

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed October 16, 2020, 12:00 a.m. through November 02, 2020, 11:59 p.m.

Number 2020-22
November 15, 2020

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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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Utah state digest.

Semimonthly.

1. Delegated legislation--Utah--Digests. I. Utah. Office of Administrative Rules.

KFU440.A73S7

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EXECUTIVE DOCUMENTS

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

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

EXECUTIVE ORDER 2020-71

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 in some areas of the State;

WHEREAS, the fire season has extended into November and 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 November 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 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 3rd day of November, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/071/EO

EXECUTIVE ORDER
2020-72

Declaring a State of Emergency Due to Rising COVID-19 Case Counts Creating a Shortage of Hospital Beds

WHEREAS, Novel Coronavirus Disease 2019 (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, 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 October 2, 2020, the United States Department of Health and Human Services renewed its January 31, 2020, determination that a nationwide public health emergency exists and has existed since January 27, 2020;

WHEREAS, on October 14, 2020, the Utah Department of Health issued State Public Health Order 2020-17, declaring a statewide public health emergency due to the COVID-19 pandemic;

WHEREAS, COVID-19 continues to spread and threaten public health and safety, causing loss of life, human suffering, and economic and social disruption throughout the state;

WHEREAS, the Utah Department of Health has reported 132,621 total cases of COVID-19 and 6,084 COVID-19-related hospitalizations as of November 8, 2020;

WHEREAS, the Utah Department of Health has reported 659 COVID-19-related deaths as of November 8, 2020;

WHEREAS, on November 7, 2020, the Utah Department of Health reported a record-high number of 2,956 new cases of COVID-19;

WHEREAS, hospitalizations for COVID-19 in Utah have increased significantly in the past two months and hospitalizations continue to increase;

WHEREAS, treatment in intensive care units (ICU) in referral center hospitals is required by many critically ill COVID-19 patients;

WHEREAS, Utah has limited ICU capacity in referral center hospitals to which serious COVID-19 patients are referred, and 85% of such capacity is being used, which is beginning to strain and overtax physical capacity and medical staffing capacity;

WHEREAS, the current rates of increase in COVID-19 cases and hospitalizations are creating demands on ICU capacity that will likely soon overwhelm ICUs and may lead to degraded care and increased mortality for both COVID-19 and non-COVID-19 patients;

WHEREAS, if the State does not take action to mitigate the increasing strain on ICUs, hospitals will be required to implement Crisis Standards of Care to determine which patients receive medical services based on the limited resources available;

WHEREAS, there is no existing vaccine for COVID-19;

WHEREAS, the COVID-19 pandemic requires cooperation by public health authorities, hospitals, and the general population to avoid overwhelming hospitals and causing the higher case fatality rates experienced by other countries and regions of the United States;

WHEREAS, it is imperative that state and local officials and health authorities implement measures to protect the health and safety of Utah residents to mitigate the spread of COVID-19 and prevent overwhelming hospitals;

WHEREAS, Utah Code § 53-2a-206(1) provides that a state of emergency may be declared by executive order of the governor if the governor finds a "disaster" has occurred or the occurrence or threat of a disaster is imminent in any area of the state in which state government assistance is required to supplement the response and recovery efforts of the affected political subdivision or political subdivisions;

WHEREAS, Utah Code § 53-2a-102(5) provides that a "disaster" is an event that causes, or threatens to cause, loss of life, human suffering, public or private property damage, or economic or social disruption resulting from "natural phenomena," among other things;

WHEREAS, Utah Code § 53-2a-102(13) provides that "natural phenomena" include an "epidemic";

WHEREAS, I find that increasing case counts combined with the associated shortage of hospital beds due to the COVID-19 epidemic present a continuing threat to public health and economic and social stability sufficient to constitute a statewide disaster within the intent of the Utah Code Title 53, Chapter 2a, Disaster Response and Recovery Act;

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 and coordinated by the Utah Department of Health, the Utah Department of Public Safety, and other state agencies as necessary;
3. the continued dissemination of timely and accurate information by state agencies to the public that will mitigate the spread of COVID-19, prevent unnecessary confusion or alarm, mitigate negative impacts to the economy, and prevent overwhelming hospitals;
4. the continued outreach and assistance to the populations most vulnerable to COVID-19; and
5. coordination with local authorities and the private sector to maximize access to appropriate medical care while preserving critical services for those most in need.

This Order shall take effect November 9, 2020, at 1:00 p.m. and shall remain in effect through December 8, 2020, unless extended by the Utah State Legislature, or terminated earlier if I find the threat of danger has passed or 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 8th day of November, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/072/EO

**EXECUTIVE ORDER
2020-73**

Temporary Statewide COVID-19 Restrictions

WHEREAS, on November 8, 2020, I issued Executive Order 2020-72, declaring a state of emergency Due to Rising COVID-19 Case Counts Creating a Shortage of Hospital Beds;

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 number of COVID-19 cases in Utah has sharply increased, causing serious illness and death to Utah residents, threatening public health and wellness throughout the state;

WHEREAS, Utah is experiencing a significant increase in the use of medical resources;

WHEREAS, new minimum standards are needed to prevent and control the rapidly changing consequences of COVID-19 throughout the state;

WHEREAS, the Centers for Disease Control (CDC) has called on Americans to wear face coverings, with the CDC director stating that "[c]loth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus--particularly when used universally within a community setting," and that "[a]ll Americans have a responsibility to protect themselves, their families, and their communities";

