

# 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

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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.

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## EXECUTIVE ORDER 2020-58

### Wildland Fire Management

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

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

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

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

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

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

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

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

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

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

It is found, determined and declared that a "State of Emergency" exists Statewide due to the threat to public safety, property, critical infrastructure, natural resources, and the environment, effective for the month of September 2020, requiring aid, assistance, and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

**IN TESTIMONY, WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 1st day of September 2020.

(State Seal)

**Gary R. Herbert**  
**Governor**

ATTEST:

**Spencer J. Cox**  
**Lieutenant Governor**

2020/058/EO

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**EXECUTIVE ORDER**  
**2020-59**

Extending the State Facilities Face Covering Requirement

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

EXECUTIVE DOCUMENTS

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

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

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

(State Seal)

**Gary R. Herbert**  
**Governor**

ATTEST:

**Spencer J. Cox**  
**Lieutenant Governor**

2020/059/EO

**EXECUTIVE ORDER**  
**2020-60**

Updating the Utah COVID-19 Level of Restriction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/060/EO

**EXECUTIVE ORDER**  
**2020-61**

Declaring a State of Emergency Due to Severe Weather

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/061/EO

**End of the Executive Documents Section**



## NOTICES OF PROPOSED RULES

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between August 15, 2020, 12:00 a.m., and September 01, 2020, 11:59 p.m. are included in this, the September 15, 2020, issue of the *Utah State 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 October 15, 2020. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

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

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

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

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

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

**Agency Information**

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

**General Information**

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

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
None--Any anticipated cost or savings to the state budget are a result of statutory requirements of H.B. 157 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.
<b>B) Local governments:</b>
None--Any anticipated cost or savings to local governments are a result of statutory requirements of H.B. 157 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
None--Any anticipated cost or savings to small businesses are a result of statutory requirements of H.B. 157 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
None--Any anticipated cost or savings are a result of statutory requirements of H.B. 157 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.
<b>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>):</b>
Any anticipated cost or savings are a result of statutory requirements of H.B. 157 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This amendment does not create additional cost or savings beyond what was anticipated during the legislative process.



**F) Compliance costs for affected persons:**

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

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

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

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

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

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

Salvador Petilos, Executive Director

**Citation Information**

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

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

**Public Notice Information**

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

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

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

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

**Agency Authorization Information**

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

**NOTICE OF PROPOSED RULE**

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

**Agency Information**

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

**General Information**

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

**Fiscal Information**

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

<b>B) Local governments:</b>								
None--Any anticipated cost or savings to local governments are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.								
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):								
None--Any anticipated cost or savings to small businesses are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.								
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):								
None--Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.								
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):								
Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.								
<b>F) Compliance costs for affected persons:</b>								
There are no fees associated with this process. Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.								
<b>G) Regulatory Impact Summary Table</b> (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.)								
<b>Regulatory Impact Table</b>								
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2021</th> <th>FY2022</th> <th>FY2023</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2021	FY2022	FY2023	State Government	\$0	\$0	\$0
Fiscal Cost	FY2021	FY2022	FY2023					
State Government	\$0	\$0	\$0					

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
The fiscal impact for this rule was accounted for in H.B. 399 (2020), so there will be no anticipated cost or savings to businesses because of this rule.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Salvador Petilos, Executive Director			

**Citation Information**

<b>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):</b>		
Section 32B-1-208	Section 32B-2-202	

**Public Notice Information**

<b>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</b>
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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.)	
<b>A) Comments will be accepted until:</b>	10/15/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Salvador Petilos, Executive Director	<b>Date:</b>	08/14/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R82-1-304</b>	<b>Filing No. 53015</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R82-1-304. Background Checks for Resort Licensees

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

**Fiscal Information**

<p><b>5. Aggregate anticipated cost or savings to:</b></p>
<p><b>A) State budget:</b></p> <p>None--Any anticipated cost or savings to the state budget are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.</p>
<p><b>B) Local governments:</b></p> <p>None--Any anticipated cost or savings to local government are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.</p>
<p><b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>None--Any anticipated cost or savings to small businesses are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.</p>
<p><b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>None--Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create</p>

<p>additional cost or savings beyond what was anticipated during the legislative process.</p>
<p><b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</p> <p>Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.</p>
<p><b>F) Compliance costs for affected persons:</b></p> <p>There are no fees associated with this process. Any anticipated cost or savings are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were calculated as part of the fiscal note. This section does not create additional cost or savings beyond what was anticipated during the legislative process.</p>

**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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

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

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

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

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

Salvador Petilos, Executive Director

**Citation Information**

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

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

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

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

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

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Salvador Petilos, Executive Director	<b>Date:</b>	08/14/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R82-2-303</b>	<b>Filing No. 53016</b>

**Agency Information**

<b>1. Department:</b>	Alcoholic Beverage Control	
<b>Agency:</b>	Administration	
<b>Street address:</b>	1625 S 900 W	
<b>City, state:</b>	Salt Lake City, UT 84104-1630	
<b>Mailing address:</b>	PO Box 30408	
<b>City, state, zip:</b>	Salt Lake City, UT 84130-0408	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov

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

**General Information**

**2. Rule or section catchline:**  
R82-2-303. Non-Consignment Inventory

**3. Purpose of the new rule or reason for the change:**  
This rule amendment is necessary to correct the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The existing rule incorrectly says the Department owns the inventory.

**4. Summary of the new rule or change:**  
This rule amendment is necessary to correct the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The existing rule incorrectly says the Department owns the inventory.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
None--This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings to the state budget.
<b>B) Local governments:</b>
None--This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings for local governments.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
None--This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings for small businesses.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
None--This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings for non-small businesses.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
None--This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings.
<b>F) Compliance costs for affected persons:</b>
None--This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings for affected persons.
<b>G) Regulatory Impact Summary Table</b> (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.)

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

**Citation Information**

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

Section 32B-2-202		
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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.)

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Salvador Petilos, Executive Director	<b>Date:</b>	08/14/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R82-5-101</b>	<b>Filing No.</b>	<b>53017</b>
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**Agency Information**

<b>1. Department:</b>	Alcoholic Beverage Control
<b>Agency:</b>	Administration
<b>Street address:</b>	1625 S 900 W
<b>City, state:</b>	Salt Lake City, UT 84104-1630
<b>Mailing address:</b>	PO Box 30408
<b>City, state, zip:</b>	Salt Lake City, UT 84130-0408

**Contact person(s):**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov

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

**General Information**

**2. Rule or section catchline:**

R82-5-101. Definitions

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

This rule amendment is necessary to remove the subsection that defines what a banquet contract must require. Section 32B-6-605 doesn't grant specific rulemaking authority to make rules defining banquet contracts.

**4. Summary of the new rule or change:**

This rule amendment is necessary to remove the subsection that defines what a banquet contract must require. Section 32B-6-605 doesn't grant specific rulemaking authority to make rules defining banquet contracts.

**Fiscal Information**

**5. Aggregate anticipated cost or savings to:**

**A) State budget:**

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

**B) Local governments:**

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

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

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

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

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

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

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

**F) Compliance costs for affected persons:**

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

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

**Regulatory Impact Table**

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

**H) Department head approval of regulatory impact analysis:**

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

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

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

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

Salvador Petilos, Executive Director

**Citation Information**

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

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

**Public Notice Information**

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

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

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Salvador Petilos, Executive Director	<b>Date:</b>	08/14/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R82-5-102	Filing No. 53018

**Agency Information**

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

**General Information**

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

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
None--This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statutory requirements. This amendment does not create additional cost or savings.

<b>B) Local governments:</b>																				
None--This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statutory requirements. This amendment does not create additional cost or savings.																				
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>																				
None--This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statutory requirements. This amendment does not create additional cost or savings.																				
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>																				
None--This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statutory requirements. This amendment does not create additional cost or savings.																				
<b>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>):</b>																				
None--This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statutory requirements. This amendment does not create additional cost or savings.																				
<b>F) Compliance costs for affected persons:</b>																				
None--This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statutory requirements. This amendment does not create additional cost or savings.																				
<b>G) Regulatory Impact Summary Table</b> (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.)																				
<b>Regulatory Impact Table</b>																				
<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> </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
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																	

NOTICES OF PROPOSED RULES

Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

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

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

This rule amendment is necessary to correct the "seller" and "buyer" references so that they align with statute. There will be no anticipated cost or savings to businesses because of this rule amendment.

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

Salvador Petilos, Executive Director

**Citation Information**

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

Section 32B-2-202 | Section 32B-5-310

**Public Notice Information**

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

See Section 63G-3-302 and Rule R15-1 for more information.)

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

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

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

**Agency Authorization Information**

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

**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

**Utah Admin. Code Ref (R no.):** R82-5-104 **Filing No.:** 53019

**Agency Information**

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

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

**General Information**

**2. Rule or section catchline:**  
 R82-5-104. Liquor Dispensing Systems

**3. Purpose of the new rule or reason for the change:**  
 This rule amendment is necessary to implement provisions of H.B. 399 passed in the 2020 General Session. The amendment establishes rules for dispensing

areas of restaurants, bars, and taverns in accordance with the provisions of Title 32B; and prohibits a dispensing system to remain at a patron's table.

**4. Summary of the new rule or change:**

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

**Fiscal Information**

**5. Aggregate anticipated cost or savings to:**

**A) State budget:**

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

**B) Local governments:**

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

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

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

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

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

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

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

**F) Compliance costs for affected persons:**

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

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

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

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

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

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

Salvador Petilos, Executive Director

**Citation Information**

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

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

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

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

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Salvador Petilos, Executive Director	<b>Date:</b>	08/14/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R82-5-107</b>	<b>Filing No. 53020</b>

**Agency Information**

<b>1. Department:</b>	Alcoholic Beverage Control	
<b>Agency:</b>	Administration	
<b>Street address:</b>	1625 S 900 W	
<b>City, state:</b>	Salt Lake City, UT 84104-1630	
<b>Mailing address:</b>	PO Box 30408	
<b>City, state, zip:</b>	Salt Lake City, UT 84130-0408	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Angela Micklos	801-977-6800	afmicklos@utah.gov

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

**General Information**

**2. Rule or section catchline:**  
R82-5-107. Identification

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

**4. Summary of the new rule or change:**  
This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable to a member of the public, Department staff, or law enforcement.

**Fiscal Information**

**5. Aggregate anticipated cost or savings to:**  
**A) State budget:**  
None--This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.

