address: 346 S Rio Grande St
City, state: 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:
R35-4. Compliance with State Records Committee Decisions and Orders
3. Purpose of the new rule or reason for the change:
The amendment is necessary due to an update in Subsection 63G-2-403(15) (see S.B. 137 passed in the 2018 General Session).
4. Summary of the new rule or change:
Section R35-4-2 is amended to state that the Records Committee sends notices of noncompliance to the Governor's office only.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This amendment has no fiscal impact on state budget because it is only administrative in nature.
B) Local governments:
This amendment 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 amendment 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 amendment 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, 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 amendment has no fiscal impact on 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.

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

This change will not have a fiscal impact on businesses, as it is only administrative in nature, and reduces the work of staff.

NOTICES OF PROPOSED RULE

B) Name and title of department head commenting on the fiscal impacts:
Tani Downing, 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		
63G-2-403(15)		

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:	07/15/2020

10. This rule change MAY become effective on:	07/22/2020
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:	Kenneth Williams, Division Director	Date:	05/14/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-309	Filing No. 52803

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:
R277-309. Appropriate Licensing of Teachers
3. Purpose of the new rule or reason for the change:
The purposes of the amendment is to move language from this rule to Rule R277-301.
4. Summary of the new rule or change:
The amendment to the rule included moving two sections from Rule R277-309 and incorporating them into Rule R277-301 and updating definitions to correspond to the changes.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have material fiscal impact on state government revenues or expenditures. The changes are primarily technical and clarifying in nature.
B) Local governments:
This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. The changes are primarily technical and clarifying in nature.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. The changes are primarily technical and clarifying in nature.
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 material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The changes are primarily technical and clarifying in nature.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The changes are primarily technical and clarifying in nature.

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
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Net Fiscal Benefits	\$0	\$0	\$0
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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	Subsection 53E-3-401(4)	Subsection 53E-6-201(2)(a)
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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: 07/15/2020

10. This rule change MAY become effective on: 07/22/2020

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:	06/01/2020
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R315-270-42	Filing No.:	52765

Agency Information

1. Department:	Environmental Quality		
Agency:	Waste Management and Radiation Control, Waste Management		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state:	Salt Lake City, UT		
Mailing address:	PO Box 144880		
City, state, zip:	Salt Lake City, UT 84114-4880		
Contact person(s):			
Name:	Phone:	Email:	
Thomas Ball	801-536-0251	tball@utah.gov	
Rusty Lundberg	801-536-4257	rlundberg@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R315-270-42. Hazardous Waste Permit Program -- Permit Modification at the Request of the Permittee
3. Purpose of the new rule or reason for the change:
Subsections R315-270-42(a)(1)(ii), R315-270-42(b)(2), R315-270-42(c)(2), and R315-270-42(e)(2)(iii) all require a permittee to send notices to the facility mailing list and to appropriate units of state and local governments. These subsections should make reference to Subsections R315-124-10(c)(1)(ix) and (x). However, Subsections R315-270-42(c)(2) and (e)(2)(iii) only contain the reference to R315-124-10(c)(1)(ix).

Additionally, minor formatting corrections have been made throughout Section R315-270-42 to conform with current standards for rulewriting.

4. Summary of the new rule or change:

"R315-124-10(c)(1)(ix)" is being added to Subsections R315-270-42(c)(2) and (e)(2)(iii). This will standardize the language in all four subsections, R315-270-42(a)(1)(ii), (b)(2), (c)(2), and (e)(2)(iii).

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no cost or savings to the state budget based on this rule amendment because the amendment does not add or remove any requirements from the rules.
B) Local governments:
There is no cost or savings to local governments based on this rule amendment because the amendment does not add or remove any requirements from the rules.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no cost or savings to small businesses based on this rule amendment because the amendment does not add or remove any requirements from the rules.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no cost or savings to non-small businesses based on this rule amendment because the amendment does not add or remove any requirements from the rules.
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>):
There is no cost or savings to persons other than small businesses, non-small businesses, state, or local government entities based on this rule amendment because the amendment does not add or remove any requirements from the rules.
F) Compliance costs for affected persons:
There will be no compliance costs for persons affected by this amendment because the amendment does not add or remove any requirements from the rules. This amendment simply standardizes rule language for better clarity in the rules.

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:

The changes being made by this amendment to the rules do not add any new requirements or remove any existing requirements and therefore, will not have any fiscal impact, cost or benefit, on businesses. The changes simply standardize language in four subsections of the rules to make the requirements of the rules clear to all readers.

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):

Section 19-6-104 Section 19-6-105 Section 19-6-106

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: 07/15/2020

10. This rule change MAY become effective on: 07/22/2020

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:	Ty L. Howard, Director	Date:	05/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R343-10	Filing No. 52788

Agency Information

1. Department:	Financial Institutions
Agency:	Nondepository Lenders
Room no.:	201

Street address:	324 STATE ST	
City, state:	Salt Lake City UT 84111-2321	
Mailing address:	PO Box 146800	
City, state, zip:	Salt Lake City UT 84114-6800	
Contact person(s):		
Name:	Phone:	Email:
Paul Allred	801-538-8761	pallred@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R343-10. Title Lenders Registration with the Nationwide Database
3. Purpose of the new rule or reason for the change:
With the passage of S.B. 24, during the 2015 General Session, the Department of Financial Institutions (Department) established, by rule, initial registration requirements for title lenders with the nationwide database. S.B. 24 (2015) provided that a rule could provide for the transition of persons registering with the nationwide database. The transition period has been in place for five years and this rule is no longer necessary.
4. Summary of the new rule or change:
The requirements of the rule are contained in the language found in S.B. 24 (2015). Therefore, there will be no change with the repeal of this rule. This rule is repealed in its entirety.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
Repealing this rule will not have a fiscal impact on state government revenues or expenditures. This rule contains guidance for persons transiting to registering with the nationwide database. The transition period has ended, and the ongoing requirements of this rule are spelled out in statute and thus, this rule is no longer necessary.
B) Local governments:
Repealing this rule will not have a fiscal impact on local governments' revenues or expenditures. This rule contains guidance for persons transiting to registering with the nationwide database. The transition period has ended, and the ongoing requirements of this rule are spelled out in statute and thus this rule is no longer necessary.
C) Small businesses ("small business" means a business employing 1-49 persons):

Repealing this rule will not have a fiscal impact on small businesses' revenues or expenditures. This rule contains guidance for persons transiting to registering with the nationwide database. The transition period has ended, and the ongoing requirements of this rule are spelled out in statute and thus, this rule is no longer necessary.

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

Repealing this rule will not have a fiscal impact on non-small businesses' revenues or expenditures. This rule contains guidance for persons transiting to registering with the nationwide database. The transition period has ended, and the ongoing requirements of this rule are spelled out in statute and thus, this rule is no longer necessary.

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*):

Repealing this rule will not have a fiscal impact on other person's revenues or expenditures. This rule contains guidance for persons transiting to registering with the nationwide database. The transition period has ended, and the ongoing requirements of this rule are spelled out in statute and thus, this rule is no longer necessary.