WHEREAS, analysis by Brigham Young University researchers reviewing more than 115 studies on the effectiveness of masks in controlling COVID-19 found that "[t]here is clear evidence that face coverings reduce the spray of droplets produced during speaking, coughing, and sneezing" and that "masks could be one of the most powerful and cost-effective tools to stop COVID-19 and accelerate the economic recovery";

WHEREAS, published scientific research has shown that the probability of transmission during exposure between a person infected with COVID-19 to an uninfected person is 17.4% if face coverings are not worn, and 3.1% if face coverings are worn;

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. **Definitions.** As used in this Order:

a. "COVID-19" means Novel Coronavirus Disease 2019 caused by Severe Acute Respiratory Syndrome Coronavirus 2, also known as SARS-CoV-2.

b. "Department" means the Department of Health created in Utah Code § 26-1-8.

c. "Event host" means a person that owns, operates, provides facilities for, or has formal oversight over any of the following where a social gathering occurs: an amusement or water park, arena, aquarium, aviary, botanical garden, ceremony, cinema, comedy club, commercial event venue, commercial party venue, concert or concert hall, conference, convention or convention center, dance or dance hall, driver's education training, fair or fairground, museum, organized athletic or sporting event, recital, stadium, theater, or zoo.

d. "Extracurricular activity" means an activity, a course, or a program that is:

i. not directly related to delivering instruction;

ii. not a curricular activity or co-curricular activity as those terms are defined in Utah Code § 53G-7-501; and

iii. provided, sponsored, or supported by a school or a public or private institution of higher education, including a degree-granting institution and a technical college.

e. "Face mask" means a mask that completely covers the nose and mouth, is made of synthetic or natural fabrics, and fits snugly against the nose and sides of the face and under the chin. "Face mask" does not include a mask with an exhalation

valve, vent, or other hole or opening, or a mask that is crocheted or made of lace, mesh, or similar open weblike construction or material.

f. "Face shield" means a shield that covers the entire face—including the eyes, nostrils, and mouth of the wearer—is made of clear plastic or similar nonpermeable transparent material, and can be used in conjunction with a face mask for enhanced protection.

g. "Household" means an individual or a group of individuals who reside in the same residence.

h. "Local Education Agency" or "LEA" means a school district or a charter school.

i. "Person" means the same as that term is defined in Utah Code § 68-3-12.5(18).

j. "School" means an LEA or private school that provides any kindergarten through grade-12 program or service, including a residential treatment center that provides any kindergarten through grade-12 program or service.

k. "Social gathering" means an in-person gathering of individuals from separate households. "Social gathering" does not include a gathering for a primarily educational or religious purpose.

2. **Restrictions.** The following restrictions apply statewide:

a. *Individuals.* An individual:

i. shall wear a face mask while within six feet of any individual from a separate household;

ii. may not eat or drink within six feet of an individual from a separate household while at a bar or restaurant; and

iii. may not attend a social gathering unless:

A. the social gathering has an event host or occurs at a business, including a bar or restaurant;

B. the individual complies with all face mask and physical distancing requirements.

b. *Event hosts.* An event host of a social gathering shall:

i. require each individual attending the social gathering to wear a face mask, including in an area of ingress or egress;

ii. require at least six feet of physical distance between individuals from separate households who attend the social gathering, including in an area of ingress or egress, unless the event host received a waiver pursuant to State Public Health Order 2020-19 or State Public Health Order 2020-20;

iii. post conspicuous signage at the social gathering that:

A. lists COVID-19 symptoms;

B. asks individuals experiencing COVID-19 symptoms to stay home; and

C. provides notice of face mask and physical distancing requirements; and

iv. complete and implement the Event Management Template provided by the Department.

c. *Businesses.*

i. A business, including a bar or restaurant, whether or not acting as an event host, shall:

A. require each employee and contractor to wear a face mask while at work;

B. require each patron that enters the premises of the business to wear a face mask, including in an area of ingress or egress;

C. require at least six feet of physical distance, including in an area of ingress or egress, between each:

1. separate household group at a business other than a bar or restaurant; or

2. separate party at a bar or restaurant; and

D. post conspicuous signage at each entrance to the business that:

1. lists COVID-19 symptoms;

2. asks employees and customers experiencing COVID-19 symptoms to stay home; and

3. provides notice of face mask and physical distancing requirements.

iii. A bar shall close no later than 10:00 p.m. each day.

d. *Athletic and Extracurricular Social Gatherings.*

i. Except as provided in Subsection (2)(d)(ii), a person may not participate in or be an event host for a social gathering that is an organized athletic or sporting event or extracurricular activity.

ii. Subsection (2)(d)(i) does not apply to:

A. an intercollegiate or professional athletic event; or

B. a high school football practice or game that meets the following conditions:

1. each participant, including each coach, trainer, staff member, and athlete, wears a face mask, except as provided in

Subsection (3)(viii);

2. the event host limits in-person attendance only to participating athletes and their coaches, trainers, staff members, and no more than two additional individuals per attending coach, trainer, athlete, or staff member.