<b>B) Local governments:</b>			
None--This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.			
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
None--This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.			
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
None--This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
None--This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.			
<b>F) Compliance costs for affected persons:</b>			
None--This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.			
<b>G) Regulatory Impact Summary Table</b> (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.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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

<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

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

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

This rule amendment adds language that applies to off premise retail employees and adjusts formatting in order to ensure that all retail licensee employees are easily identifiable. It does not create additional cost or savings.

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

Salvador Petilos, Executive Director

**Citation Information**

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

Section 32B-2-202 | Section 32B-5-301 |

**Public Notice Information**

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

NOTICES OF PROPOSED RULES

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Salvador Petilos, Executive Director	<b>Date:</b>	08/14/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R82-6-602</b>	<b>Filing No. 53021</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R82-6-602. Reporting Requirement for Banquet Licensees
<b>3. Purpose of the new rule or reason for the change:</b>
This section is an existing section that needed to be modified to include reporting and record-keeping provisions for the newly created privately sponsored event in H.B. 399 passed in the 2020 General Session.

Additionally, this section has been modified to streamline the reporting process to ensure licensee compliance.

**4. Summary of the new rule or change:**

This section: a) removes the requirement that banquet catering licensees submit a quarterly report of scheduled banquets; b) requires electronic notice of all banquets at least 14 days in advance of the event; c) requires licensees to provide immediate notice of canceled or modified banquets; d) modifies the type of information required in the event notice; e) specifies what records the banquet catering licensee must retain; and f) adds security/control provisions for large events over 500 people.

**Fiscal Information**

**5. Aggregate anticipated cost or savings to:**

**A) State budget:**

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

**B) Local governments:**

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

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

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

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

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

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

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

**F) Compliance costs for affected persons:**

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

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

**Regulatory Impact Table**

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

**H) Department head approval of regulatory impact analysis:**

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

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

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

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

Salvador Petilos, Executive Director

**Citation Information**

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

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

**Public Notice Information**

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

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

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Salvador Petilos, Executive Director	<b>Date:</b>	08/14/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R82-6-1005	Filing No. 53022

**Agency Information**

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

**General Information**

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

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
None--Any anticipated cost or savings to the state budget are a result of statutory requirements of H.B. 399 (2020). Costs and savings for administering this change were

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

**B) Local governments:**

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

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

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

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

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

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

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

**F) Compliance costs for affected persons:**

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

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



<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
The fiscal impact for this new section was accounted for in H.B. 399 (2020), so there will be no anticipated cost or savings to businesses because of this rule.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Salvador Petilos, Executive Director			

**Citation Information**

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

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

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Salvador Petilos, Executive Director	<b>Date:</b>	08/14/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R82-7-102</b>	<b>Filing No.</b> <b>53023</b>

**Agency Information**

<b>1. Department:</b>	Alcoholic Beverage Control
<b>Agency:</b>	Administration
<b>Street address:</b>	1625 S 900 W
<b>City, state:</b>	Salt Lake City, UT 84104-1630

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

**General Information**

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

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
None--This amendment clarifies the monthly application deadline for OP beer retailer and master OP beer retailer licenses. It does not create additional cost or savings.
<b>B) Local governments:</b>
None--This amendment clarifies the monthly application deadline for OP beer retailer and master OP beer retailer licenses. It does not create additional cost or savings.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
None--This amendment clarifies the monthly application deadline for OP beer retailer and master OP beer retailer licenses. It does not create additional cost or savings.

<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
None--This amendment clarifies the monthly application deadline for OP beer retailer and master OP beer retailer licenses. It does not create additional cost or savings.

<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
None--This amendment clarifies the monthly application deadline for OP beer retailer and master OP beer retailer licenses. It does not create additional cost or savings.

<b>F) Compliance costs for affected persons:</b>
None--This amendment clarifies the monthly application deadline for OP beer retailer and master OP beer retailer licenses. It does not create additional cost or savings.

**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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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

<b>Total Fiscal Benefits</b>	\$0	\$0	\$0
<b>Net Fiscal Benefits</b>	\$0	\$0	\$0

**H) Department head approval of regulatory impact analysis:**

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

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

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

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

Salvador Petilos, Executive Director

**Citation Information**

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

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

**Public Notice Information**

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

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

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Salvador Petilos, Executive Director	<b>Date:</b>	08/14/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

**Utah Admin. Code Ref (R no.):** R152-49 **Filing No.:** 53044

**Agency Information**

<b>1. Department:</b>	Commerce
<b>Agency:</b>	Consumer Protection
<b>Building:</b>	Heber Wells
<b>Street address:</b>	160 E 300 S
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 146704
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6704

**Contact person(s):**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Daniel Larsen	801-530-6145	dblarsen@utah.gov

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

**General Information**

**2. Rule or section catchline:**

R152-49. Immigration Consultants Registration Act Rule

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

During the Division of Consumer Protection's (Division) five-year review of this rule, the Division identified portions of this rule that could be changed to simplify the application for registration as an immigration consultant, minimize the amount of sensitive personally identifiable information the Division obtains and retains, to conform the Division's verification of an applicant's lawful presence to current standards, and to conform this rule to the rulewriting manual.

**4. Summary of the new rule or change:**

This amendment simplifies the application for registration as an immigration consultant and reduces the amount of sensitive personally identifiable information submitted to and retained by the Division. The amendment also clarifies Division practice with respect to verifying an applicant's lawful presence in the United States, in accordance with Subsection 63G-12-402(3)(k). This amendment also makes nonsubstantive changes to conform this rule to the rulewriting manual.

**Fiscal Information**

**5. Aggregate anticipated cost or savings to:**

**A) State budget:**

The amendment is not expected to have any fiscal impact on state government revenues or expenditures because it does not impose any new requirements on the state.

**B) Local governments:**

This amendment is not expected to have any fiscal impact on local governments' revenues or expenditures because it does not create any new requirement local governments must follow, nor does it otherwise constrain local governments.

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

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

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

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

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

This amendment is not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because it does not impose any new requirements, nor does it otherwise constrain them.

**F) Compliance costs for affected persons:**

This amendment does not impose any compliance cost beyond the application cost already authorized in accordance with Sections 13-49-202, 63J-1-504, and in accordance with H.B. 8, passed in the 2020 General Session.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

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

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

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

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

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

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

Chris Parker, Executive Director

**Citation Information**

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

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

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

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

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Daniel O'Bannon, Director	<b>Date:</b>	08/31/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R156-28</b>	<b>Filing No. 53041</b>

**Agency Information**

<b>1. Department:</b>	Commerce	
<b>Agency:</b>	Occupational and Professional Licensing	
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 E 300 S	
<b>City, state:</b>	Salt Lake City, UT 84111-2316	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6741	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jana Johansen	801-530-6621	janajohansen@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R156-28. Veterinary Practice Act Rule
<b>3. Purpose of the new rule or reason for the change:</b>
The Division of Occupational and Professional Licensing (Division) in collaboration with the Veterinary Licensing Board is filing these proposed amendments to update the rule in accordance with S.B. 23 and H.B. 455 passed in the 2020 General Session. In particular, these amendments will implement the new state certification of "state certified veterinary technician".
<b>4. Summary of the new rule or change:</b>
In Section R156-28-102, the proposed amendments correct grammar.
In Sections R156-28-302a, R156-28-302b, and R156-28-302c, the proposed amendment corrects grammar.
In Section R156-28-304a, the proposed amendments make this section specific to veterinarians, correct grammar, and add to continuing education requirements one hour of continuing education specific to opioid use/abuse.

New Section R156-28-304b outlines the continuing education requirements for state certified veterinary technicians.

New Section R156-28-309a outlines education requirements related to obtaining Utah Veterinary Technician Certification in accordance with statutory changes made by H.B. 455 (2020).

New Section R156-28-309b outlines experience requirements related to obtaining Utah Veterinary Technician Certification in accordance with statutory changes made by H.B. 455 (2020).

New Section R156-28-309c outlines examination requirements related to obtaining Utah Veterinary Technician Certification in accordance with statutory changes made by H.B. 455 (2020).

In Section R156-28-502, the proposed amendment updates the AVMA Ethics Act to the most current reference.

In Section R156-28-503, the proposed amendments make technical changes and add a reference to the controlled substance practice act.

**Fiscal Information**

**5. Aggregate anticipated cost or savings to:**

**A) State budget:**  
 No state agencies will be directly or indirectly affected by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes. Accordingly, the amendments are not expected to impact the state budget.

**B) Local governments:**  
 No local governments will be directly or indirectly affected by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes.

**C) Small businesses** ("small business" means a business employing 1-49 persons):  
 There are approximately 231 small businesses in Utah owned by individuals in the veterinary industry (North American Industry Classification System (NAICS) 541940). As described below for other persons, small businesses are not expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):  
 There are approximately five non-small businesses in Utah owned by individuals in the veterinary industry

(NAICS 541940). As described below for other persons, non-small businesses are not expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes.

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

Approximately 25 individuals are expected to apply in FY2020 to become a state certified veterinary technician in accordance with the proposed additions to this rule that set forth the new certification requirements. Additionally, in each subsequent fiscal year approximately 20 individuals are expected to apply for certification. In Utah there are 980 licensed veterinarians and 24 licensed veterinary interns who will be working with these new state certified veterinary technicians. However, none of these persons are expected to be impacted by this filing because the proposed additions and amendments to the rule merely implement the new state certified veterinary technician profession in accordance with the legislative mandate of H.B. 455 (2020).

**F) Compliance costs for affected persons:**

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

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

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

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

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

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

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

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

Chris Parker, Executive Director

**Citation Information**

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

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

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

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

**Public Notice Information**

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

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

**B) A public hearing (optional) will be held:**

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mark B. Steinagel, Director	<b>Date:</b>	08/27/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-326</b>	<b>Filing No. 53037</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-326. Early Learning Professional Learning Grant Program
<b>3. Purpose of the new rule or reason for the change:</b>
Due to the 2020 Fifth Special Session, H.B. 5012, Public Education Budget Amendments, H.B. 114, Early Learning Training and Assessment Amendments funding, that was passed in the 2020 General Session, was reallocated, and the program specified in Board Rule R277-326 did not receive the initial awarded funding. However, because the program is still in code, this rule continues to be necessary.

<b>4. Summary of the new rule or change:</b>
The new language, "subject to legislative appropriations", was added in Subsection R277-326-4(1).