F) Compliance costs for affected persons:

Repealing this rule will not have an impact on the compliance costs of affected persons. This rule contains guidance for persons transitioning to registering with the nationwide database. The transition period has ended, and the ongoing requirements of this rule are spelled out in the statute and thus, this rule is no longer necessary.

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 Commissioner of the Utah Department of Financial Institutions, Edward Leary, has reviewed and approved this fiscal analysis.

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

Repealing this rule will not have a fiscal impact on businesses' revenues or expenditures. This rule contains guidance for persons transiting to registering with the nationwide database. The transition period has ended, and the ongoing requirements of this rule are spelled out in statute and thus, this rule is no longer necessary.

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

Edward Leary, 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):

Subsection 7-24-201(4)(a)		
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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: 07/15/2020

10. This rule change MAY become effective on: 07/22/2020

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:	Edward Leary, Commissioner	Date:	05/27/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	R362-2	Filing No. 52672

Agency Information

1. Department:	Governor	
Agency:	Energy Development (Office of)	
Street address:	60 E South Temple St. Suite 300	
City, state:	Salt Lake City, UT 84111	
Contact person(s):		
Name:	Phone:	Email:
Richard Bell	801-538-8682	rbell1@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R362-2. Administrative Rule Hearings
3. Purpose of the new rule or reason for the change:
The reason for the change is to clean up language of the original rule. This will help narrow the scope of this rule for the Governor's Office of Energy Development's administration of the incentive program.
4. Summary of the new rule or change:
The reenacted rule clarifies application submission process and eliminates eligibility criteria that does not align with statute.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This repeal and reenact cleans up language and eliminates text that already exists in code by deleting redundancy. Because this rule already exists, any fiscal impacts that were already in place will be the same. There will not be any new fiscal impact.

B) Local governments:

This repeal and reenact cleans up language and eliminates text that already exists in code by deleting redundancy. Because this rule already exists, any fiscal impacts that were already in place will be the same. There will not be any new fiscal impact.

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

This repeal and reenact cleans up language and eliminates text that already exists in code by deleting redundancy. Because this rule already exists, any fiscal impacts that were already in place will be the same. There will not be any new fiscal impact.

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

This repeal and reenact cleans up language and eliminates text that already exists in code by deleting redundancy. Because this rule already exists, any fiscal impacts that were already in place will be the same. There will not be any new 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 repeal and reenact cleans up language and eliminates text that already exists in code by deleting redundancy. Because this rule already exists, any fiscal impacts that were already in place will be the same. There will not be any new fiscal impact.

F) Compliance costs for affected persons:

This repeal and reenact cleans up language and eliminates text that already exists in code by deleting redundancy. Because this rule already exists, any fiscal impacts that were already in place will be the same. There will not be any new fiscal impact.

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, Robert Simmons, of the Governor's Office of Energy Development has reviewed and approved the fiscal analysis for this repeal and reenact.

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

There will not be any fiscal impact to businesses due to this repeal and reenact.

B) Name and title of department head commenting on the fiscal impacts:
Robert Simmons, 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 59-7-614	Section 59-10-1014	Section 59-10-1106

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:	07/15/2020

10. This rule change MAY become effective on:	07/22/2020
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:	Richard Bell, Director of Incentives	Date:	05/29/2020
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NOTICE OF PROPOSED RULE	
TYPE OF RULE: Amendment	
Utah Admin. Code Ref (R no.):	R547-13
Filing No.	52793

Agency Information

1. Department:	Human Services
Agency:	Juvenile Justice Services
Building:	MASOB
Street address:	195 N 1950 W

City, state:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Jonah Shaw	801-538-4219	jshaw@utah.gov
Nate Winters	801-538-4312	natewinters@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R547-13. Guidelines for Admission to Secure Youth Detention Facilities
3. Purpose of the new rule or reason for the change:
H.B. 262, passed in the 2020 General Session, changed the law to prohibit the prosecution of children under 12 years old except for certain offenses. In accordance with this statute change, the Division of Juvenile Justice Services (Division) is changing the detention guidelines to reflect this bill and clarifying some other aspects of detention, home detention, and diversion programs.
4. Summary of the new rule or change:
This filing amends the detention guidelines to reflect H.B. 262 (2020) while clarifying some other aspects of detention, home detention, and diversion programs.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The implementation of these standards may provide a net savings of \$128,100 ongoing from the General Fund beginning in FY 2021. Due to reduced case processing, it is estimated that the Division may see a savings of \$73,100 and the Courts may see a \$55,000 ongoing savings. These savings were already captured by the legislature.
B) Local governments:
The standards set forth through this rule may save local governments an inestimable amount due to reduced prosecution and defense costs.
C) Small businesses ("small business" means a business employing 1-49 persons):
Small businesses will not see a fiscal impact as these practices do not impact small businesses.

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

Non-small businesses will not see a fiscal impact as these practices do not impact 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**):

It is not estimated that persons other than small businesses, non-small businesses, state, or local government entities, will see a fiscal impact; as these changes will not impact the practices in place for this population.

F) Compliance costs for affected persons:

No compliance costs are anticipated 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	\$128,100	\$128,100	\$128,100
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	\$128,100	\$128,100	\$128,100
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H) Department head approval of regulatory impact analysis:

The Executive Director of Human Services, Ann Williamson, after conducting a thorough analysis, has determined that this proposed amendment will result in a fiscal impact for the state.

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

Non-small businesses will not see a fiscal impact as these practices do not impact small businesses.

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

Ann Williamson, 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 62A-1-111	Section 78A-6-105	
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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: 07/15/2020

10. This rule change MAY become effective on: 07/22/2020

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:	Ann Williamson, Executive Director.	Date:	05/19/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-131	Filing No. 52794

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	3110	
Building:	State Office Building	
Street address:	450 N State St.	
City, state:	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 or section catchline:
R590-131. Accident and Health Coordination of Benefits Rule
3. Purpose of the new rule or reason for the change:
The rule is being amended to make a clarification, add an exception, and make several stylistic changes to bring the rule into compliance with the Utah Rulewriting Manual.
4. Summary of the new rule or change:
The changes include a clarification to address coverage for adult dependents who do not live at home, to add an exception for a blanket accident-only policy to provide coverage as excess or always secondary, and numerous renumberings and changes to bring the rule into compliance with the Utah Rulewriting Manual.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The state budget may see some savings as a result of this rule. The exception in Subsection R590-131-8(2) is expected to result in an approximate \$600,000 annual savings to university athletic programs. Because several of Utah's universities are publicly funded, this money may be saved. However, the Department of Insurance (Department) does not know the funding mechanisms behind how university funds are used and so cannot determine if or how much money will actually be saved.