3. each spectator wears a face mask and maintains at least six feet of physical distance from an individual from a different household; and

4. no coach, trainer, staff member, or athlete is permitted to participate in a game unless the coach, trainer, staff member, or athlete receives a negative test result from a diagnostic test approved by the United States Food and Drug Administration to determine current COVID-19 infection within 72 hours before the game.

e. *Institutions of Higher Education.* Beginning as soon as possible, but no later than January 1, 2021, a public or private institution of higher education, including a degree-granting institution or technical college, shall require each individual who is enrolled as a student of the institution of higher education and who lives in on-campus housing or attends at least one in-person class provided by the institution of higher education to obtain a diagnostic test approved by the United States Food and Drug Administration to determine current COVID-19 infection each week.

3. Face mask exceptions.

a. Notwithstanding any other provision of this Order, an individual who is otherwise required by this Order to wear a face mask may remove the face mask in the following situations:

- i. while actively eating or drinking;
- ii. while as the sole occupant of a room, cubicle, or similar enclosure;
- iii. when communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means and the speaker wears a face shield or uses alternative protection such as a plexiglass barrier;
- iv. while obtaining or providing a service that requires the temporary removal of the face mask, such as dental services or speech therapy services;
- v. while sleeping;
- vi. while exercising outdoors, or while exercising indoors and maintaining at least six feet of physical distance from any other individual from a separate household;
- vii. while swimming or on duty as a lifeguard;
- viii. while actively performing as an athlete at an organized athletic event authorized under Subsection (2)(f)(ii);
- ix. while giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation or performance for an audience;
- x. when engaging in work where wearing a face mask would create a risk to the individual, as determined by government safety guidelines;
- xi. when necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution; and
- xii. when federal or state law or regulations prohibit wearing a face mask.

b. The following individuals are exempt from the face mask requirements in Section (2):

- i. a child who is younger than three years old;
- ii. an individual who is unconscious, incapacitated, or otherwise unable to remove the face mask without assistance; and
- iii. an individual with a medical condition, mental health condition, or intellectual or developmental disability, that prevents the individual from wearing a face mask; and
- iv. an individual who is incarcerated.

4. Local education agencies.

a. An LEA is not subject to the provisions of Section (2)(b) and (2)(c).

b. An LEA shall comply with the requirements of the "Planning Requirements and Recommendations for K-12 School Reopening," created by the Utah State Board of Education.

5. Religious services. This Order does not apply to a religious service. Faith-based organizations are strongly encouraged to implement protocols to mitigate the spread of COVID-19.

6. Effect on other laws.

a. To the extent that any provision of this Order conflicts with a provision of State Public Health Order 2020-11, the provisions of this Order shall control.

b. Nothing in this Order may be construed to prohibit a local health department from issuing a health order that is more stringent than this Order.

7. Severability. If a provision of this Order or the application of a provision to any person or circumstance is held invalid, the remainder of this Order shall be given effect without the invalid provision or application. The provisions of this Order are severable.

This Order is effective on November 9, 2020, at 1:00 p.m. and shall remain in effect through November 23, 2020, unless otherwise 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 8th day of November, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/073/EO

**EXECUTIVE ORDER
2020-74**

Temporary Statewide COVID-19 Restrictions

WHEREAS, on November 8, 2020, I issued Executive Order 2020-72, declaring a state of emergency Due to Rising COVID-19 Case Counts Creating a Shortage of Hospital Beds;

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 number of COVID-19 cases in Utah has sharply increased, causing serious illness and death to Utah residents, threatening public health and wellness throughout the state;

WHEREAS, Utah is experiencing a significant increase in the use of medical resources;

WHEREAS, new minimum standards are needed to prevent and control the rapidly changing consequences of COVID-19 throughout the state;

WHEREAS, the Centers for Disease Control (CDC) has called on Americans to wear face coverings, with the CDC director stating that "[c]loth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus--particularly when used universally within a community setting," and that "[a]ll Americans have a responsibility to protect themselves, their families, and their communities";

WHEREAS, analysis by Brigham Young University researchers reviewing more than 115 studies on the effectiveness of masks in controlling COVID-19 found that "[t]here is clear evidence that face coverings reduce the spray of droplets produced during speaking, coughing, and sneezing" and that "masks could be one of the most powerful and cost-effective tools to stop COVID-19 and accelerate the economic recovery";

WHEREAS, published scientific research has shown that the probability of transmission during exposure between a person infected with COVID-19 to an uninfected person is 17.4% if face coverings are not worn, and 3.1% if face coverings are worn;

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. **Definitions.** As used in this Order:
 - a. "COVID-19" means Novel Coronavirus Disease 2019 caused by Severe Acute Respiratory Syndrome Coronavirus 2, also known as SARS-CoV-2.
 - b. "Department" means the Department of Health created in Utah Code § 26-1-8.
 - c. "Event host" means a person that owns, operates, provides facilities for, or has formal oversight over any of the following where a social gathering occurs: an amusement or water park, arena, aquarium, aviary, botanical garden, ceremony, cinema, comedy club, commercial event venue, commercial party venue, concert or concert hall, conference, convention or convention center, dance or dance hall, driver's education training, fair or fairground, museum, organized athletic or sporting event, recital, stadium, theater, or zoo.
 - d. "Extracurricular activity" means an activity, a course, or a program that is:
 - i. not directly related to delivering instruction;
 - ii. not a curricular activity or co-curricular activity as those terms are defined in Utah Code § 53G-7-501; and
 - iii. provided, sponsored, or supported by a school or a public or private institution of higher education, including a degree-granting institution and a technical college.