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.
<b>B) Local governments:</b>
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
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.
<b>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>):</b>



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

**F) Compliance costs for affected persons:**

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

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

**Regulatory Impact Table**

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

**H) Department head approval of regulatory impact analysis:**

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

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

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

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

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

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

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

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

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	08/28/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-327</b>	<b>Filing No. 53038</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-327. School Leadership Development Grant
<b>3. Purpose of the new rule or reason for the change:</b>
Due to the 2020 Fifth Special Session, H.B. 5012, Public Education Budget Amendments, S.B. 99 School Leadership Development Amendments funding, that passed in the 2020 General Session, was reallocated, and the program specified in Board Rule R277-327 did not receive the initial awarded funding. However, because the program is still in code, this rule continues to be necessary.
<b>4. Summary of the new rule or change:</b>
The new language, "subject to legislative appropriations", was added in Subsection R277-327-3(2) and Subsection R277-327-4(7).

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.
<b>B) Local governments:</b>
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
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.
<b>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>):</b>
This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Program funding is currently subject to legislative appropriations and this change simply aligns rule with statute and legislative intent. The availability of funds for this program has been and will continue to be a funding decision made by the Legislature.

**F) Compliance costs for affected persons:**

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

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

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

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses,

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

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

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

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

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

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	08/28/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-552	Filing No. 53031

**Agency Information**

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-552. Charter School Timelines and Approval Processes
<b>3. Purpose of the new rule or reason for the change:</b>
Rule R277-552 is being amended due to the Board's recent review of an authorizer's processes and due to H.B. 242, passed in the 2020 General Session.
<b>4. Summary of the new rule or change:</b>
Rule R277-552 is amended to update requirements for authorizer expansion and satellite school approval processes. In addition, other procedures for new school approval and changing authorizers have been updated.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. H.B. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in the legislation.

<b>B) Local governments:</b>
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. H.B. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in the legislation.

<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
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This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. H.B. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in the legislation.

<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
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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.

<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
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This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. H.B. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in the legislation.

<b>F) Compliance costs for affected persons:</b>
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There are no expected independent compliance costs for affected persons. H.B. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in the legislation.

<b>G) Regulatory Impact Summary Table</b> (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.)
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<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The State Superintendent, Sydnee Dickson, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
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>B) Name and title of department head commenting on the fiscal impacts:</b>
Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Sections 53G-5-304 through 53G-5-306	Subsection 53G-6-504(5)
Subsection 53E-3-401(4)	Section 53F-2-702	20 U.S.C. Sec. 8063

**Public Notice Information**

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	08/20/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R317-1-7</b>	<b>Filing No.</b>	<b>53042</b>

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Water Quality	
<b>Room no.:</b>	DEQ, Third Floor	
<b>Building:</b>	Multi Agency State Office Building (MASOB)	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144870	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4870	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jodi Gardberg	801-536-4372	jgardberg@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R317-1-7. TMDLs
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this amendment is to incorporate by reference into the rule the completed Total Maximum Daily Load (TMDL) study for Fremont River for <i>E. coli</i> as approved by the Water Quality Board.
<b>4. Summary of the new rule or change:</b>
This section incorporates by reference the completed Fremont River TMDL for <i>E. coli</i> into this rule. This TMDL document was approved by the Water Quality Board on August 26, 2020, to initiate rulemaking to adopt the TMDL.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There are no anticipated impacts to the state budget. The proposed amendment will be addressed using existing state resources. The Implementation Plan of the TMDL suggests improvements that may be made on a strictly voluntary basis, with local interest and leadership driving the process. The Fremont River <i>E. coli</i> TMDL is entirely nonpoint source based. Therefore, none of the recommendations within it are mandated. The Division of Water Quality (DWQ) and other state and federal agencies provide opportunities for cost share incentives for those interested in implementing best management practices, but all are on a voluntary basis and currently in place.

<b>B) Local governments:</b>			
All estimated costs for implementing this TMDL are associated with strategies that are voluntary. It is not anticipated that local governments will be affected.			
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>			
All estimated costs for implementing this TMDL are associated with strategies that are voluntary. It is not anticipated that small businesses will be affected.			
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>			
All estimated costs for implementing this TMDL are associated with strategies that are voluntary. It is not anticipated that non-small businesses will be affected.			
<b>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>):</b>			
The study includes general recommendations for voluntary strategies and management options for reducing bacteria loading in the watershed. It does not identify specific projects and locations. As such, no estimated costs for implementation were calculated.			
<b>F) Compliance costs for affected persons:</b>			
All strategies are voluntary; therefore, compliance costs do not apply. There are no permitted point source discharges within the watershed. All loading is nonpoint source in origin.			
<b>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.)</b>			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

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

No fiscal impact to businesses are anticipated as a result of the TMDL. Potential strategies and management options for reducing non-point sources of pollutants are identified, but are not specifically mandated.

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

L. Scott Baird, Executive Director

**Citation Information**

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

Title 19, Chapter 5

**Incorporations by Reference Information**

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

	First Incorporation
<b>Official Title of Materials Incorporated (from title page)</b>	<i>E. coli</i> Total Maximum Daily Load (TMDL) for Fremont River
<b>Publisher</b>	Division of Water Quality
<b>Date Issued</b>	October 28, 2020
<b>Issue, or version</b>	First

**Public Notice Information**

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

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

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Erica B. Gaddis, DWQ Director	<b>Date:</b>	08/27/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R317-2</b>	<b>Filing No.</b> <b>53043</b>

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Water Quality	
<b>Building:</b>	Multi Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 144870	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4870	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Chris Bittner	801-536-4371	cbittner@utah.gov

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

**General Information**

**2. Rule or section catchline:**

R317-2. Standards of Quality for Waters of the State

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

The rule is being amended to include the 2014, 2017, and 2020 reviews of the Colorado River Salinity Standards; change the designated use for a segment of the Jordan River, Salt Lake, and Utah Counties, from cold water to warm water aquatic life; to change the total dissolved solids criterion for a segment of Kanab Creek, Kane County; and correct typographical errors for the Fremont River and the word treatment.

**4. Summary of the new rule or change:**

In Section R317-2-4, the 2014, 2017, and 2020 reviews to the Colorado River Salinity Standards are added. These reviews do not result in any changes to existing requirements. In Subsection R317-2-13.5(a), the aquatic life use for the JORDAN RIVER from the confluence with Little Cottonwood Creek to the Narrows Diversion is changed from Class 3A to Class 3B. Class 3A is protected for cold water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain, whereas Class 3B is warm water. This change is based on the natural conditions of the water temperature. With the change to Class 3B, this segment will be the same as the upstream and downstream segments. The Utah Division of Wildlife Resources supports this change. In Subsection R317-2-13.2(a), two segments of KANAB CREEK are assigned less stringent site-specific criteria for total dissolved solids (TDS). The site-specific criteria are added to footnote 4 of Table 2.14.1. These criteria reflect natural conditions and are protective of the continued agricultural use of Kanab Creek for crop irrigation. Additional information regarding these changes is available at <https://deq.utah.gov/water-quality/water-quality-laws-and-rules-proposed-rule-changes>

**Fiscal Information**

**5. Aggregate anticipated cost or savings to:**

**A) State budget:**

There are no direct costs because no state agency is a constrained party. With the exception of the Division of Water Quality (DWQ), no other state agencies are impacted indirectly. For the DWQ, the indirect fiscal impacts are neutral for the Jordan River and Kanab Creek changes. These changes do not affect the frequency of routine monitoring for the Jordan River. The additional segmentation for Kanab Creek would potentially require additional monitoring locations but in this instance, the additional locations are already routinely monitored by Division of Oil, Gas, and Mining.

**B) Local governments:**

The South Valley and Jordan Basin Water Reclamation Facilities are constrained parties. These facilities serve the cities of Midvale, West Jordan, Bluffdale, Copperton, Draper, Herriman, South Jordan, Sandy, Riverton and other areas in unincorporated parts of Salt Lake County. The change will result in substantial but inestimable fiscal benefits for these communities. The benefits are from avoiding the substantive expenditures that would be necessary to meet the existing temperature criterion associated with the Class 3A, cold water use. The constrained parties provided independently prepared cost estimates to comply with the existing standard. The South Valley Water Reclamation Facility estimated capital costs of \$68,000,000 and annual operating and maintenance costs of \$1,000,000. The Jordan Basin Water Reclamation Facility estimated capital costs of \$19,000,000 and annual operating and maintenance costs of \$1,000,000. The benefits for this change are inestimable over the next three years because expenditures to meet water quality standards are limited under the Clean Water Act when compliance would cause undue economic hardship.

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

Permitted discharges in Utah to the Colorado River are constrained parties for the requirements of the Colorado River Salinity Standards but the updates are neutral because they don't include new or additional requirements. For the changes to the Kanab Creek total dissolved criteria, the Alton Coal LLC is the only constrained party because their discharge permit limit for TDS is based on the criterion being changed. The Kanab Creek TDS criterion will be neutral or result in inestimable fiscal savings for the mine. The savings are inestimable because the mine infrequently discharges, and the discharge concentrations of TDS vary for these discharges. The change has no effects if the mine does not discharge. The discharges and TDS concentrations are dependent on: 1) the capacity of the available settling ponds, 2) the quantities of groundwater currently being intercepted in the active mining areas, 3) weather conditions/precipitation, and 4) the quantities of water used onsite for dust control. If the mine discharges, the change to less stringent criteria will allow higher total dissolved solids concentrations in the discharge that may result in fiscal benefits from avoiding unnecessary treatment. The change is neutral or beneficial for the two cattle ranching and farming businesses potentially affected by the change. The change is neutral because the change is based on the current water quality.



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

No non-small businesses are constrained parties or will be impacted by indirect costs/benefits for the Jordan River or Kanab Creek. No non-small businesses use the water from the affected segments of either the Jordan River or Kanab Creek.

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

The change to warm water use for the Jordan River reflects the natural conditions of the river and does not affect how the water can be used by other persons such as recreational users. The changes to the TDS concentrations criteria are based on the existing TDS concentrations in Kanab Creek. The water from Kanab Creek is used for irrigation and stock watering near Alton. These water users are not constrained parties. The indirect impacts to these water users are neutral or beneficial because the Kanab Creek water quality will continue to support these activities. The change would be beneficial if higher TDS water that would not currently be permitted to be discharged is allowed to be discharged. This would potentially increase the water available for irrigation.

**F) Compliance costs for affected persons:**

No additional compliance costs are associated with these changes.

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

**Regulatory Impact Table**

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

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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The Executive Director of the Department of Environmental Quality, Scott Baird, has reviewed and approved this fiscal analysis.