B) Local governments:																																
There is no anticipated cost or savings to local governments. The most significant changes affect insurers, and the others are merely clerical.																																
C) Small businesses ("small business" means a business employing 1-49 persons):																																
There is no anticipated cost or savings to small businesses. The most significant changes affect insurers, and the others are merely clerical.																																
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																																
Insurers will be required to file new forms with the Department. However, these forms can be incorporated into their annual filing process, which will result in a negligible cost to comply.																																
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>):																																
There is no anticipated cost or savings to any other persons. The most significant changes affect insurers, and the others are merely clerical.																																
F) Compliance costs for affected persons:																																
Insurers will be required to file new forms with the Department. However, these forms can be incorporated into their annual filing process, which will result in a negligible cost to comply.																																
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> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Non-Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Other Persons</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Total Fiscal Cost</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Fiscal Benefits</td> <td></td> <td></td> <td></td> </tr> </tbody> </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			
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																																

NOTICES OF PROPOSED RULE

State Government	\$600,000	\$600,000	\$600,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$600,000	\$600,000	\$600,000
Net Fiscal Benefits	\$600,000	\$600,000	\$600,000

H) Department head approval of regulatory impact analysis:

The Commissioner of the Insurance Department, Todd E. Kiser, 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 above analysis represents the Insurance Department's best estimate of the fiscal impact that this rule may have on businesses.

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

Todd E. Kiser, 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):

Section 31A-2-201	Section 31A-22-619	
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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: 07/15/2020

10. This rule change MAY become effective on: 07/22/2020

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:	Steve Gooch, Public Information Officer I	Date:	05/26/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R590-237	Filing No.	52802
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Agency Information

1. Department:	Insurance
Agency:	Administration
Room no.:	3110
Building:	State Office Building
Street address:	450 N State St.
City, state:	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 or section catchline:

R590-237. Access to Health Care Providers in Rural Counties

3. Purpose of the new rule or reason for the change:

The rule is being amended to update two lists in the rule, remove two definitions, update a code citation, and make clerical changes.

4. Summary of the new rule or change:

The major changes include updates to the lists of independent hospitals and federally qualified health centers in the rule, remove the definitions of "credentialed staff member" and "federally qualified health center" that are no longer necessary, and update citations to the relevant code section, which is now Chapter 31A-45,

Managed Care Organizations. Other amendments include minor clerical and style changes.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes largely update the lists of independent hospitals and federally qualified health centers located in rural areas of Utah. These changes are known in the industry and insurers are already operating in compliance with the changes.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes largely update the lists of independent hospitals and federally qualified health centers located in rural areas of Utah. There are no compliance requirements for local governments in the rule.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes largely update the lists of independent hospitals and federally qualified health centers located in rural areas of Utah. There are no compliance requirements for small businesses in the rule.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The changes largely update the lists of independent hospitals and federally qualified health centers located in rural areas of Utah. These changes are known in the industry and insurers, which are the only non-small businesses affected, are already operating in compliance with the 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):
There is no anticipated cost or savings to any other persons. The changes largely update the lists of independent hospitals and federally qualified health centers located in rural areas of Utah. There are no compliance requirements for any persons in the rule.
F) Compliance costs for affected persons:
The changes largely update the lists of independent hospitals and federally qualified health centers located in rural areas of Utah. There are no compliance costs for any other 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 Commissioner of the Insurance Department, Todd E. Kiser, 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 above analysis represents the Insurance Department's best estimate of the fiscal impact that this rule may have on businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Todd E. Kiser, 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):		
Subsection 31A-2-201(3)(a)	Subsection 31A-45-501-(8)(c)	

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:	07/15/2020

10. This rule change MAY become effective on:	07/22/2020
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:	Steve Gooch, Public Information Officer 1	Date:	06/01/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R649-1	Filing No. 52804

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining; Oil and Gas
Building:	Department of Natural Resources
Street address:	1594 W North Temple
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:
R649-1. Oil and Gas Definitions
3. Purpose of the new rule or reason for the change:
The purpose of the rule change is to establish definitions of terms utilized with the Title R649 Oil and Gas Program rules. The rule change will amend four definitions.
4. Summary of the new rule or change:
Rule R649-1 establishes definitions for terms used within the Rule R649-1. The change amends the definitions for "application for permit to drill, deepen or plug back," "operator," "operatorship," and "preparation for drilling."

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The Oil and Gas program, as well as the Board of Oil, Gas and Mining (Board), are expecting both an on-going savings in staff time through a reduction in operatorship hearings, as well as an upfront cost for software modifications to enhance the program's website to adhere to the proposed rule amendments. The website modifications are estimated at \$15,000, however, a total savings from operatorship hearings cannot be estimated as there is no way of knowing the number of hearings being reduced by this rule amendment.
B) Local governments:
No costs or savings to local governments are anticipated, since this rule impacts oil and gas companies, the Division of Oil and Gas (Division), and the Board.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . It is anticipated that this rule amendment will have a neutral fiscal impact to businesses as some will see a reduction in operatorship hearings, which would result in less attorney fees, travel, etc., while those who object to operatorship designations will need to appear before the Board. However, a total fiscal impact cannot be estimated as there is no way of knowing how

many businesses will be affected by the rule amendment and how many will object to the designations.

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

There are four non-small businesses in the oil and gas industry (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . It is anticipated that this rule amendment will have a neutral fiscal impact to businesses as some will see a reduction in operatorship hearings, which would result in less attorney fees, travel, etc., while those who object to operatorship designations will need to appear before the Board. However, a total fiscal impact cannot be estimated as there is no way of knowing how many businesses will be affected by the rule amendment and how many will object to the designations.

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 oil and gas 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	\$15,000	\$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	\$15,000	\$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	-\$15,000	\$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:

The Division anticipates a fiscally neutral impact to both state government and businesses over the long run. In the short term, the Division anticipates one-time costs to upgrade the Oil and Gas program's website. The Division anticipates that these costs will be offset over time by a reduction in staff time spent on hearings regarding operatorship.

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: 07/15/2020

10. This rule change MAY become effective on: 07/22/2020

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	Date:	06/01/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R649-2	Filing No.	52805

Agency Information

1. Department:	Natural Resources		
Agency:	Oil, Gas and Mining; Oil and Gas		
Building:	Department of Natural Resources		
Street address:	1594 W North Temple		
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:
R649-2. General Rules
3. Purpose of the new rule or reason for the change:
The purpose of the amendment is to establish designation of an operator of a drilling unit for oil and gas operations.
4. Summary of the new rule or change:
Rule R649-2 establishes requirements for the permitting, reporting, and inspecting of oil and gas drilling operations in Utah. The rule changes include changing the designation of an operator of a drilling unit for oil and gas operations.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Oil and Gas program, as well as the Board of Oil, Gas and Mining (Board), are expecting both an on-going savings in staff time through a reduction in operatorship hearings, as well as an upfront cost for software modifications to enhance the program's website to adhere to the proposed rule amendments. The website modifications are estimated at \$15,000, however, a total savings from operatorship hearings cannot be estimated as there is no way of knowing the number of hearings being reduced by this rule amendment.

B) Local governments:

No cost or savings to local governments are anticipated, since this rule impacts oil and gas companies, the Division of Oil and Gas (Division), and the Board.

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

There are 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . It is anticipated that this rule amendment will have a neutral fiscal impact to businesses as some will see a reduction in operatorship hearings, which would result in less attorney fees, travel, etc., while those who object to operatorship designations will need to appear before the Board. However, a total fiscal impact cannot be estimated as there is no way of knowing how many businesses will be affected by the rule amendment and how many will object to the designations.