EXECUTIVE DOCUMENTS

e. "Face mask" means a mask that completely covers the nose and mouth, is made of synthetic or natural fabrics, and fits snugly against the nose and sides of the face and under the chin. "Face mask" does not include a mask with an exhalation valve, vent, or other hole or opening, or a mask that is crocheted or made of lace, mesh, or similar open weblike construction or material.

f. "Face shield" means a shield that covers the entire face—including the eyes, nostrils, and mouth of the wearer—is made of clear plastic or similar nonpermeable transparent material, and can be used in conjunction with a face mask for enhanced protection.

g. "Household" means an individual or a group of individuals who reside in the same residence.

h. "Local Education Agency" or "LEA" means a school district or a charter school.

i. "Person" means the same as that term is defined in Utah Code § 68-3-12.5(18).

j. "School" means an LEA or private school that provides any kindergarten through grade-12 program or service, including a residential treatment center that provides any kindergarten through grade-12 program or service.

k. "Social gathering" means an in-person gathering of individuals from separate households. "Social gathering" does not include a gathering for a primarily educational or religious purpose.

2. **Restrictions.** The following restrictions apply statewide:

a. *Individuals.* An individual:

i. shall wear a face mask while within six feet of any individual from a separate household;

ii. may not eat or drink within six feet of an individual from a separate household while at a bar or restaurant; and

iii. may not attend a social gathering unless:

A. the social gathering has an event host or occurs at a business, including a bar or restaurant; and

B. the individual complies with all face mask and physical distancing requirements.

b. *Event hosts.* An event host of a social gathering shall:

i. require each individual attending the social gathering to wear a face mask, including in an area of ingress or egress;

ii. require at least six feet of physical distance between individuals from separate households who attend the social gathering, including in an area of ingress or egress, unless the event host received a waiver pursuant to State Public Health Order 2020-19 or State Public Health Order 2020-20;

iii. post conspicuous signage at the social gathering that:

A. lists COVID-19 symptoms;

B. asks individuals experiencing COVID-19 symptoms to stay home; and

C. provides notice of face mask and physical distancing requirements; and

iv. complete and implement the Event Management Template provided by the Department.

c. *Businesses.*

i. A business, including a bar or restaurant, whether or not acting as an event host, shall:

A. require each employee and contractor to wear a face mask while at work;

B. require each patron that enters the premises of the business to wear a face mask, including in an area of ingress or egress;

C. require at least six feet of physical distance, including in an area of ingress or egress, between each:

1. separate household group at a business other than a bar or restaurant; or

2. separate party at a bar or restaurant; and

D. post conspicuous signage at each entrance to the business that:

1. lists COVID-19 symptoms;

2. asks employees and customers experiencing COVID-19 symptoms to stay home; and

3. provides notice of face mask and physical distancing requirements.

ii. An on-premise licensee of the Department of Alcoholic Beverage Control shall not sell, offer to sell, or furnish liquor or beer after 10:00 p.m.

d. *Athletic and Extracurricular Social Gatherings.*

i. Except as provided in Subsection (2)(d)(ii), a person may not participate in or be an event host for a social gathering that is an organized athletic or sporting event or extracurricular activity.

ii. Subsection (2)(d)(i) does not apply to:

A. an intercollegiate or professional athletic event; or

B. a high school football practice or competition if the following conditions are met:

1. in-person attendance is limited to only participating athletes—including football players, cheerleaders, and drill team members—and their coaches, trainers, staff members, and no more than two additional individuals per attending coach, trainer, athlete, or staff member;

2. each attending athlete, coach, trainer, or staff member, wears a face mask, except as provided in Subsection (3)(a)(viii);

3. each attending spectator wears a face mask and maintains at least six feet of physical distance from any other individual from a separate household;

4. an athlete, coach, trainer, or staff member is permitted to participate in a competition only if the coach, trainer, staff member, or athlete receives a negative test result from a diagnostic test approved by the United States Food and Drug Administration to determine current COVID-19 infection within 72 hours before the game; and

5. an Event Management Template provided by the Department is completed and implemented for the practice or competition.

C. an athletic event held by a private business or organization, that is not a school, including a fitness facility or athletic club, if the following conditions are met:

1. in-person attendance is limited to only participating athletes and their coaches, trainers, staff members, and no more than two additional individuals per attending coach, trainer, athlete, or staff member;

2. each attending athlete, coach, trainer, and staff member maintains six feet physical distance from any individual from a separate household;

3. each attending spectator wears a face mask and maintains at least six feet of physical distance from an individual from a separate household; and

4. an Event Management Template provided by the Department is completed and implemented for the athletic event.

iii. A person that owns, operates, provides facilities for, or has formal oversight over an athletic event, including a practice or competition, authorized under Subsection (2)(d)(ii) is not subject to the requirements of Subsection (2)(b) for that event.

e. *Institutions of Higher Education.* Beginning as soon as possible, but no later than January 1, 2021, a public or private institution of higher education, including a degree-granting institution or technical college, shall require each individual who is enrolled as a student of the institution of higher education and who lives in on-campus housing or attends at least one in-person class provided by the institution of higher education to obtain a diagnostic test approved by the United States Food and Drug Administration to determine current COVID-19 infection each week.