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

These changes will result in fiscal benefits with no increase in costs.

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

L. Scott Baird, Executive Director

**Citation Information**

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

Title 19, Chapter 5	FWPCA 33 USC 1251, 1311-1317, 1329	
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**Public Notice Information**

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

**A) Comments will be accepted until:** 10/30/2020

<b>B) A public hearing (optional) will be held:</b>		
<b>On:</b>	<b>At:</b>	<b>At:</b>
10/21/2020	06:00 PM	https://utdeq.adobeconnect.com/publichearing/

<b>10. This rule change MAY become effective on:</b>	11/06/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Erica B. Gaddis, DWQ Director	<b>Date:</b>	08/28/2020
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<b>NOTICE OF PROPOSED RULE</b>		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R614-1-4</b>	<b>Filing No. 53033</b>

**Agency Information**

<b>1. Department:</b>	Labor Commission	
<b>Agency:</b>	Occupational Safety and Health	
<b>Street address:</b>	160 East 300 South, Third Floor	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 146600	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6600	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Cameron Ruppe	801-530-6898	cruppe@utah.gov
Holly Lawrence	801-530-6494	hlawrence@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R614-1-4. Incorporation of Federal Standards

<b>3. Purpose of the new rule or reason for the change:</b>
The purposes of these amendments to Utah's Occupational Safety and Health (UOSH) rules are to: 1) protect workers and other individuals involved in the use of cranes in construction activities; 2) protect worker privacy; 3) reduce employer burden; and 4) satisfy the requirement of Subsection 34A-6-102(2) of the Utah Occupational Safety and Health Act that UOSH's occupational safety and health standards be "as effective as" the standards established by federal Occupational Safety and Health Administration (OSHA).

<b>4. Summary of the new rule or change:</b>
The proposed amendment incorporates the federal OSHA standards for the use of cranes in construction activities which: 1) requires certification/licensure and evaluation of crane operators for their ability to safely operate equipment covered by 29 Code of Federal Regulations (CFR) 1926 Subpart CC; 2) requires documentation of crane-operator evaluation; 3) alters the requirement that crane-operator certification be based on equipment "type and capacity," instead permitting certification based on equipment "type" or "type and capacity"; and 4) continues requiring training of crane operators. The proposed amendment also incorporates the federal OSHA standards for recording and reporting occupational injuries and illnesses which: 1) eliminates the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301; and 2) requires covered employers to submit their Employer Identification Number (EIN) electronically along with other injury and illness data they are required to submit.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
UOSH's enforcement of the proposed amendment will be absorbed by existing personnel and will not result in additional cost or saving to the state budget.
29 CFR 1926 Subpart CC - Cranes and Derricks in Construction
The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC.
The largest cost element of this rule change for state construction projects involving the use of cranes is an evaluation requirement with associated training of \$79.22 per training and \$90.04 for each crane operator evaluation, for a total of \$169.25. An overall savings is expected as a result of the elimination of the requirement that crane-operator certification be based on the capacity

of equipment. The cost savings from eliminating this requirement (\$358.13 per an affected crane operator) will outweigh the cost for evaluation of crane operators and documentation of such evaluation; OSHA estimates that approximately 50% of experienced operators would need to certify based on capacity alone under the previous construction crane operator standards. The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

The total number of crane operators on state construction projects in Utah is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators would incur and overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

**29 CFR 1904**

The elimination of the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301 and the addition of requiring covered employers to submit their EIN electronically along with other injury and illness data is not an economically significant regulatory action. OSHA estimates the time it takes to electronically submit information from OSHA Forms 300 and 301 costs each employer approximately \$11.39 per an injury or illness case.

The total savings for affected employers is based on the number of recordable injuries and illnesses sustained at that establishment. The requirement that employers submit their EIN electronically with injury and illness data is estimated to cost \$4.75 per an affected establishment.

**B) Local governments:**

Local governments have no administration or enforcement obligations under the proposed amendment.

**29 CFR 1926 Subpart CC - Cranes and Derricks in Construction**

The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC.

The largest cost element of this rule change for local government construction projects involving the use of cranes is an evaluation requirement with associated training of \$79.22 per training and \$90.04 for each crane operator evaluation, for a total of \$169.25. An overall savings is expected as a result of the elimination of the requirement that crane-operator certification be based on the capacity of equipment. The cost savings from eliminating this requirement (\$358.13 per an affected crane operator) will outweigh the cost for evaluation of crane operators and documentation of such evaluation; OSHA estimates that approximately 50% of experienced operators would need to certify based on capacity alone under the previous construction crane operator standards. The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

The total number of crane operators on local government construction projects in Utah is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators would incur and overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

**29 CFR 1904**

The elimination of the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301 and the addition of requiring covered employers to submit their EIN electronically along with other injury and illness data is not an economically significant regulatory action. OSHA estimates the time it takes to electronically submit information from OSHA Forms 300 and 301 costs each employer approximately \$11.39 per an injury or illness case. The total savings for affected employers is based on the number of recordable injuries and illnesses sustained at that establishment. The requirement that employers submit their EIN electronically with injury and illness data is estimated to cost \$4.75 per an affected establishment.

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

**29 CFR 1926 Subpart CC - Cranes and Derricks in Construction**

The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC.

The largest cost element of this rule change for small business construction projects involving the use of cranes is an evaluation requirement with associated training of \$79.22 per training and \$90.04 for each crane operator evaluation, for a total of \$169.25. Small businesses will, by definition, have few operators, and the \$169.25 cost for each operator evaluation with training will not be a significant impact for even the smallest businesses. At an estimated hourly wage of \$43.25, the annual salary for an operator is \$86,500 ( $\$43.25 \times 8 \times 5 \times 50$ ), so this operator evaluation cost is 0.2% ( $169.25 / 86,500$ ) of an operator's annual salary. Hence, this rule change will not have a significant economic impact on a substantial number of small entities. Small businesses should experience an overall savings as a result of the elimination of the requirement that crane-operator certification be based on the capacity of equipment. The cost savings from eliminating this requirement (\$358.13 per an affected crane operator) will outweigh the cost for required evaluation of crane operators and documentation of such evaluation; OSHA estimates that approximately 50% of experienced operators would need to certify based on capacity alone under the previous construction crane operator standards. The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

The total number of crane operators on small business construction projects in Utah is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators would incur and overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

**29 CFR 1904**

Small businesses will, by definition, have less than fifty (50) employees. The elimination of the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301 does not impact small businesses. The addition of requiring covered employers to submit their EIN electronically along with other injury and illness data is not an economically significant regulatory action. The requirement that employers submit such information with injury and illness data is estimated to cost \$4.75 per an affected establishment.

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

**29 CFR 1926 Subpart CC - Cranes and Derricks in Construction**

The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC.

The largest cost element of this rule change for non-small business construction projects involving the use of cranes is an evaluation requirement with associated training of \$79.22 per training and \$90.04 for each crane operator evaluation, for a total of \$169.25. Non-small businesses that use cranes in their business operations should experience an overall savings as a result of the elimination of the requirement that crane-operator certification be based on the capacity of equipment. The cost savings from eliminating this requirement (\$358.13 per an affected crane operator) will outweigh the cost for required evaluation of crane operators and documentation of such evaluation; OSHA estimates that approximately 50% of experienced operators would need to certify based on capacity alone under the previous construction crane operator standards. The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

The total number of crane operators on non-small business construction projects in Utah is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators would incur and overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

**29 CFR 1904**

The elimination of the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301 and the addition of requiring covered employers to submit their EIN electronically along with other injury and illness data is not an economically significant regulatory action. OSHA estimates the time it takes to electronically submit information from OSHA Forms 300 and 301 costs each employer approximately \$11.39 per an injury or illness case. The total savings for affected employers is based on the number of recordable injuries and illnesses sustained at that establishment. The requirement that employers submit their EIN electronically with injury and

illness data is estimated to cost \$4.75 per an affected establishment.

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

29 CFR 1926 Subpart CC - Cranes and Derricks in Construction

The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC.

Persons other than small businesses, non-small businesses, state, or local government entities (other persons) will experience the same fiscal impact as described for small businesses. The largest cost element of this rule change for other persons' construction projects involving the use of cranes is an evaluation requirement with associated training of \$79.22 per training and \$90.04 for each crane operator evaluation, for a total of \$169.25. The cost savings from eliminating the requirement that crane-operator certification be based on the capacity of equipment (\$358.13 per an affected crane operator) will outweigh the cost for required evaluation of crane operators and documentation of such evaluation; OSHA estimates that approximately 50% of experienced operators would need to certify based on capacity alone under the previous construction crane operator standards. The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

The total number of crane operators on other persons' construction projects in Utah is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators should incur and overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

29 CFR 1904

The elimination of the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301 and the addition of requiring covered employers to submit their EIN electronically along with other injury and illness data is not an economically significant regulatory action. OSHA estimates the time it takes to electronically submit

information from OSHA Forms 300 and 301 costs each employer approximately \$11.39 per an injury or illness case. The total savings for affected employers is based on the number of recordable injuries and illnesses sustained at that establishment. The requirement that employers submit their EIN electronically with injury and illness data is estimated to cost \$4.75 per an affected establishment.

**F) Compliance costs for affected persons:**

29 CFR 1926 Subpart CC - Cranes and Derricks in Construction

The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC. OSHA has extended the requirement for crane operator certification numerous times

OSHA estimates employers impacted by the final rule, *Cranes and Derricks in Construction: Operator Qualification*, employ approximately 117,130 crane operators nationally and estimates the nationwide annualized cost for crane-operator evaluation, documentation and training at \$1,685,000 (3% discount rate) and \$1,695,000 (7% discount rate). The nationwide annualized benefit for eliminating crane-operator certifications based on crane capacity is estimated at \$3,436,000 (3% discount rate) and \$4,082,000 (7% discount rate). OSHA estimates the approximate total cost savings throughout the nation, as a result of the changes to 29 CFR 1926 Subpart CC, at \$1,751,000 (3% discount rate) and \$2,387,000 (7% discount rate). At 117,130 crane operators and a total cost savings of \$1,751,000 (3% discount rate) / \$2,387,000 (7% discount rate), the average annualized fiscal benefit for each employer impacted by this rule would be approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

The total number of crane operators on construction projects currently employed in the is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA's extensive evaluation, UOSH has determined that the average employer who employs crane operators should incur and overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

29 CFR 1904  
 The elimination of the requirement that establishments with 250 or more employees (currently required to keep OSHA injury and illness records) submit information electronically from their OSHA Forms 300 and 301 and the addition of requiring covered employers to submit their EIN electronically along with other injury and illness data is not an economically significant regulatory action. OSHA estimates the time it takes to electronically submit information from OSHA Forms 300 and 301 costs each employer approximately \$11.39 per an injury or illness case. The total savings for affected employers is based on the number of recordable injuries and illnesses sustained at that establishment. The requirement that employers submit their EIN electronically with injury and illness data is estimated to cost \$4.75 per an affected establishment.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The head of the Labor Commission, Jaceson Maughan has reviewed and approved this fiscal analysis.