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

There are four non-small businesses in the oil and gas industry (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . It is anticipated that this rule amendment will have a neutral fiscal impact to businesses as some will see a reduction in operatorship hearings, which would result in less attorney fees, travel, etc., while those who object to operatorship designations will need to appear before the Board. However, a total fiscal impact cannot be estimated as there is no way of knowing how many businesses will be affected by the rule amendment and how many will object to the designations.

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 oil and gas 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	\$15,000	\$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	\$15,000	\$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	-\$15,000	\$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:			
The Division anticipates a fiscally neutral impact to both state government and businesses over the long run. In the short term, the Division anticipates one-time costs to upgrade the Oil and Gas program's website. The Division anticipates that these costs will be offset over time by a			

reduction in staff time spent on hearings regarding operatorship.

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:	07/15/2020
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10. This rule change MAY become effective on:	07/22/2020
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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	Date:	06/01/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R649-3	Filing No. 52806

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
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:
R649-3. Drilling and Operating Practices
3. Purpose of the new rule or reason for the change:
The purpose of this amendment is to establish designation of an operator of a drilling unit for oil and gas operations.
4. Summary of the new rule or change:
Rule R649-3 establishes requirements for the drilling and operating practices for oil and gas operations in Utah. The rule changes include amending the permitting of wells to be drilling, deepened, or plugged-back, and adds conflicting operations over overlapping drilling units.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The Oil and Gas program, as well as the Board of Oil, Gas and Mining (Board), are expecting both an on-going savings in staff time through a reduction in operatorship hearings, as well as an upfront cost for software modifications to enhance the program's website to adhere to the proposed rule amendments. The website modifications are estimated at \$15,000, however, a total savings from operatorship hearings cannot be estimated as there is no way of knowing the number of hearings being reduced by this rule amendment.
B) Local governments:
No cost or savings to local governments are anticipated, since this rule impacts oil and gas companies, the Division of Oil and Gas (Division), and the Board.
C) Small businesses ("small business" means a business employing 1-49 persons):

There are 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . It is anticipated that this rule amendment will have a neutral fiscal impact to businesses as some will see a reduction in operatorship hearings, which would result in less attorney fees, travel, etc., while those who object to operatorship designations will need to appear before the Board. However, a total fiscal impact cannot be estimated as there is no way of knowing how many businesses will be affected by the rule amendment and how many will object to the designations.

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

There are four non-small businesses in the oil and gas industry (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . It is anticipated that this rule amendment will have a neutral fiscal impact to businesses as some will see a reduction in operatorship hearings, which would result in less attorney fees, travel, etc., while those who object to operatorship designations will need to appear before the Board. However, a total fiscal impact cannot be estimated as there is no way of knowing how many businesses will be affected by the rule amendment and how many will object to the designations.

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 oil and gas 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	\$15,000	\$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	\$15,000	\$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	-\$15,000	\$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:			
The Division anticipates a fiscally neutral impact to both state government and businesses over the long run. In the short term, the Division anticipates one-time costs to upgrade the Oil and Gas program's website. The Division anticipates that these costs will be offset over time by a reduction in staff time spent on hearings regarding operatorship.			
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:	07/15/2020
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10. This rule change MAY become effective on:	07/22/2020
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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	Date:	06/01/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	R940-3	Filing No. 52798

Agency Information

1. Department:	Transportation Commission	
Agency:	Administration	
Room no.:	Administration Suite, 1st Floor	
Building:	Calvin Rampton Building	
Street address:	4501 S 2700 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 148455	
City, state, zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R940-3. Procedures for Transportation Infrastructure Loan Fund Assistance
3. Purpose of the new rule or reason for the change:
This rule is repealed and is being reenacted to update the rule and incorporate changes made by 2019 Utah Laws Ch. 479 (S.B. 72) and S.B. 115 passed in the 2020 General Session.
4. Summary of the new rule or change:
The reenacted rule establishes procedures, standards, and a prioritization process the commission will follow to approve infrastructure loans and requests for infrastructure assistance through the State Infrastructure Bank (SIB) Fund created by Subsection 72-2-202(1). The transportation commission reviewed and voted to approve filing repeal and reenactment of this rule and resulting changes during its May 22, 2020, meeting.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The Department of Transportation (Department) does not anticipate the changes that result from repealing and reenacting this rule will have any effect on the state's budget. The rule being repealed has been in effect in current form since January 12, 2009. The changes in the reenacted rule are structural and intended to align the text to the requirements of the applicable amended statutes.
B) Local governments:
The Department does not anticipate any changes that result from repealing and reenacting this rule that will have any effect on local governments. The reenacted rule guides the transportation commission and does not require anything of local governments unless they apply for an infrastructure loan or assistance.
C) Small businesses ("small business" means a business employing 1-49 persons):
The Department does not anticipate any changes that result from repealing and reenacting this rule that will have any effect on small businesses. This rule does not apply to small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The Department does not anticipate any changes that result from repealing and reenacting this rule that will have any effect on non-small businesses. This rule does not apply to 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**):

The Department does not anticipate any changes that result from repealing and reenacting this rule that will have any effect on persons other than small businesses, non-small businesses, state, or local government entities. This rule does not apply to persons other than small businesses, non-small businesses, state, or local government entities.

F) Compliance costs for affected persons:

There will be no compliance costs associated with the reenacted rule.

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 Transportation, Carlos M. Braceras, 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 reenacted rule will not have a fiscal impact on businesses.

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

Carlos M. Braceras, 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 72-2-203(2)	Subsection 72-2-202(1)	
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Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

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)	Utah State Infrastructure Bank Prioritization Framework

Publisher	Utah Transportation Commission
Date Issued	May 22, 2020
Issue, or version	1.0

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:	07/15/2020
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10. This rule change MAY become effective on:	07/22/2020
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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:	Carlos M. Braceras, Executive Director	Date:	05/28/2020
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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 Digest* ends July 15, 2020.

From the end of the 30-day waiting period through October 13, 2020, 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.):	R68-33	Filing No. 52625

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Cody James	801-982-2376	codyjames@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:		
R68-33. Industrial Hemp Retailer Permit		
3. Change in Proposed Rule:		
Changes FILING Name, Publication date of prior filing:	FILING	Industrial Hemp Retailer Permit, Filing No. 52625, Published 04/15/2020
4. Reason for this change:		
The change is necessary to require retailers to obtain a permit for each individual retail location.		
5. Summary of this change:		
The change requires retailers to obtain a permit for each individual retail location rather than operating multiple locations under one permit. The Department of Agriculture and Food (Department) has also decreased the proposed permit fee to \$50 from \$200. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the April 15, 2020, issue of the Utah State Bulletin, on page 23. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been		