3. Face mask exceptions.

a. Notwithstanding any other provision of this Order, an individual who is otherwise required by this Order to wear a face mask may remove the face mask in the following situations:

i. while actively eating or drinking;

ii. while as the sole occupant of a room, cubicle, or similar enclosure;

iii. when communicating with an individual who is deaf or hard of hearing if:

A. communication cannot be achieved through other means; and

B. the speaker wears a face shield or uses alternative protection such as a plexiglass barrier;

iv. while obtaining or providing a service that requires the temporary removal of the face mask, such as dental services or speech therapy services;

v. while sleeping;

vi. while exercising or engaging in athletic training while:

A. outdoors; or

B. indoors and maintaining at least six feet of physical distance from any other individual from a separate household;

vii. while swimming or on duty as a lifeguard;

viii. while actively performing as an athlete at an organized athletic event authorized under Subsection (2)(d)(ii);

ix. while giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation or performance for an audience;

x. when engaging in work where wearing a face mask would create a risk to the individual, as determined by government safety guidelines;

xi. when necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution; and

xii. when federal or state law or regulations prohibit wearing a face mask.

b. The following individuals are exempt from the face mask requirements in Section (2):

i. a child who is younger than three years old;

ii. an individual who is unconscious, incapacitated, or otherwise unable to remove the face mask without assistance; and

iii. an individual with a medical condition, mental health condition, or intellectual or developmental disability, that prevents the individual from wearing a face mask; and

iv. an individual who is incarcerated.

4. Local education agencies.

a. An LEA is not subject to the provisions of Section (2)(b) and (2)(c).

b. An LEA shall comply with the requirements of the "Planning Requirements and Recommendations for K-12 School Reopening," created by the Utah State Board of Education.

5. **Religious services.** This Order does not apply to a religious service. Faith-based organizations are strongly encouraged to implement protocols to mitigate the spread of COVID-19.

6. Effect on other laws.

a. This Order supersedes Executive Order 2020-73;

b. To the extent that any provision of this Order conflicts with a provision of State Public Health Order 2020-11, the provisions of this Order shall control.

c. Nothing in this Order may be construed to prohibit a local health department from issuing a health order that is more stringent than this Order.

7. **Severability.** If a provision of this Order or the application of a provision to any person or circumstance is held invalid, the remainder of this Order shall be given effect without the invalid provision or application. The provisions of this Order are severable.

EXECUTIVE DOCUMENTS

This Order is effective on November 9, 2020, at 1:00 p.m. and shall remain in effect through November 23, 2020, unless otherwise 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 9th day of November, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/074/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between October 16, 2020, 12:00 a.m., and November 02, 2020, 11:59 p.m. are included in this, the November 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 December 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 March 15, 2021, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

| NOTICE OF PROPOSED RULE | | |
|-------------------------------|---------|------------------|
| TYPE OF RULE: Repeal | | |
| Utah Admin. Code Ref (R no.): | R156-82 | Filing No. 53162 |

Agency Information

| | | |
|--|---|----------------|
| 1. Department: | Commerce | |
| Agency: | Occupational and Professional Licensing | |
| Building: | Heber M. Wells Building | |
| Street address: | 160 E 300 S | |
| City, state: | Salt Lake City, UT 84111-2316 | |
| Mailing address: | PO Box 146741 | |
| City, state, zip: | Salt Lake City, UT 84114-6741 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Larry Marx | 801-530-6254 | lmarx@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule or section catchline: |
| R156-82. Electronic Prescribing Act Rule |
| 3. Purpose of the new rule or reason for the change: |
| This rule is repealed based upon the repeal of Title 58, Chapter 82, Electronic Prescribing Act, by H.B. 177 passed in the 2020 General Session. |
| 4. Summary of the new rule or change: |
| This rule is repealed in its entirety based upon the repeal of Title 58, Chapter 82, by H.B. 177 (2020), and the repeal will not have any impacts because all changes were included in H.B. 177. |

Fiscal Information

| |
|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| There are no anticipated cost or savings to the state budget because this rule is repealed based upon the repeal of Title 58, Chapter 82, by H.B. 177 (2020). |
| B) Local governments: |
| There are no anticipated cost or savings to local governments because this rule is repealed based upon the repeal of Title 58, Chapter 82, Electronic Prescribing Act, by 2020 HB 177. |

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

There are no anticipated cost or savings to small businesses because this rule is repealed based upon the repeal of Title 58, Chapter 82, by H.B. 177 (2020).

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

There are no anticipated cost or savings to the non-small businesses because this rule is repealed based upon the repeal of Title 58, Chapter 82, by H.B. 177 (2020).

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

There are no anticipated cost or savings to other persons because this rule is repealed based upon the repeal of Title 58, Chapter 82, by H.B. 177 (2020).

F) Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons because this rule is repealed based upon the repeal of Title 58, Chapter 82, by H.B. 177 (2020).

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

Regulatory Impact Table

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

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

H) Department head approval of regulatory impact analysis:

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

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

The Division of Occupational and Professional Licensing repeals the Electronic Prescribing Act Rule pursuant to the repeal of Title 58, Chapter 82, by H.B. 177 (2020).

Small Businesses (less than 50 employees): There is no anticipated cost or savings to small businesses. Rule R156-82, is repealed based upon the repeal of Title 58, Chapter 82. Therefore, no fiscal impact is expected for small business as these costs are either inestimable or there is no fiscal impact.