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

The additional cost for certification/licensure of crane operators is expected to be minimal because Utah law currently requires certification of crane operators on commercial construction projects and most crane operators are certified to operate equipment covered by 29 CFR 1926 Subpart CC.

The largest cost element of this rule change for small business construction projects involving the use of cranes is an evaluation requirement with associated training of \$79.22 per training and \$90.04 for each crane operator evaluation, for a total of \$169.25. OSHA estimates that approximately 50% of experienced operators would need to certify based on capacity alone under the previous construction crane operator standards. The additional costs for evaluating crane operators and documenting such evaluations are expected to be minimal because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with Subsections 1926.20(b)(4) and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs.

The total number of crane operators on construction projects in Utah is unknown and therefore, the fiscal impact is inestimable. Although the fiscal impact is inestimable, based on OSHA’s extensive evaluation, UOSH has determined that the average employer who employs crane operators would incur an overall fiscal benefit of approximately \$15 (3% discount rate) / \$20 (7% discount rate) for each crane operator.

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

Jaceson R. Maughan, Commissioner

**Citation Information**

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

Title 34A, Section 6		
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**Incorporations by Reference Information**

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

	<b>First Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	29 CFR 1904, July 1, 2019
<b>Date Issued</b>	July 1, 2019

**B) This rule adds, updates, or removes the following title of materials incorporated by references:**

	<b>Second Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	29 CFR 1910.6 and 1910.21 through end
<b>Date Issued</b>	July 1, 2019

**C) This rule adds, updates, or removes the following title of materials incorporated by references:**

	<b>Third Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	29 CFR 1926.6 and 1926.20 through end
<b>Date Issued</b>	July 1, 2019

**Public Notice Information**

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

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Jacson R. Maughan, Commissioner	<b>Date:</b>	08/25/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R647-1-106</b>	<b>Filing No. 53045</b>

**Agency Information**

<b>1. Department:</b>	Natural Resources	
<b>Agency:</b>	Oil, Gas and Mining; Non-Coal	
<b>Building:</b>	Department of Natural Resources	
<b>Street address:</b>	1594 W North Temple, Suite 1210	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	1594 W North Temple, Suite 1210	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Natasha Ballif	801-538-5328	natashaballif@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R647-1-106. Definitions

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

During the 2020 General Session, two bills were passed, S.B. 131 and H.B. 294, that amended the definitions of small mining operations, gravel, mining operations, rock aggregate, and sand, and added a definition for basalt. The change in the small mine definitions also affects the large mining operations, although that definitions is only in the Oil, Gas and Mining; Non-Coal rules, not statute.

**4. Summary of the new rule or change:**

Section R647-1-106 establishes definitions for terms used within Title R647 Minerals Regulatory Program rules. The change amends the definitions for "small mining operations", "large mining operations", "gravel", "mining operations", "rock aggregate", and "sand". This change also adds a definition for "basalt".

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative.
<b>B) Local governments:</b>
This rule does not apply to local governments.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There are a total of 559 small business mining operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There is no estimated fiscal cost to these businesses. There will be an estimated fiscal benefit to mining operators who have small mines and would like to expand, as they will not need to apply and pay for a large mining permit. The fiscal benefit is estimated at \$500 per small mine expansion between 20-50 acres, however, it cannot be estimated how many mines will expand.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There are a total of 36 non-small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . There is no estimated fiscal cost to these businesses. There will be an estimated fiscal benefit to mining operators who have small mines and would like to expand, as they will not need to apply and pay for a large mining permit. The fiscal benefit is estimated at \$500 per small mine expansion between 20-50 acres, however, it cannot be estimated how many mines will expand.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
This rule change will not affect persons other than small businesses, businesses, or local government entities.
<b>F) Compliance costs for affected persons:</b>
There will be no compliance costs for mineral mine operators.
<b>G) Regulatory Impact Summary Table</b> (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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
This rule change is estimated to have no fiscal costs to state government and businesses.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Brian Steed; Executive Director			

**Citation Information**

<b>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):</b>		
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.)

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	John Baza; Director of the Division of Oil, Gas and Mining	<b>Date:</b>	08/31/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R647-3-114</b>	<b>Filing No. 53046</b>

**Agency Information**

<b>1. Department:</b>	Natural Resources	
<b>Agency:</b>	Oil, Gas and Mining; Non-Coal	
<b>Building:</b>	Department of Natural Resources	
<b>Street address:</b>	1594 W North Temple, Suite 1210	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	1594 W North Temple, Suite 1210	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R647-3-114. Mine Enlargement

<b>3. Purpose of the new rule or reason for the change:</b>
During the 2020 General Session, one bill was passed, S.B. 131, that amended the definition of small mining operations and will affect the Mine Enlargement section of Rule R647-3.

<b>4. Summary of the new rule or change:</b>
Section R647-3-114 addresses Mine Enlargement. The change will amend the operation sizes from 5 to 10 acres in incorporated areas, and from 10 to 20 acres in unincorporated areas.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>

There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There is no estimated cost to the state, as these amendments are administrative.

<b>B) Local governments:</b>
This rule does not apply to local governments.

<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
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There are a total of 559 small business mining operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There is no estimated fiscal cost to these businesses. There will be an estimated fiscal benefit to mining operators who have small mines and would like to expand, as they will not need to apply and pay for a large mining permit. The fiscal benefit is estimated at \$500 per small mine expansion between 20-50 acres, however, it cannot be estimated how many mines will expand.

<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
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There are a total of 36 non-small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . There is no estimated fiscal cost to these businesses. There will be an estimated fiscal benefit to mining operators who have small mines and would like to expand, as they will not need to apply and pay for a large mining permit. The fiscal benefit is estimated at \$500 per small mine expansion between 20-50 acres, however, it cannot be estimated how many mines will expand.

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

This rule does not apply to persons other than small businesses, businesses, or state government entities.

**F) Compliance costs for affected persons:**

There will be no compliance costs for mineral mine operators.

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

**Regulatory Impact Table**

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

**H) Department head approval of regulatory impact analysis:**

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

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

This rule change is estimated to have no fiscal costs to state government and businesses.

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

Brian Steed; Executive Director

**Citation Information**

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

Section 40-6-1 et seq.		
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**Public Notice Information**

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	John Baza; Director of the Division of Oil, Gas and Mining	<b>Date:</b>	08/31/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R647-4-118</b>	<b>Filing No.</b>	<b>53047</b>
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**Agency Information**

<b>1. Department:</b>	Natural Resources	
<b>Agency:</b>	Oil, Gas and Mining; Non-Coal	
<b>Building:</b>	Department of Natural Resources	
<b>Street address:</b>	1594 W North Temple, Suite 1210	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	1594 W North Temple, Suite 1210	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R647-4-118. Revisions
<b>3. Purpose of the new rule or reason for the change:</b>
During the 2020 General Session, one bill was passed, S.B. 131, that amended the definition of small mining operations and will affect the Revisions section of Rule R647-4.
<b>4. Summary of the new rule or change:</b>
Section R647-4-118 addresses revisions to large mine permits. The change will amend the operation sizes from 5 to 10 acres in incorporated areas, and from 10 to 20 acres in unincorporated areas.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There is no estimated cost to the state, as these amendments are administrative.
<b>B) Local governments:</b>
This rule does not apply to local governments.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There are a total of 559 small business mining operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There is no estimated fiscal cost to these businesses. There will be an estimated fiscal benefit to mining operators who have small mines and would like to expand, as they will not need to apply

and pay for a large mining permit. The fiscal benefit is estimated at \$500 per small mine expansion between 20-50 acres, however, it cannot be estimated how many mines will expand.

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

There are a total of 36 non-small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . There is no estimated fiscal cost to these businesses. There will be an estimated fiscal benefit to mining operators who have small mines and would like to expand, as they will not need to apply and pay for a large mining permit. The fiscal benefit is estimated at \$500 per small mine expansion between 20-50 acres, however, it cannot be estimated how many mines will expand.

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

This rule does not apply to persons other than small businesses, businesses, or state government entities.

**F) Compliance costs for affected persons:**

There will be no compliance costs for mineral mine operators.

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

**Regulatory Impact Table**

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

NOTICES OF PROPOSED RULES

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

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

This rule change is estimated to have no fiscal costs to state government and businesses.

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

Brian Steed; Executive Director

**Citation Information**

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

Section 40-6-1 et seq.		
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	10/15/2020
--	------------

<b>10. This rule change MAY become effective on:</b>	10/22/2020
--	------------

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	John Baza; Director of the Division of Oil, Gas and Mining	<b>Date:</b>	08/31/2020
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End of the Notices of Proposed Rules Section

## NOTICES OF CHANGES IN PROPOSED RULES

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After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive 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 October 15, 2020.