deleted. You must view the CPR and the proposed new rule 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:
The Department has proposed changing the proposed fee for a retail permit from \$200 to \$50 because additional permits will be required for each retail location. The Department estimates that with this change, 10,000 individuals will apply for a permit, bringing in \$500,000 to the department. The cost to the Department to administer the program should be equal to the amount of money generated for the number of permittees, and is \$500,000. The regulatory impact table reflects a cost and benefit of \$700,000 because that is the difference between the originally estimated cost of \$1,200,000 and the cost under the change and the originally estimated benefit of \$1,200,000 and estimated benefit under the change.
B) Local government:
The Department does not anticipate that there would be costs or savings to local governments because they do not regulate or act as industrial hemp retailers.
C) Small businesses ("small business" means a business employing 1-49 persons):
The cost to small businesses that operate as industrial hemp retailers would equal the permit cost of \$50 per small businesses retail location. The Department anticipates that approximately 10,000 retailers will apply for a permit. It is difficult to determine how many of these will be small businesses and how many will be non-small businesses because a variety of different types of businesses act as industrial hemp retailers. For the purposes of the regulatory impact summary table, the Department has estimated that 75% of retailers will be small businesses and 25% will be non-small businesses. The benefit to the businesses is difficult to quantify but would be that they are able to sell products that are safe and compliant with the law that consumers will be more willing to purchase. The regularly impact table reflects the difference between the original cost to small businesses of \$900,000 and the cost under the change of \$375,000.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The cost to non-small businesses that operate as industrial hemp retailers would equal the permit cost of \$50 per businesses. The Department anticipates that approximately 10,000 retailers will apply for a permit for a total cost of \$500,000. It is difficult to determine how many of these will be small businesses and how many will be

non-small businesses because a variety of different types of businesses act as industrial hemp retailers. For the purposes of the regulatory impact summary table, the Department has estimated that 75% of retailers will be small businesses and 25% will be non-small businesses. The benefit to the businesses is difficult to quantify but would be that they are able to sell products that are safe and compliant with the law that consumers will be more willing to purchase. The regulatory impact table reflects the difference between the original cost to small businesses of \$300,000 and the \$125,000 cost under the change.

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 **agency**):

The Department does not anticipate quantifiable costs or savings to other persons who do not operate as industrial hemp retailers.

F) Compliance costs for affected persons:

The compliance costs for affected persons would be the cost of an industrial hemp retailer permit, which is proposed to be \$50 per permit for each retail location.

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	\$700,000	\$700,000	\$700,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$525,000	\$525,000	\$525,000
Non-Small Businesses	\$175,000	\$175,000	\$175,000
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$1,400,000	\$1,400,000	\$1,400,000
Fiscal Benefits			
State Government	\$(700,000)	\$(700,000)	\$(700,000)
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$(700,000)	\$(700,000)	\$(700,000)
Net Fiscal Benefits	\$700,000	\$700,000	\$700,000

H) Department head approval of regulatory impact analysis:

The Commissioner of the Utah Department of Agriculture and Food, R. Logan Wilde, has reviewed and approves this fiscal analysis.

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

While industrial hemp retailers will need to pay a fee to obtain a permit, the permitting fee will cover the cost required for the Department to employ inspectors and manage the retail permit program. This rule change allows for the Department to permit industrial hemp retailers and ensure that products that are sold to consumers are safe and compliant with state law.

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

R. Logan Wilde, Commissioner

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):

Section 4-41-103.3	Subsection 4-2-103(1)(i)	
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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: 07/15/2020

NOTICES OF CHANGES IN PROPOSED RULES

11. This rule change MAY become effective on:	07/22/2020
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 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:	R. Logan Wilde, Commissioner	Date:	05/20/2020
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NOTICE OF CHANGE IN PROPOSED RULE

Utah Admin. Code Ref (R no.):	R70-580	Filing No. 52663
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Agency Information

1. Department:	Agriculture and Food	
Agency:	Regulatory Services	
Street address:	350 N Redwood Road	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:	R70-580. Kratom Product Registration and Labeling
3. Change in Proposed Rule:	
Changes FILING Name, Publication date of prior filing:	Kratom Product Registration and Labeling, Filing No. 52663, Published 05/01/2020

4. Reason for this change:
These changes were made based on industry feedback to lessen testing requirements slightly and add certification requirements to maintain the integrity of the kratom program. Changes have also been made to add clarity to the rule.
5. Summary of this change:
The rule has been changed to add certification and recordkeeping requirements for kratom product registration. It also removes requirements for synthetic testing and USP impurity testing. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the May 1, 2020, issue of the Utah State Bulletin, on page 16. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule 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:
The changes do not affect the cost to the state for the Department of Agriculture and Food (Department) to administer the kratom program nor does it change the fees collected by the Department.
B) Local government:
The changes do not create any costs or savings for local governments because they do not regulate kratom or act as kratom processors.
C) Small businesses ("small business" means a business employing 1-49 persons):
The changes do not create new costs or savings to small businesses because the fees charged by the Department remain the same.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The changes do not create new costs or savings to non-small businesses because the fees charged by the Department remains the same.
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 agency):

The changes do not affect any other individuals because they do not act as kratom processors in the .

F) Compliance costs for affected persons:

The changes do not affect compliance costs for affected persons because the fees charged by the Department have not changed.

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 Commissioner of the Utah Department of Agriculture and Food, R. Logan Wilde, has reviewed and approves this fiscal analysis.

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

These rule changes will allow for improved administration of the kratom program but will not have any fiscal impact on business.

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

R. Logan Wilde, Commissioner

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):

Section 4-45-107

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: 07/15/2020

11. This rule change MAY become effective on: 07/22/2020

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 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:	R. Logan Wilde, Commissioner	Date:	06/01/2020
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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.

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.):	R414-42	Filing No. 52797

Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W, Salt Lake City	
Mailing address:	PO Box 143102	
City, state, zip:	Salt Lake City, UT 84114-3102	
Contact person(s):		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R414-42. Telemedicine
3. Effective Date:
05/27/2020
4. Purpose of the new rule or reason for the change:
The purpose of this change is to allow easier access to

Medicaid services during the Coronavirus (COVID-19) Pandemic.

5. Summary of the new rule or change:

This amendment provides members easier access to services through teledentistry, synchronous telehealth, and asynchronous telehealth. It further specifies that coverage for telehealth is the same as coverage for any given service, includes new definitions, and makes other technical changes.

6. Regular rulemaking would:

- 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:

This emergency rule is necessary to provide Medicaid members access to services during the COVID-19 Pandemic.

Fiscal Information

7. Aggregate anticipated cost or savings to:	
A) State budget:	
There is an estimated total cost of \$78,900 through statewide utilization and reimbursement of the originating telehealth site.	
B) Local governments:	
There is no impact on local governments because they neither fund nor provide telehealth under the Medicaid program.	
C) Small businesses ("small business" means a business employing 1-49 persons):	
Small businesses may see a share of revenue through statewide utilization based on the total amount of \$78,900.	
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):	
Medicaid providers may see a share of revenue through statewide utilization based on the total amount of \$78,900. Medicaid members, however, will not see a fiscal impact as their services will remain the same even with the change in venue.	
8. Compliance costs for affected persons:	
There are no compliance costs to a single Medicaid member because services will remain the same even with the change in venue.	
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:	
Businesses may see a share of revenue through their use of the new telehealth services.	
B) Name and title of department head commenting on the fiscal impacts:	
Joseph K. Miner, MD, 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 26-1-5	Section 26-18-3	Section 26-18-13

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	05/27/2020
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NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R414-60-4	Filing No. 52796

Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W, Salt Lake City	
Mailing address:	PO Box 143102	
City, state, zip:	Salt Lake City, UT 84114-3102	
Contact person(s):		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R414-60-4. Program Coverage
3. Effective Date:
05/27/2020
4. Purpose of the new rule or reason for the change:
The purpose of this change is to allow Medicaid members easier access to Non-Controlled Schedule 2 (Non-CII) medications during the Coronavirus (COVID-19) Pandemic.
5. Summary of the new rule or change:
This amendment waives the proof of delivery requirement for pharmacies that distribute Non-CII medications, to allow Medicaid members easier access to prescriptions during the COVID-19 Pandemic. The amendment, however, also maintains the proof of delivery requirement for Controlled Schedule 2 (CII) medications, and further clarifies documentation requirements for pharmacies.
6. Regular rulemaking would:
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.
Specific reason and justification:
This emergency rule is necessary to provide Medicaid members access to Non-CII medications during the COVID-19 Pandemic.