Regulatory Impact to Non-Small Businesses (50 or more employees): There is no expected fiscal impact to non-small businesses with the repeal of the Electronic Prescribing Act Rule, R156-82. Similar to the above mentioned reasoning for the fiscal impact for small businesses, further costs 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 58-1-106(1)(a) | Section 58-82-101 | |
|---------------------------|-------------------|--|

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: 12/15/2020

10. This rule change MAY become effective on: 12/22/2020

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: | Mark B. Steinagel, Division Director | Date: | 11/02/2020 |
|--|--------------------------------------|--------------|------------|

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

| | | | |
|--------------------------------------|---------------|-------------------|--------------|
| Utah Admin. Code Ref (R no.): | R356-2 | Filing No. | 53141 |
|--------------------------------------|---------------|-------------------|--------------|

Agency Information

| | | |
|---------------------------|---|---------------------|
| 1. Department: | Governor | |
| Agency: | Criminal and Juvenile Justice (State Commission on) | |
| Room no.: | 330 | |
| Building: | Utah State Capitol Complex, Senate Building | |
| Street address: | 350 N State Street | |
| City, state: | Salt Lake City, UT 84114 | |
| Mailing address: | PO Box 142330 | |
| City, state, zip: | Salt Lake City, UT 84114-2330 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Kim Cordova | 801-425-7346 | kimcordova@utah.gov |

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

General Information

| |
|---|
| 2. Rule or section catchline: |
| R356-2. Judicial Nominating Commissions |

| |
|---|
| 3. Purpose of the new rule or reason for the change: |
| The amendments to this rule reflect the updated process of the application process and addresses some procedural issues that conform to Section 78A-10-1 and the Utah State Constitution. |
| 4. Summary of the new rule or change: |
| These amendments update the application process that is now paperless and more accurately reflects the governing statute and constitution. |

Fiscal Information

| | | | |
|--|---------------|---------------|---------------|
| 5. Aggregate anticipated cost or savings to: | | | |
| A) State budget: | | | |
| The changes are technical and clarify processes and do not impact the meaning of this rule. | | | |
| B) Local governments: | | | |
| The changes to this rule do not affect local governments. | | | |
| C) Small businesses ("small business" means a business employing 1-49 persons): | | | |
| The changes to this rule do not affect small businesses. | | | |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): | | | |
| The changes to this rule do not affect non-small businesses. | | | |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): | | | |
| The changes are technical and clarify processes. They do not affect the meaning of this rule. | | | |
| F) Compliance costs for affected persons: | | | |
| There are no compliance costs for affected persons. | | | |
| G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.) | | | |
| Regulatory Impact Table | | | |
| Fiscal Cost | FY2021 | FY2022 | FY2023 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |

| | | | |
|---|------------|------------|------------|
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |
| H) Department head approval of regulatory impact analysis: | | | |
| The Executive Director of the Commission on Criminal and Juvenile Justice, Kim Cordova, has reviewed and approved this fiscal analysis. | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | |
| None--there are no fiscal impacts. | | | |
| B) Name and title of department head commenting on the fiscal impacts: | | | |
| Kim Cordova 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 78A-10-1 | Article VIII, Section 8 | |

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: | | 12/15/2020 |
| B) A public hearing (optional) will be held: | | |
| On: | At: | At: |
| 12/01/2020 | 12:00 PM | Commission on Criminal and Juvenile Justice, Utah State Capitol Complex, Senate Building, 350 N State Street, Salt Lake City, UT |

10. This rule change MAY become effective on: 12/22/2020

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: | Kim Cordova, Executive Director | Date: | 10/27/2020 |
|--|---------------------------------|--------------|------------|

NOTICE OF PROPOSED RULE

| | | |
|--------------------------------------|---------------|-------------------------|
| TYPE OF RULE: Amendment | | |
| Utah Admin. Code Ref (R no.): | R362-4 | Filing No. 53145 |

Agency Information

| | | |
|---------------------------|---------------------------------|-----------------|
| 1. Department: | Governor | |
| Agency: | Energy Development (Office of) | |
| Street address: | 60 E South Temple St. Suite 300 | |
| City, state: | Salt Lake City, UT 84111 | |
| Mailing address: | PO Box 144845 | |
| City, state, zip: | Salt Lake City, UT 84114-4845 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Richard Bell | 801-538-8682 | rbell1@utah.gov |

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

General Information

| |
|--|
| 2. Rule or section catchline: |
| R362-4. High Cost Infrastructure Development Tax Credit Act |
| 3. Purpose of the new rule or reason for the change: |
| The purpose of this amendment is to clarify provisions, eligibility, and reporting requirements for the High Cost Infrastructure Tax Credit Act. |
| 4. Summary of the new rule or change: |
| This rule amendment clarifies qualifying new state revenues, eligibility period, and annual reporting requirements for entities who have entered into an Authorization Agreement with the Governor's Office of Energy Development. |

Fiscal Information

| |
|---|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| These changes create no additional requirements and will have no additional fiscal impact on the state budget. |
| B) Local governments: |
| These changes create no additional requirements and will have no additional fiscal impact on local governments. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| These changes create no additional requirements and will have no additional fiscal impact on small businesses. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| These changes create no additional requirements and will have no additional fiscal impact on non-small businesses. |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>): |
| These changes create no additional requirements and will have no additional fiscal impact on other persons. |
| F) Compliance costs for affected persons: |
| These changes create no additional requirements and will have no additional fiscal impact on affected persons. |

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

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

H) Department head approval of regulatory impact analysis:

The Executive Director, Robert Simmons, of the Governor's Office of Energy Development has reviewed and approved the fiscal analysis for this rule amendment.