From the end of the 30-day waiting period through January 13, 2021, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

**CHANGES IN PROPOSED RULES** are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

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**The Changes in Proposed Rules Begin on the Following Page**

NOTICE OF CHANGE IN PROPOSED RULE		
Utah Admin. Code Ref (R no.):	R35-2-2	Filing No. 52790

**Agency Information**

<b>1. Department:</b>	Administrative Services	
<b>Agency:</b>	Records Committee	
<b>Building:</b>	State Archives	
<b>Street address:</b>	346 S Rio Grande St	
<b>City, state, zip:</b>	Salt Lake City, UT 84101	
<b>Mailing address:</b>	346 S Rio Grande St	
<b>City, state, zip:</b>	Salt Lake City, UT 84101	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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**

<b>2. Rule or section catchline:</b>		
R35-2-2. Scheduling and Declining Requests for Hearings		
<b>3. Change in Proposed Rule:</b>		
Changes Name, date of prior filing:	FILING Publication	Declining Requests for Hearings, Published 06/15/2020
<b>4. Reason for this change:</b>		
The Records Committee (Committee) received public comment from an agency and an attorney at the Utah Attorney General's Office who pointed out that the language of Subsection R35-2-2(6) of the proposed amendment proscribed actions that could be unfair in some cases.		
<b>5. Summary of this change:</b>		
This change rewords Subsection R35-2-2(6) so that the original intent was honored, but the result was not overly proscriptive. The Committee shall deny that particular request but will then be able to make a separate decision about whether or not to hear the appeal. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the June 15, 2020, issue of the Utah State Bulletin, on page 12. Underlining in the rule below indicates text that has been added since the publication of the proposed rule		

mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**Fiscal Information**

<b>6. Aggregate anticipated cost or savings to:</b>																
<b>A) State budget:</b>																
This change has no fiscal impact on state budget because it is only administrative in nature.																
<b>B) Local government:</b>																
This change has no fiscal impact on local governments because it is only administrative and internal in nature.																
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):																
This change has no fiscal impact on small businesses because it is only administrative and internal in nature.																
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):																
This change has no fiscal impact on non-small businesses because it is only administrative and internal in nature.																
<b>E) Persons other than small businesses, non-small businesses, or state or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):																
This change has no fiscal impact on other persons because it is only administrative in nature.																
<b>F) Compliance costs for affected persons:</b>																
There is no cost for complying with these changes.																
<b>G) Regulatory Impact Summary Table</b> (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.)																
<b>Regulatory Impact Table</b>																
<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> </tbody> </table>	Fiscal Cost	FY2021	FY2022	FY2023	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0	Small Businesses	\$0	\$0	\$0
Fiscal Cost	FY2021	FY2022	FY2023													
State Government	\$0	\$0	\$0													
Local Governments	\$0	\$0	\$0													
Small Businesses	\$0	\$0	\$0													

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Administrative Services, Tani Downing, has reviewed and approved this fiscal analysis.			
<b>7. A) Comments by the department head on the fiscal impact the rule may have on businesses:</b>			
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>B) Name and title of department head commenting on the fiscal impacts:</b>			
Tani Downing, Executive Director			

**Citation Information**

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

Subsection 63G-2-402(1)(b)	Subsection 63G-2-403(1)	Subsection 63G-2-403(2)
Subsection 63G-2-403(3)(a)	Subsection 63G-2-403(4)	Subsection 63G-2-403(4)(b)(ii)(A)
Subsection 63G-2-403(11)(b)	Section 63G-2-502	

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	10/15/2020
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<b>11. This rule change MAY become effective on:</b>	10/22/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 11, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Kenneth Williams, Director of Division of Archives and Records Service	<b>Date:</b>	08/13/2020
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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.):	R357-35	Filing No. 53048

### Agency Information

<b>1. Department:</b>	Governor	
<b>Agency:</b>	Economic Development	
<b>Building:</b>	World Trade Center	
<b>Street address:</b>	60 E South Temple	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	60 E South Temple	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dane Ishihara	801-538-8664	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule or section catchline:</b>
R357-35. COVID-19 Commercial Rental and Mortgage Assistance Program
<b>3. Effective Date:</b>
09/01/2020

### 4. Purpose of the new rule or reason for the change:

During the 2020 Sixth Special Session, S.B. 6009 passed and changed the COVID-19 Commercial Rental Assistance Program to the COVID-19 Commercial Rental and Mortgage Assistance Program. The program will now include grants for rental and mortgage relief to certain businesses that have lost revenue as a result of measures taken to minimize the public's exposure to COVID-19. The Governor's Office of Economic Development (GOED) is responsible for the administration of the program.

### 5. Summary of the new rule or change:

This new rule will supersede rule Filings No. 52910 that was made effective on 06/30/2020 and No. 52754 that was made effective on 05/08/2020 which governed the COVID-19 Commercial Rental Assistance Program. This rule will codify the requirements of the new COVID-19 Commercial Rental and Mortgage Assistance Program which is a modification to the COVID-19 Commercial Rental Assistance Program. The program will provide commercial rental and mortgage assistance to small businesses in the state that have been impacted by the COVID-19 pandemic.

### 6. Regular rulemaking would:

X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.

**Specific reason and justification:**  
 GOED is responsible for economic development in the state and is tasked with, among other things, administering grant programs to enhance the economic health and vitality of the state and its business community. This rule will govern the new COVID-19 Commercial Rental and Mortgage Assistance Program that will provide assistance to small businesses in the state that have been impacted by the COVID-19 pandemic.

**Fiscal Information**

**7. Aggregate anticipated cost or savings to:**

**A) State budget:**  
 There is no aggregate anticipated cost or savings to the state budget. This rule establishes the requirements for participation in the COVID-19 Commercial Rental and Mortgage Assistance Program.

**B) Local governments:**  
 There is no aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.

**C) Small businesses** ("small business" means a business employing 1-49 persons):  
 \$40,000,000 in funds will be awarded to small businesses in the state. The COVID-19 Commercial Rental and Mortgage Assistance Program is designed to serve Utah's small businesses that have been impacted by the COVID-19 pandemic.

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

There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed rule does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

**8. Compliance costs for affected persons:**  
 There are no compliance costs for affected persons because participation in the program is optional.

**9. A) Comments by the department head on the fiscal impact this rule may have on businesses:**  
 I have reviewed this fiscal analysis and agree with the described fiscal impacts associated with this rule. The Commercial Rental Assistance and Mortgage Program will further assist many of Utah's commercial property owners and leasees in need of help because of the coronavirus pandemic.

**B) Name and title of department head commenting on the fiscal impacts:**  
 Val Hale, Executive Director

**Citation Information**

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

Section		
63N-14-202		

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Val Hale, Executive Director	<b>Date:</b>	09/01/2020
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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.):	R152-49	Filing No. 50251

### Agency Information

<b>1. Department:</b>	Commerce	
<b>Agency:</b>	Consumer Protection	
<b>Building:</b>	Heber Wells	
<b>Street address:</b>	160 E 300 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 146704	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Daniel Larsen	801-530-6145	dblarsen@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule catchline:</b>
R152-49. Immigration Consultants Registration Act Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is enacted in accordance with Subsection 13-2-5(1), which allows the Division of Consumer Protection (Division) to issue rules to administer and enforce chapters listed in Section 13-2-1, with Subsection 13-49-202(1), which allows the Division to prescribe the form of an application for registration as an immigration consultant,

and with Subsection 13-49-301(1), which allows the Division to monitor the content of a contract for services performed by an immigration consultant.

### 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Division is unaware of any written comments regarding this rule.

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

This rule ensures that a complete application for registration as an immigration consultant includes all information necessary for the Division to efficiently process the application, and to verify that an applicant's contract and disclosure are drafted in accordance with Sections 13-49-301 and 13-49-303. During the Division's review of the rule, it identified an opportunity to reduce the amount of sensitive personal information an applicant must submit to the Division. The Division has submitted a proposed amendment under Filing No. 53044 in this issue, September 15, 2020, of the Bulletin. For the foregoing reasons, this rule should be continued, as amended.

### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Daniel O'Bannon, Director	<b>Date:</b>	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R251-110	Filing No. 50351

**Agency Information**

<b>1. Department:</b>	Corrections	
<b>Agency:</b>	Administration	
<b>Street address:</b>	14717 S Minuteman Dr	
<b>City, state, zip:</b>	Draper, UT 84020	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gehrke	385-237-8040	sgehrke@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R251-110. Sex and Kidnap Offender Registration Program
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized under Sections 63G-3-201, 64-13-10, and 77-41, of the Utah Code. The purpose of this rule is to define the registrant requirement and process for obtaining sex and kidnap offender registration information.
<b>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:</b>
No comments on this rule have been received since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The purpose of the rule is to define the registrant requirement and process for obtaining sex and kidnap offender registration information. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mike Haddon, Executive Director	<b>Date:</b>	08/21/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R432-100	Filing No. 51071

**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Family Health and Preparedness, Licensing	
<b>Room no.:</b>	Suite 100	
<b>Building:</b>	Highland	
<b>Street address:</b>	3760 S Highland Drive	
<b>City, state, zip:</b>	Salt Lake City, UT 84106	
<b>Mailing address:</b>	PO Box 144103	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4103	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R432-100. General Hospital Standards
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities. The purpose of this rule is to provide regulations for hospital care services.
<b>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:</b>
There have been no written comments from any party regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
There are facilities currently licensed in this category. The Department of Health agrees with the need to continue this rule.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph Miner, MD, Deputy Director	<b>Date:</b>	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R432-102	Filing No. 51066

**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Family Health and Preparedness, Licensing	
<b>Room no.:</b>	Suite 100	
<b>Building:</b>	Highland	
<b>Street address:</b>	3760 S Highland Drive	
<b>City, state, zip:</b>	Salt Lake City, UT 84106	
<b>Mailing address:</b>	PO Box 144103	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4103	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R432-102. Specialty Hospital - Chemical Dependency/Substance Abuse
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities. The purpose of this rule is to provide regulations for a specialty hospital to provide inpatient chemical dependency/substance abuse services.
<b>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:</b>
There have been no written comments from any party regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
There are facilities currently licensed in this category. The Department of Health agrees with the need to continue this rule.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph Miner, MD, Deputy Director	<b>Date:</b>	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R432-106</b>	<b>Filing No. 51074</b>

**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Family Health and Preparedness, Licensing	
<b>Room no.:</b>	Suite 100	
<b>Building:</b>	Highland	
<b>Street address:</b>	3760 S Highland Drive	
<b>City, state, zip:</b>	Salt Lake City, UT 84106	
<b>Mailing address:</b>	PO Box 144103	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4103	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R432-106. Specialty Hospital-Critical Access
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities. The purpose of this rule is to provide regulations for a specialty hospital-critical access services.
<b>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:</b>
There have been no written comments from any party regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
There are facilities currently licensed in this category. The Department of Health agrees with the need to continue this rule.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph Miner, MD, Deputy Director	<b>Date:</b>	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R432-550	Filing No. 51090

**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Family Health and Preparedness, Licensing	
<b>Room no.:</b>	Suite 100	
<b>Building:</b>	Highland	
<b>Street address:</b>	3760 S Highland Drive	
<b>City, state, zip:</b>	Salt Lake City, UT 84106	
<b>Mailing address:</b>	PO Box 144103	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4103	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R432-550. Birthing Centers
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities. The purpose of this rule is to provide regulations for birthing center services.
<b>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:</b>
There have been no written comments from any party regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
There are facilities currently licensed in this category. The Department of Health agrees with the need to continue this rule.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph Miner, MD, Deputy Director	<b>Date:</b>	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R432-600	Filing No. 51084