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated impact to the state budget as there are no additional costs associated with the temporary flexibility surrounding proof of delivery of Non-CII medications.
B) Local governments:
There is no impact to local governments as there are no additional costs associated with the temporary flexibility surrounding proof of delivery of Non-CII medications.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated impact to small businesses as there are no additional costs associated with the temporary flexibility surrounding proof of delivery of Non-CII medications.
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 <i>agency</i>):
There is no anticipated impact to pharmacies and other service providers, as there are no additional costs associated with the temporary flexibility surrounding proof of delivery of Non-CII medications.
8. Compliance costs for affected persons:
There is no anticipated impact to a single pharmacy or other service providers, as there are no additional costs associated with the temporary flexibility surrounding proof of delivery of Non-CII medications.
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:
Businesses will neither see cost nor revenue through waiver of the proof of delivery requirement.
B) Name and title of department head commenting on the fiscal impacts:
Joseph K. Miner, MD, 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 26-1-5 Section 26-18-3

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	05/27/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R539-2-5	Filing No. 52800
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Agency Information

1. Department:	Human Services	
Agency:	Services for People with Disabilities	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Kelly Thomson	435-669-4855	kthomson@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 or section catchline:
R539-2-5. Person-Centered Process
3. Effective Date:
05/28/2020
4. Purpose of the new rule or reason for the change:
The Centers for Medicare and Medicaid Services (CMS) approved Appendix K amendments to some service administration processes during the declared state of emergency. CMS approved an extended timeline for annual person-centered planning meetings during the COVID-19 emergency. The temporary rule change adds an exception to Division of Services for People with Disabilities' (DSPD) person-centered process requirements.
5. Summary of the new rule or change:
The rule change allows DSPD to extend timelines for annual person-centered planning meetings during the COVID-19 state of emergency.
6. Regular rulemaking would:
cause an imminent peril to the public health, safety, or welfare;

	cause an imminent budget reduction because of budget restraints or federal requirements; or
x	place the agency in violation of federal or state law.
Specific reason and justification:	
CMS approved an extended timeline for annual person-centered planning meetings during the COVID-19 emergency. The temporary rule change adds an exception to DSPD's person-centered process requirements. Implementation of the Appendix K amendment supports administrative flexibility for service planning during the rapidly changing state of emergency.	

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
No anticipated costs or savings for the state budget. An annual person-centered planning meeting is a waiver requirement, and an extension of the deadline will not reduce or increase the frequency of the planning meeting.
B) Local governments:
Local governments are not involved in person-centered planning. No anticipated costs or savings for local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
Small businesses are not involved in person-centered planning. No anticipated costs or savings for small businesses.
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):
Person-centered planning is included in DSPD services. No anticipated costs or savings for any person.
8. Compliance costs for affected persons:
There are no compliance costs for person-centered planning.
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:
After conducting a thorough analysis, it was determined that this proposed rule change will not result in a significant fiscal impact to small businesses.
B) Name and title of department head commenting on the fiscal impacts:
Ann Williamson, 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 62A-5-102	Section 62A-5-103	

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, DHS Deputy Director	Date:	05/28/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R539-3-8	Filing No.	52799
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Agency Information

1. Department:	Human Services	
Agency:	Services for People with Disabilities	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Kelly Thomson	435-669-4855	kthomson@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 or section catchline:
R539-3-8. Notice of Agency Action and Administrative Hearings
3. Effective Date:
05/28/2020
4. Purpose of the new rule or reason for the change:
The Centers for Medicare and Medicaid Services (CMS) approved Appendix K amendments to some service administration processes during the declared state of emergency. CMS waived their requirement for a notice of agency action for service changes made as a direct result of COVID-19. The temporary rule change adds an exception to the Division of Services for People with Disabilities' (DSPD) notice of agency action requirements.

5. Summary of the new rule or change:	
The rule change allows DSPD to waive the notice of agency action requirement for service changes made as a direct result of the COVID-19 state of emergency.	
6. Regular rulemaking would:	
<input type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/>	place the agency in violation of federal or state law.
Specific reason and justification:	
CMS waived their requirement for a notice of agency action for service changes made as a direct result of COVID-19. The temporary rule change adds an exception to DSPD's notice of agency action requirements. Implementation of the Appendix K amendment supports administrative flexibility for service changes necessary to respond to the rapidly changing state of emergency. The exception only waives written notice of agency action, not the direct involvement of individuals and families with making service decisions.	

Fiscal Information

7. Aggregate anticipated cost or savings to:	
A) State budget:	
No anticipated costs or savings for the state budget. The cost associated with notices of agency action is the cost to mail. The number of notices potentially not mailed would not constitute a measurable savings.	
B) Local governments:	
Local governments are not involved in notices of agency action. No anticipated costs or savings for local governments.	
C) Small businesses ("small business" means a business employing 1-49 persons):	

Small businesses are not involved in notices of agency action. No anticipated costs or savings for small businesses.
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):
A notice of agency action is sent at no cost to the person. No anticipated costs or savings for any person.
8. Compliance costs for affected persons:
There are no compliance costs for a notice of agency action.
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:
After conducting a thorough analysis, it was determined that this proposed rule change will not result in a fiscal impact to businesses.
B) Name and title of department head commenting on the fiscal impacts:
Ann Williamson, 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 62A-5-102	Section 62A-5-103	

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, DHS Deputy Director	Date:	05/28/2020
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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.):	R15-1	Filing No. 50001

Agency Information

1. Department:	Administrative Services	
Agency:	Administrative Rules (Office of)	
Street address:	4315 S 2700 W	
City, state, zip:	Taylorsville, Utah 84129-2128	
Mailing address:	PO Box 141007	
City, state, zip:	Salt Lake City, Utah 84114-1007	
Contact person(s):		
Name:	Phone:	Email:
Michael Broschinsky	801-957-7100	mbroschi@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R15-1. Administrative Rule Hearings
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 63G-3-402(2) directs the Office of Administrative Rules to establish administrative rule hearing procedures by rule.