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

I have reviewed the proposed amendments and they do not create new or additional fiscal impacts to businesses.

I approve the entire filing, including the fiscal impact section. Rob Simmons

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

Robert Simmons, Executive Director

Citation Information

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

| | | |
|-------------------|------------------|--------------------|
| Section 63M-4-602 | Section 59-7-619 | Section 59-10-1034 |
|-------------------|------------------|--------------------|

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: | 12/30/2020 |
|--|------------|

10. This rule change MAY become effective on: 01/06/2021

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

Agency Authorization Information

| | | | |
|--|-----------------------------------|--------------|------------|
| Agency head or designee, and title: | Richard Bell, Incentives Director | Date: | 10/30/2020 |
|--|-----------------------------------|--------------|------------|

NOTICE OF PROPOSED RULE

| | | |
|--------------------------------------|----------------|-------------------------|
| TYPE OF RULE: Amendment | | |
| Utah Admin. Code Ref (R no.): | R414-49 | Filing No. 53161 |

Agency Information

| | |
|--------------------------|--|
| 1. Department: | Health |
| Agency: | Health Care Financing, Coverage and Reimbursement Policy |
| Building: | Cannon Health Building |
| Street address: | 288 N 1460 W |
| Mailing address: | PO Box 143102 |
| City, state, zip: | Salt Lake City, UT 84114-3102 |

| Contact person(s): | | |
|--|--------------|-----------------------|
| Name: | Phone: | Email: |
| Craig Devashrayee | 801-538-6641 | cdevashrayee@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| 2. Rule or section catchline: |
|--|
| R414-49. Dental, Oral and Maxillofacial Surgeons and Orthodontia |
| 3. Purpose of the new rule or reason for the change: |
| The purpose of this change is to implement dental provisions set forth under S.B. 5001 passed in the 2020 Fifth Special Session. |
| 4. Summary of the new rule or change: |
| This amendment implements dental provisions for blind or disabled members, targeted adult Medicaid members, and members of the aged population through updates to program access, dental coverage, and spend-up policy. It also makes other technical changes. |

Fiscal Information

| 5. Aggregate anticipated cost or savings to: |
|--|
| A) State budget: |
| There is no impact to the state budget as funds previously allocated to the University of Utah School of Dentistry are simply transferred to the Department of Health to provide these services. |
| B) Local governments: |
| There is no impact on local governments because they neither fund nor provide dental services under the Medicaid program. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| There is no impact on small businesses as the Legislature previously allocated funds for these services. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| There is no impact on non-small businesses as the Legislature previously allocated funds for these services. |

| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): |
|---|
| There is no impact on Medicaid providers and Medicaid members as the Legislature previously allocated funds for these services. |

| F) Compliance costs for affected persons: |
|--|
| There are no compliance costs to a single Medicaid provider or Medicaid member as the Legislature previously allocated funds for these services. |

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

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

H) Department head approval of regulatory impact analysis:

The Interim Executive Director of the Department of Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.

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

Businesses will see neither revenue nor cost as the Legislature previously allocated funds for these services.

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

Richard G. Saunders, Interim 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 26-1-5 | Section 26-18-3 | |
|----------------|-----------------|--|

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: | 12/15/2020 |
|--|------------|

| | |
|--|------------|
| 10. This rule change MAY become effective on: | 12/22/2020 |
|--|------------|

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

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Richard G. Saunders, Interim Executive Director | Date: | 10/30/2020 |
|--|---|--------------|------------|

| NOTICE OF PROPOSED RULE | | |
|--------------------------------------|-----------------|-------------------------|
| TYPE OF RULE: Amendment | | |
| Utah Admin. Code Ref (R no.): | R590-281 | Filing No. 53178 |

Agency Information

| | |
|--------------------------|-------------------------------|
| 1. Department: | Insurance |
| Agency: | Administration |
| Room no.: | 3110 |
| Building: | State Office Building |
| Street address: | 450 N State St. |
| City, state: | Salt Lake City, UT 84114 |
| Mailing address: | PO Box 146901 |
| City, state, zip: | Salt Lake City, UT 84114-6901 |

| Contact person(s): | | |
|--------------------|---------------|-----------------|
| Name: | Phone: | Email: |
| Steve Gooch | 801-538-3803 | sgooch@utah.gov |

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

General Information

| |
|--|
| 2. Rule or section catchline: |
| R590-281. License Applications Submitted by Individuals Who Have a Criminal Conviction |

| |
|---|
| 3. Purpose of the new rule or reason for the change: |
| The current rule establishes license eligibility standards for those who have been convicted of a crime. The amendments: 1) limit this rule to new license applications; 2) address how to treat pleas in abeyance and reductions in level of offense; and 3) describe how this rule will operate with the federal law that requires certain convicts to obtain consent to engage in the insurance business before obtaining a license. |

| |
|---|
| 4. Summary of the new rule or change: |
| The changes to this rule limit this rule to new license applications, address how to treat please in abeyance and reductions in level of offense, and describe how this rule will operate with the federal law that requires certain convicts to obtain consent to engage in the insurance business before obtaining a license. It also removes the enforcement date because this rule is already in force and changes the language in the Severability section to meet current Department of Insurance (Department) standards. |