**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Family Health and Preparedness, Licensing	
<b>Room no.:</b>	Suite 100	
<b>Building:</b>	Highland	
<b>Street address:</b>	3760 S Highland Drive	
<b>City, state, zip:</b>	Salt Lake City, UT 84106	
<b>Mailing address:</b>	PO Box 144103	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4103	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R432-600. Abortion Clinic Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities. The purpose of this rule is to provide regulations for abortion clinic services.
<b>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:</b>
There have been no written comments from any party regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
There are facilities currently licensed in this category. The Department of Health agrees with the need to continue this rule.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph Miner, MD, Deputy Director	<b>Date:</b>	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R501-14	Filing No. 51186

**Agency Information**

<b>1. Department:</b>	Human Services	
<b>Agency:</b>	Administration, Services, Licensing	Administrative
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R501-14. Human Service Program Background Screening
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized and enacted through Sections 62A-2-106, 62A-2-120, 62A-2-121, and 62A-2-122. This rule clarifies the standards and procedures for approving, denying, or revoking a background screening for the Department of Human Services (Department).
<b>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:</b>
No written comments were received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule, as authorized through Sections 62A-2-106, 62A-2-120, 62A-2-121, and 62A-2-122, establishes the standards and makes clarifications for the approving, denying, or revoking an applicant's background screening. This is an essential practice of the Department and its programs. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mark Brasher, Executive Director	<b>Date:</b>	08/28/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

Utah Admin. Code Ref (R no.):	R590-130	Filing No. 51360
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**Agency Information**

<b>1. Department:</b>	Insurance	
<b>Agency:</b>	Administration	
<b>Room no.:</b>	3110	
<b>Building:</b>	State Office Building	
<b>Street address:</b>	450 N State St.	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R590-130. Rules Governing Advertisements of Insurance
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 31A-2-201(3) authorizes the Insurance Commissioner to make rules to implement the provisions of Title 31A, Insurance Code. Section 31A-23a-402 authorizes the Insurance Commissioner to define unfair or deceptive acts or practices in the business of insurance. This rule sets advertising guidelines to assure clear and truthful disclosure of the benefits, limitations, and exclusions of policies sold as insurance, and sets procedures for enforcement of this rule by the Department of Insurance (Department).
<b>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:</b>
The Department has received no written comments regarding this rule during the past five years.

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

This rule is necessary because some licensees are still using misleading and deceptive information and advertising in the sale of insurance. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer 1	<b>Date:</b>	09/01/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R590-258</b>	<b>Filing No. 51431</b>

**Agency Information**

<b>1. Department:</b>	Insurance	
<b>Agency:</b>	Administration	
<b>Room no.:</b>	3110	
<b>Building:</b>	State Office Building	
<b>Street address:</b>	450 N State St.	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R590-258. Email Address Requirement
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 31A-2-201(3) authorizes the Insurance Commissioner to adopt rules to implement the provisions of Title 31A, Insurance Code. Section 31A-23a-412 requires licensees to provide current contact information to the Department of Insurance (Department). Subsection 46-4-501(1) authorizes state governmental agencies to make rules relating to electronic transactions and records.

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

The Department has received no written comments regarding this rule during the past five years.

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

Email communication with licensees remains the most effective and efficient means of communicating rule updates, alerts, and notifications. The Department requires current contact information to notify licensees of upcoming renewal deadlines and alert them of changes to state statute or Department rule. Continuation of the rule is critical to maintaining open, efficient, and effective governance. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer 1	<b>Date:</b>	09/01/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R592-1</b>	<b>Filing No. 51461</b>

**Agency Information**

<b>1. Department:</b>	Insurance	
<b>Agency:</b>	Title and Escrow Commission	
<b>Room no.:</b>	3110	
<b>Building:</b>	State Office Building	
<b>Street address:</b>	450 N State St.	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R592-1. Title Insurance Licensing



<p><b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b></p> <p>Subsections 31A-2-404(2)(a)(ii) and (b) direct the Title and Escrow Commission to make rules pertaining to the licensing of a title licensee and require the concurrence of the Commission in the issuance and renewal of title licensee licenses.</p>
<p><b>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:</b></p> <p>The Department of Insurance (Department) has received no written comments regarding this rule during the past five years.</p>
<p><b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b></p> <p>The law requires that the Title and Escrow Commission concur with the Insurance Commissioner in the issuance and renewal of title licenses. This rule sets the procedure to do this. This has been a useful process because it has opened a dialogue between the Department and members of the title industry who know the players, and whether there are issues and concerns that should be addressed regarding licensure. Therefore, this rule should be continued. In addition, the Title and Escrow Commission, which has rulemaking authority over rules in Title R592, Title and Escrow Commission, voted to continue this rule by a vote of 5-0.</p>

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer 1	<b>Date:</b>	09/01/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R722-350</b>	<b>Filing No. 51929</b>

**Agency Information**

<b>1. Department:</b>	Public Safety	
<b>Agency:</b>	Criminal Investigations and Technical Services, Criminal Identification	
<b>Street address:</b>	3888 W 5400 S	
<b>City, state, zip:</b>	Taylorsville, UT 84129	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-556-8198	kgibb@utah.gov

Greg Willmore	801-965-4533	gwillmor@utah.gov
Nicole Borgeson	801-281-5072	nshepherd@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R722-350. Certificate of Eligibility
<p><b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b></p> <p>Section 77-40-111 authorizes the Department of Public Safety (Department) to promulgate rules to implement procedures for the application and issuance of certificates of eligibility.</p>
<p><b>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:</b></p> <p>There have been no written comments received during and since the last five-year review of this rule.</p>
<p><b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b></p> <p>This rule is authorized under Section 77-40-111 and is necessary in order to outline procedures for an individual to apply for a certificate of eligibility for expungement of a record from their criminal history. Therefore, this rule should be continued.</p>

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Jess L. Anderson, Commissioner	<b>Date:</b>	08/26/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R986-100</b>	<b>Filing No. 52199</b>

**Agency Information**

<b>1. Department:</b>	Workforce Services	
<b>Agency:</b>	Employment Development	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state, zip:</b>	Salt Lake City, Utah 84111	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Mailing address:</b>	PO Box 45244	
<b>City, state, zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R986-100. Employment Support Programs

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:**

Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-3-301 authorizes the Department to pay financial assistance to those participating in the family employment program. Section 35A-3-401 et seq. authorizes the Department to pay general assistance. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-1-303 authorizes the Department to adopt rules governing adjudicative procedures. The Utah Administrative Procedures Act, Title 63G, Chapter 4, defines the procedures the Department must follow in administrative hearings.

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

The Department received written comments concerning an amendment to Section R986-100-117 regarding unauthorized purchases using financial assistance benefits. The majority of the comments supported the amendment. The Department received one comment opposing the amendment, arguing this rule goes beyond the limitations discussed in Section 35A-3-302 and any restriction on the use of cash benefits is unreasonable and unenforceable. The comment questioned whether the Department would restrict customers from making purchases at convenience stores and whether the Department was tracking individual purchases and questioned how the Department would inform customers about the change and enforce this rule.

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

This rule is necessary to provide a framework under both state and federal law for the release of information, what programs are assigned to the Department and covered by these rules, residency requirements, how to apply for assistance, the requirement to provide and verify information provided to the Department, overpayments, due process rights including the right to appeal, and how to appeal an unfavorable Department decision. Without this rule the Department would be unable to administer its programs and pay benefits as directed by Title 35A. Regarding the opposition to the amendment to Section R986-100-117, the director of the Eligibility Services Division met with the commenter to answer the commenter's questions before the implementation of the rule change. The amendment is an appropriate interpretation of Section 35A-3-302, which limits the use of an electronic benefits card in certain establishments. The amendment clarifies the appropriate use of financial benefits that are intended to support families. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Casey R. Cameron and Greg Paras, Deputy Directors	<b>Date:</b>	08/21/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R986-200</b>	<b>Filing No. 52195</b>
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**Agency Information**

<b>1. Department:</b>	Workforce Services	
<b>Agency:</b>	Employment Development	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 45244	
<b>City, state, zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda B. McPeck	801-517-4709	ampeck@utah.gov

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

**General Information**

**2. Rule catchline:**  
R986-200. Family Employment Program

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:**

Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Subsection 35A-3-302(5)(b) authorizes the Department to make rules to establish eligibility for the Family Employment Program. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Subsection 35A-3-304(4) authorizes the Department to define full-time work. Section 35A-1-303 authorizes the Department to adopt rules governing adjudicative procedures. The Utah Administrative Procedures Act, Title 63G, Chapter 4, defines the procedures the Department must follow in administrative hearings.

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

The Department received written comments concerning an amendment creating a new section, R986-200-250, regarding unauthorized purchases using financial assistance benefits. The majority of the comments supported the amendment. The Department received one comment opposing the amendment, arguing the rule goes beyond the limitations discussed in Section 35A-3-302 and any restriction on the use of cash benefits is unreasonable and unenforceable. The comment questioned whether the Department would restrict customers from making purchases at convenience stores and whether the Department was tracking individual purchases and questioned how the Department would inform customers about the change and enforce the rule.

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

This rule is necessary to establish eligibility standards for the Family Employment Program including income limits, how to count household size, citizenship requirements, participation requirements, specified relative assistance requirements, time limits, drug testing, and other program eligibility standards. Without this rule, the Department could not administer the program or determine eligibility or pay level. Regarding the opposition to the amendment to Section R986-200-250, the director of the Eligibility Services Division met with the commenter to answer the commenter's questions before the implementation of the rule change. The amendment is an appropriate interpretation of Section 35A-3-302, which limits the use of an electronic benefits card in certain establishments. The amendment clarifies the appropriate use of financial benefits that are intended to support families. Therefore,

this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Casey R. Cameron and Greg Paras, Deputy Directors	<b>Date:</b>	08/21/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R986-300</b>	<b>Filing No. 52205</b>

**Agency Information**

<b>1. Department:</b>	Workforce Services	
<b>Agency:</b>	Employee Development	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 45244	
<b>City, state, zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda B. McPeck	801-517-4709	ampeck@utah.gov

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

**General Information**

**2. Rule catchline:**  
R986-300. Refugee Resettlement Program

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:**

Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-1-303 authorizes the Department to adopt rules governing adjudicative procedures. The Utah Administrative Procedures Act, Title 63G, Chapter 4, defines the procedures the Department must follow in administrative hearings. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. The Department has been assigned to administer the Refugee Resettlement Program.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

No comments have been received in the last five years.