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 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:
Well-delineated procedures for holding administrative rule hearings benefit both the public and the state. The benefit to the public is an opportunity to present its views, either in opposition or support, of a proposed rulemaking action. Views are presented in an orderly manner, either vocally or by the submission of written comment, both of which become part of the rule's administrative record.
The benefit to the state is that an organized and orderly mechanism for obtaining the public's views may provide the state information that it did not have, leading to a better-drafted rule.
Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Michael Broschinsky, Director	Date:	06/01/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R23-7	Filing No. 50026

Agency Information

1. Department:	Administrative Services	
Agency:	Facilities and Construction Management	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W 3rd Floor	
City, state, zip:	Salt Lake City, UT 84129	
Contact person(s):		
Name:	Phone:	Email:
Mike Kelley		mkelley@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R23-7. State Construction Contracts and Drug and Alcohol Testing
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 Subsection 63A-5-103(a), which directs the Utah State Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management, as well as Subsection 63G-6a-1303(4) of the Utah Procurement Code.
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 the last five-year period.
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 this rule is to comply with the provisions of Section 63G-6a-1303 of the Utah Procurement Code. The rule is necessitated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Joe Burgess, Chairman	Date:	05/12/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R105-3	Filing No. 50207

Agency Information

1. Department:	Attorney General	
Agency:	Administration	
Building:	Heber M. Wells	
Street address:	160 East 300 South	
City, state, zip:	Salt Lake City UT 84111	
Contact person(s):		
Name:	Phone:	Email:
David Sonnenreich		dsonnenreich@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R105-3. White Collar Crime Registry
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The purpose of this rule is to establish procedures to efficiently administer the Utah White Collar Crime Offender Registry. These rules are made pursuant to the rulemaking authority granted by Subsection 77-42-107(1).
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 in the last five-year period.
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 this rule is to establish procedures to efficiently administer the Utah White Collar Crime Offender Registry which is still an active registry. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Sean Reyes, Attorney General	Date:	05/20/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-500	Filing No. 50462

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state, zip:	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 catchline:
R277-500. Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks
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 by Utah Constitution, Article X, Section 3, which vests general control and supervision of public education in the State Board of Education (Board), Section 53E-6-201 which requires the Board to make rules requiring participation in professional learning activities in order for educators to retain Utah licensure, and Subsection 53E-3-401(4) which permits the Board to adopt rules in accordance with its responsibilities.
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 were no written comments 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:
Rule R277-500 is going through the approval process to be repealed because the rule requirements will be incorporated into new Board Rule R277-302. Therefore, this rule is continued until the repeal can be made effective.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	06/01/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R495-820	Filing No. 51163

Agency Information

1. Department:	Human Services	
Agency:	Administration	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R495-820. Institutional Review Board
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, in accordance with Section 62A-1-111, sets forth procedures and standards that are in compliance with the federal requirements of 45 CFR 46, 21 CFR 50, 21 CFR 56, 21 CFR 312, 21 CFR 812, 45 CFR 164.508, and 45 CFR 164.512, to implement the Department of Human Services Institutional Review Board.
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 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 establishes the Department of Human Services Institutional Review Board and is required to set forth requirements and standards for its operation. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	05/29/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R512-11	Filing No. 51212

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R512-203	Filing No. 51229

Agency Information

1. Department:	Human Services	
Agency:	Child and Family Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the agency.		

Agency Information

1. Department:	Human Services	
Agency:	Child and Family Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R512-11. Accommodation of Moral and Religious Beliefs and Culture
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 62A-4a-102 authorizes the Division of Child and Family Services (Division) to establish rules in order to provide programs and services that support the strengthening of family values, including accommodating moral and religious beliefs and culture of families.
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:
Continuation of this rule is necessary in order for the Division to continue accommodating the moral and religious beliefs and culture of families.

General Information

2. Rule catchline:
R512-203. Child Protective Services, Significant Risk Assessments
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 62A-4a-102 authorizes the Division of Child and Family Services (Division) to establish rules in order to provide programs and services that support the strengthening of family values, including how significant risk assessments are utilized by the Division's caseworkers.
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:
Continuation of this rule is necessary in order for the Division's caseworkers to continue to utilize significant risk assessments.

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	05/14/2020
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Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	05/14/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R512-308	Filing No. 51241

Agency Information

1. Department:	Human Services	
Agency:	Child and Family Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R512-308. Out-of-Home Services, Guardianship Services and Placements
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 62A-4a-102 authorizes the Division of Child and Family Services (Division) to establish rules in order to provide programs and services that support the strengthening of family values, including providing guardianship services, and supporting guardianship placements.
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:
Continuation of this rule is necessary in order for the Division to continue to provide guardianship services and support guardianship placements.

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	05/14/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R657-6	Filing No. 51729

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room no.:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84116-3154	
Mailing address:	PO Box 146301	
City, state, zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coon	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R657-6. Taking Upland Game
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken. This rule is specific to the taking of Upland Game.
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 supporting or opposing Rule R657-6 has been received since the last rule review in 2015.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-6 provides the procedures, standards, and requirements for taking upland game. The provisions adopted in this rule are effective in providing the standards and requirements for taking upland game birds. Continuation of this rule is necessary for continued success of this program.

Agency Authorization Information

Agency head or designee, and title:	Mike Fowlks, Director	Date:	05/18/2020
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Continuation of this rule is necessary for continued success of the furbearer program and providing furbearer hunting opportunities.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R657-11	Filing No. 51731
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Agency Authorization Information

Agency head or designee, and title:	Mike Fowlks, Director	Date:	06/01/2020
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Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room no.:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84116-3154	
Mailing address:	PO Box 146301	
City, state, zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coon	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R657-24	Filing No. 51748
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Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room no.:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84116-3154	
Mailing address:	PO Box 146301	
City, state, zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coon	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R657-11. Taking Furbearers and Trapping
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken. This rule is specific to the taking of Furbearers and the use of trapping.
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 supporting or opposing Rule R657-11 has been received since the last rule review in 2015.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-11 provides the application procedures, standards, and requirements for taking furbearers. The provisions adopted in this rule are effective in providing the standards and requirements for taking furbearers.

General Information

2. Rule catchline:
R657-24. Compensation for Mountain Lion, Bear, Wolf or Eagle Damage
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Under Section 23-14-1, the Wildlife Board is authorized to provide rules to administer and enforce the procedures to obtain compensation for livestock damage done by mountain lion, bear, wolf, or eagle.
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 supporting or opposing Rule R657-24 has been received since the last rule review in 2015.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R657-24 provides the procedures, standards, requirements, and limits for obtaining compensation for damages to livestock by mountain lion, bear, wolf, or eagle. Continuation of this rule is necessary for continued success of this program.

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 program is statutorily created and funded. Statute governing this program is still in place, as is the Regents' obligation to continue administering the program until such time as the Legislature repeals the program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mike Fowlks, Director	Date:	06/01/2020
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Agency Authorization Information

Agency head or designee, and title:	Dave Woolstenhulme, Interim Commissioner	Date:	05/27/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R765-609	Filing No. 52002

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R765-611	Filing No. 51993

Agency Information

1. Department:	Regents (Board of)	
Agency:	Administration	
Building:	Board of Regents Building	
Street address:	60 S 400 W	
City, state, zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Geoff Landward	801-554-8131	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

Agency Information

1. Department:	Regents (Board of)	
Agency:	Administration	
Building:	Board of Regents Building	
Street address:	60 S 400 W	
City, state, zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Geoff Landward	801-554-8131	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R765-609. Regents' Scholarship
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The Regents Scholarship is a statutorily created scholarship program, Section 53B-8-108 et seq., granting Utah high school graduates with scholarship funding based on their academic performance and completion of prescribed high school curriculum.
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 Board of Regents has not received any written comments regarding this administrative rule.

General Information

2. Rule catchline:
R765-611. Veterans Tuition Gap 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:
Section 53B-13B-103 creates the Veterans Tuition Gap program, which provides grant funding to qualifying veterans pursuing a bachelor's degree and whose benefits under the Federal program have been exhausted or are not available. This is a statutorily mandated program that directs the Board to create policies to administer it in accordance with statute.
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:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

The Board of Regents has not received any written comments regarding this administrative 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 program is statutorily created and funded. Statute governing this program is still in place, as is the Regents' obligation to continue administering the program until such time as the Legislature repeals the program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Dave Woolstenhulme, Interim Commissioner	Date:	05/27/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R916-6	Filing No. 52111
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Agency Information

1. Department:	Transportation	
Agency:	Operations, Construction	
Room no.:	First Floor Administration Suite	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state, zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 148455	
City, state, zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
R916-6. Drug and Alcohol Testing in State Construction Contracts

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 required by Subsection 63G-6a-1303(4)(b) and is enacted under the authority of Subsection 72-1-201(1)(h).

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 Transportation has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing 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 required by Subsection 63G-6a-1303(4)(b), which is still in effect. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Braceras, Executive Director	Date:	05/26/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R926-13	Filing No. 52134
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Agency Information

1. Department:	Transportation	
Agency:	Program Development	
Room no.:	First Floor Administration Suite	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state, zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 148455	
City, state, zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov

Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R923-13. Designated Scenic Byways
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 required by Subsection 72-4-303(4)(e). The purpose of this rule is: 1) to identify specific highways currently designated as state scenic byways; 2) define the limits of the individual scenic byways for all purposes related to that designation; and 3) the specific state scenic byways within the currently having also been designated by the National Scenic Byways Program of the Federal Highway Administration as either National Scenic Byways or All-American Roads.
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 Transportation has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing 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 required by Subsection 72-4-303(4)(e), which is in effect. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Braceras, Executive Director	Date:	05/20/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R926-14	Filing No. 52132

Agency Information

1. Department:	Transportation
Agency:	Program Development
Room no.:	First Floor Administration Suite
Building:	Calvin Rampton

Street address:	4501 S 2700 W	
City, state, zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 148455	
City, state, zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R926-14. Utah Scenic Byway Program Administration; Scenic Byways Designation, De-designation, and Segmentation Processes
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 required by Subsection 72-4-303(4). The purpose of this rule is: 1) the administration of the Utah Scenic Byway program; 2) the criteria that a highway shall possess to be considered for designation as a state scenic byway; 3) the process for nominating a highway to be designated as a state scenic byway; 4) the process for nominating an existing state scenic byway to be considered for designation as a National Scenic Byway or All-American Road; 5) the process and criteria for removing the designation of a highway as a scenic byway or segmentation of a portion thereof; and 6) the requirements for public hearings to be conducted regarding proposed changes to the scenic byway status of corridor, and related notifications.
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 Transportation has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing 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 required by Subsection 72-4-303(4), which is in effect. Therefore, this rule should be continued.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Braceras, Executive Director	Date:	05/20/2020
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End of the Five-Year Notices of Review and Statements of Continuation 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

Facilities Construction and Management
No. 52492 (Amendment): R23-33. Rules for the
Prioritization and Scoring of Capital Improvements by the
Utah State Building Board
Published: 02/01/2020
Effective: 05/20/2020

Finance

No. 52655 (New Rule): R25-22. Financial Institution
Validation for Access to Medical Inventory Control System
Published: 05/01/2020
Effective: 06/08/2020

Purchasing and General Services

No. 52485 (Amendment): R33-26. State Surplus Property
Published: 02/01/2020
Effective: 05/20/2020

Agriculture and Food

Marketing and Development
No. 52631 (Amendment): R65-13. Utah's Own
Published: 04/15/2020
Effective: 05/28/2020

Regulatory Services

No. 52653 (Amendment): R70-101. Bedding, Upholstered
Furniture, and Quilted Clothing
Published: 05/01/2020
Effective: 06/08/2020

Education

Administration
No. 52635 (Amendment): R277-419. Pupil Accounting
Published: 04/15/2020
Effective: 05/26/2020

No. 52637 (Amendment): R277-477. Distributions of Funds
from the Trust Distribution Account and Administration of the
School LAND Trust Program
Published: 04/15/2020
Effective: 05/26/2020

No. 52570 (Amendment): R277-553. Charter School
Oversight, Monitoring and Appeals
Published: 04/15/2020
Effective: 05/26/2020

No. 52638 (Amendment): R277-604. Private School, Home
School, and Bureau of Indian Affairs (BIA) Student
Participation in Public School Achievement Tests
Published: 04/15/2020
Effective: 05/26/2020

No. 52639 (Amendment): R277-613. LEA Disruptive
Student Behavior, Bullying, Cyber-bullying, Hazing,
Retaliation, and Abusive Conduct Policies and Training
Published: 04/15/2020
Effective: 05/26/2020

No. 52640 (Amendment): R277-708. Enhancement for At-
Risk Students
Published: 04/15/2020
Effective: 05/26/2020

Environmental Quality

Air Quality
No. 52596 (Amendment): R307-101. Version of the Code
of Federal Regulations Incorporated by Reference
Published: 04/01/2020
Effective: 06/04/2020

No. 52597 (Amendment): R307-210. Standards of
Performance for New Stationary Sources
Published: 04/01/2020
Effective: 06/04/2020

NOTICES OF RULE EFFECTIVE DATES

No. 52598 (Amendment): R307-214. National Emission Standards for Hazardous Air Pollutants
Published: 04/01/2020
Effective: 06/04/2020

No. 52599 (Amendment): R307-405. Applicability
Published: 04/01/2020
Effective: 06/04/2020

No. 52600 (Amendment): R307-410. Permits: Emissions Impact Analysis
Published: 04/01/2020
Effective: 06/04/2020

Governor

Economic Development
No. 52670 (New Rule): R357-28. Talent Ready Connections Program
Published: 05/01/2020
Effective: 06/08/2020

Human Services

Child Protection Ombudsman (Office of)
No. 52633 (Amendment): R515-1. Processing Complaints Regarding the Utah Division of Child and Family Services
Published: 04/15/2020
Effective: 06/01/2020

Insurance

Administration
No. 52647 (Amendment): R590-160. Adjudicative Proceedings
Published: 05/01/2020
Effective: 06/08/2020

No. 52648 (Repeal): R590-278. Consent Requests Under 18 USC 1033(e)(2)
Published: 05/01/2020
Effective: 06/08/2020

No. 52649 (Amendment): R590-281. Eligibility to Apply for a License
Published: 05/01/2020
Effective: 06/08/2020

Natural Resources

Oil, Gas and Mining; Oil and Gas
No. 52641 (Amendment): R649-1. Definitions
Published: 04/15/2020
Effective: 06/01/2020

No. 52642 (Amendment): R649-2. General Rules
Published: 04/15/2020
Effective: 06/01/2020

End of the Notices of Rule Effective Dates Section