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

This rule is necessary to establish eligibility and income standards and to set the amount of refugee settlement assistance available. It is also necessary to explain the requirement for an employment plan and the penalty for failure to follow the plan. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Casey R. Cameron and Greg Paras, Deputy Directors	<b>Date:</b>	08/31/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R986-400</b>	<b>Filing No. 52198</b>
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**Agency Information**

<b>1. Department:</b>	Workforce Services	
<b>Agency:</b>	Employment Development	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 45244	
<b>City, state, zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R986-400. General Assistance
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services

(Department) to adopt rules as authorized by Title 35A. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-3-401 et seq. authorizes the Department to pay general assistance.

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

No comments have been received in the last five years.

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

This rule is necessary to set eligibility standards for individuals applying for assistance including the need to participate in an employment plan, the penalty for failure to participate and time limits. Without this rule, there would be no standards for administering this program. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Casey R. Cameron and Greg Paras, Deputy Directors	<b>Date:</b>	08/21/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R986-500</b>	<b>Filing No. 52200</b>
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**Agency Information**

<b>1. Department:</b>	Workforce Services	
<b>Agency:</b>	Employment Development	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 45244	
<b>City, state, zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R986-500. Adoption Assistance
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-3-308 directs the Department to provide assistance to certain pregnant individuals.
<b>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:</b>
No comments have been received in the last five years.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary to determine eligibility for adoption assistance, services available to clients, time limits for receipt of benefits and safekeeping on these sensitive records. Without this rule, there would be no standards for administration of the program. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Casey R. Cameron and Greg Paras, Deputy Directors	<b>Date:</b>	08/21/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	R986-700	<b>Filing No. 52321</b>

**Agency Information**

<b>1. Department:</b>	Workforce Services
<b>Agency:</b>	Employment Development
<b>Building:</b>	Office of Child Care
<b>Street address:</b>	140 E 300 S
<b>City, state, zip:</b>	Salt Lake City, UT 84111

<b>Mailing address:</b>	PO Box 45244	
<b>City, state, zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R986-700. Child Care Assistance
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Section 35A-1-303 authorizes the Department to adopt rules governing adjudicative procedures. The Utah Administrative Procedures Act, Title 63G, Chapter 4, defines the procedures the Department must follow in administrative hearings. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-3-301 authorizes the Department to pay financial assistance to those participating in the family employment program. Section 35A-3-401 et seq. authorizes the Department to pay general assistance. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-3-310 direct the Department to administer the child care program. Section 35A-3-310.5 directs the Department to perform criminal background checks on providers.
<b>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:</b>
No written comments have been received in the last five years.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary to establish eligibility standards for both parents and providers. It is also necessary to explain the payment methods and the consequences for failure to follow program standards. This rule also explains how to obtain a criminal background check and which offenses will be disqualifying. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Casey R. Cameron and Greg Paras, Deputy Directors	<b>Date:</b>	08/28/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R986-800</b>	<b>Filing No. 52202</b>
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**Agency Information**

<b>1. Department:</b>	Workforce Services	
<b>Agency:</b>	Employment Development	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 45244	
<b>City, state, zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R986-800. Displaced Homemaker Program
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-3-114 directs the Department to establish this program and provide services as funding permits.
<b>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:</b>
No comments have been received in the last five years.

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

This rule is necessary to establish eligibility standards for the program and explain what services are available. Without this rule, there would be no standards for administration of the program. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Casey R. Cameron and Greg Paras, Deputy Directors	<b>Date:</b>	08/21/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R986-900</b>	<b>Filing No. 52212</b>
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**Agency Information**

<b>1. Department:</b>	Workforce Services	
<b>Agency:</b>	Employment Development	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 45244	
<b>City, state, zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R986-900. Supplemental Nutrition Assistance Program (SNAP)
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. The Supplemental Nutrition Assistance Program (SNAP, or "Food Stamps") has been assigned to the Department.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

No comments have been received in the last five years.

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

This rule is necessary to show which options the Department has taken when the federal regulations offers an option in administering SNAP. This rule also lists all of

the current waivers the Department has received from the federal government. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Casey R. Cameron and Greg Paras, Deputy Directors	<b>Date:</b>	08/21/2020
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**End of the Five-Year Notices of Review and Statements of Continuation Section**





## NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

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Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

**EXTENSIONS** are governed by Subsection 63G-3-305(6).

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NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	R765-649	Filing No. 52011

### Agency Information

<b>1. Department:</b>	Regents (Board of)	
<b>Agency:</b>	Administration	
<b>Street address:</b>	60 S 400 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84025	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Geoffrey Landward	801-554-8131	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule catchline:</b>
R765-649. Utah Higher Education Assistance Authority (UHEAA) Privacy Policy
<b>3. Reason for requesting the extension and the new deadline date:</b>
The Department is still reviewing whether this policy is necessary or if changes need to be made and seek an extension to complete that internal review with stakeholders. The new deadline is 12/16/2020.

### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Geoffrey Landward, Deputy Commissioner	<b>Date:</b>	08/18/2020
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**End of the Notices of Five-Year Review Extensions Section**



## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Administrative Services

#### Finance

No. 52867 (Repeal and Reenact): R25-7 Travel-Related Reimbursements for State Employees  
Published: 08/01/2020  
Effective: 09/07/2020

No. 52932 (Amendment): R25-21 Medical Cannabis Payment Provider Standard  
Published: 08/01/2020  
Effective: 09/07/2020

### Agriculture and Food

#### Plant Industry

No. 52919 (Amendment): R68-24 Industrial Hemp Research Pilot Program for Growers  
Published: 07/15/2020  
Effective: 09/04/2020

No. 52917 (Amendment): R68-27 Cannabis Cultivation  
Published: 07/15/2020  
Effective: 09/04/2020

### Commerce

#### Occupational and Professional Licensing

No. 52950 (Amendment): R156-79 Hunting Guides and Outfitters Licensing Act Rule  
Published: 08/01/2020  
Effective: 09/08/2020

### Education

#### Administration

No. 52870 (Amendment): R277-404 Requirements for Assessments of Student Achievement  
Published: 07/15/2020  
Effective: 08/24/2020

No. 52912 (Amendment): R277-473 Utah Computer Science Grant

Published: 07/15/2020  
Effective: 08/24/2020

No. 52871 (Repeal): R277-624 Electronic Cigarette Products in Schools

Published: 07/15/2020  
Effective: 08/24/2020

No. 52872 (Amendment): R277-752 Special Education Intensive Services Fund

Published: 07/15/2020  
Effective: 08/24/2020

### Environmental Quality

#### Air Quality

No. 52814 (Amendment): R307-101 Definitions  
Published: 07/01/2020  
Effective: 09/03/2020

No. 52815 (Amendment): R307-150 Emission Inventories  
Published: 07/01/2020  
Effective: 09/03/2020

No. 52816 (Amendment): R307-401 Permit: New and Modified Sources

Published: 07/01/2020  
Effective: 09/03/2020

No. 52817 (Amendment): R307-415 Fees for Operating Permits

Published: 07/01/2020  
Effective: 09/03/2020

No. 52818 (Amendment): R307-801 Purpose and Authority

Published: 07/01/2020  
Effective: 09/03/2020

NOTICES OF RULE EFFECTIVE DATES

Waste Management and Radiation Control, Waste Management  
No. 52765 (Amendment): R315-270 Hazardous Waste Permit Program -- Permit Modification at the Request of the Permittee  
Published: 06/15/2020  
Effective: 08/17/2020

Water Quality  
No. 52911 (Amendment): R317-1 Requirements for Waste Discharges  
Published: 07/15/2020  
Effective: 08/27/2020

Health

Child Care Center Licensing Committee  
No. 52829 (Repeal and Reenact): R381-60 Hourly Child Care Centers  
Published: 07/01/2020  
Effective: 09/01/2020

No. 52830 (Repeal and Reenact): R381-70 Out of School Time Child Care Programs  
Published: 07/01/2020  
Effective: 09/01/2020

No. 52832 (Repeal and Reenact): R381-100 Child Care Centers  
Published: 07/01/2020  
Effective: 09/01/2020

Disease Control and Prevention, Epidemiology  
No. 52934 (Amendment): R386-702 Communicable Disease Rule  
Published: 08/01/2020  
Effective: 09/08/2020

Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health  
No. 52750 (Amendment): R388-805 Ryan White Part B Program  
Published: 06/01/2020  
Effective: 09/01/2020

Health Care Financing, Coverage and Reimbursement Policy  
No. 52936 (New Rule): R414-1C Coronavirus Public Health Emergency Period  
Published: 08/01/2020  
Effective: 09/07/2020

Family Health and Preparedness, Child Care Licensing  
No. 52850 (Repeal and Reenact): R430-8 Exemptions From Child Care Licensing  
Published: 07/01/2020  
Effective: 09/01/2020

No. 52851 (Repeal and Reenact): R430-50 Residential Certificate Child Care  
Published: 07/01/2020  
Effective: 09/01/2020

No. 52849 (Repeal and Reenact): R430-90 Licensed Family Child Care  
Published: 07/01/2020  
Effective: 09/01/2020

Human Resource Management

Administration  
No. 52913 (Amendment): R477-7 Postpartum Recovery Leave Postponed  
Published: 07/15/2020  
Effective: 08/24/2020

Human Services

Administration, Administrative Hearings  
No. 52874 (Amendment): R497-100 Adjudicative Proceedings  
Published: 07/15/2020  
Effective: 09/01/2020

Natural Resources

Wildlife Resources  
No. 52844 (Repeal and Reenact): R657-56 Walk-in Access  
Published: 08/01/2020  
Effective: 09/08/2020

No. 52843 (Amendment): R657-60 Aquatic Invasive Species Interdiction  
Published: 08/01/2020  
Effective: 09/08/2020

Public Safety

Peace Officer Standards and Training  
No. 52730 (Amendment): R728-409 Suspension, Revocation, or Relinquishment of Certification.  
Published: 05/15/2020  
Effective: 08/25/2020

Transportation

Program Development  
No. 52931 (Amendment): R926-11 Clean Fuel Vehicle Decal Program  
Published: 08/01/2020  
Effective: 09/09/2020

Workforce Services

Housing and Community Development  
No. 52888 (New Rule): R990-400 Pandemic Housing Assistance  
Published: 07/15/2020  
Effective: 08/26/2020