Fiscal Information

| | | | |
|--|---------------|---------------|---------------|
| 5. Aggregate anticipated cost or savings to: | | | |
| A) State budget: | | | |
| There is no anticipated cost or savings to the state budget. The amendment merely makes clarifications and does not require any new action from any party. | | | |
| B) Local governments: | | | |
| There is no anticipated cost or savings to local governments. The amendment concerns the relationship between the Department and potential licensees and does not involve local government. | | | |
| C) Small businesses ("small business" means a business employing 1-49 persons): | | | |
| There is no anticipated cost or savings to small businesses. The amendment merely makes clarifications and does not require any new action from any party. | | | |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): | | | |
| There is no anticipated cost or savings to non-small businesses. The amendment merely makes clarifications and does not require any new action from any party. | | | |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): | | | |
| There is no anticipated cost or savings to any other persons. The amendment merely makes clarifications and does not require any new action from any party. | | | |
| F) Compliance costs for affected persons: | | | |
| There are no compliance costs for any affected persons. The amendment merely makes clarifications and does not require any new action from any party. | | | |
| G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.) | | | |
| Regulatory Impact Table | | | |
| Fiscal Cost | FY2021 | FY2022 | FY2023 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |

| | | | |
|--|------------|------------|------------|
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |
| H) Department head approval of regulatory impact analysis: | | | |
| The Interim Commissioner of the Insurance Department, Tanji J. Northrup, has reviewed and approved this fiscal analysis. | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | |
| The above analysis represents the Department's best estimate of the fiscal impact that this rule may have on businesses. | | | |
| B) Name and title of department head commenting on the fiscal impacts: | | | |
| Tanji J. Northrup, Interim Commissioner | | | |

Citation Information

| | | |
|--|--|--|
| 7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): | | |
| Subsection 31A-2-201(3) | | |

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.) |
|---|

NOTICES OF PROPOSED RULES

| | |
|---|------------|
| See Section 63G-3-302 and Rule R15-1 for more information.) | |
| A) Comments will be accepted until: | 12/15/2020 |

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 12/22/2020 |
| NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over. | |

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Steve Gooch, Public Information Officer 1 | Date: | 11/02/2020 |
|--|---|--------------|------------|

| NOTICE OF PROPOSED RULE | | |
|--------------------------------------|-----------------|-------------------------|
| TYPE OF RULE: New | | |
| Utah Admin. Code Ref (R no.): | R590-285 | Filing No. 53179 |

Agency Information

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

General Information

| |
|--|
| 2. Rule or section catchline: |
| R590-285. Limited Long-Term Care Insurance |

| |
|--|
| 3. Purpose of the new rule or reason for the change: |
| The purpose of this new rule is to adopt standards as required by Title 31A, Chapter 22, Part 20, Limited Long-Term Care Insurance Act, which was passed during the 2020 General Session in H.B. 37, Insurance Amendments. |

| |
|---|
| 4. Summary of the new rule or change: |
| This rule creates standards for policy benefits; standard definitions; rate increases, including a minimum loss ratio standard; promoting premium adequacy; protecting the policyholder, including required disclosure provisions; marketing standards; independent review of benefit determinations; reporting requirements; standard outline of coverage; nonforfeiture benefits; and lapses in coverage. |

Fiscal Information

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|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| There is no anticipated cost or savings to the state budget. The Department of Insurance's (Department) insurance analysts will assume these standards into their daily reviews. |

| |
|---|
| B) Local governments: |
| There is no anticipated cost or savings to local governments. This rule sets standards for those insurers that want to offer a limited long-term care policy. Local governments have the option to purchase this new type of product but are not mandated to purchase it. |

| |
|---|
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| There is no anticipated cost or savings to small businesses. This rule sets standards for those insurers that want to offer a limited long-term care policy. Small businesses have the option to purchase this new type of product but are not mandated to purchase it. |

| |
|---|
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| There is no anticipated cost or savings to non-small businesses. This rule sets standards for those insurers that want to offer a limited long-term care policy. This is an optional product that is being made available to insurers to offer to individuals and businesses. If an insurer elects to offer this product, there will be associated business costs to initiate this type of product. The Department does not have information to quantify those implementation and ongoing costs because the Department cannot know each insurer's business costs. |

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

There is no anticipated cost or savings to any other persons. This rule sets standards for those insurers that want to offer a limited long-term care policy. An entity may incur costs if they elect to purchase this optional coverage.

F) Compliance costs for affected persons:

A limited long-term care policy is an optional product that is being made available to insurers to offer to individuals and businesses. If an insurer elects to offer this product, there will be associated business costs to initiate this type of product. The Department does not have information to quantify those implementation and ongoing costs because the Department cannot know each insurer's business costs.

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

Regulatory Impact Table

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

| | | | | |
|---------------------|---------------|------------|------------|------------|
| Net Benefits | Fiscal | \$0 | \$0 | \$0 |
|---------------------|---------------|------------|------------|------------|

H) Department head approval of regulatory impact analysis:

The Interim Commissioner of the Insurance Department, Tanji J. Northrup, has reviewed and approved this fiscal analysis.

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

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

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

Tanji J. Northrup, Interim Commissioner

Citation Information

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

| | | |
|-------------------------------|------------------------|--|
| Subsection 31A-2-203(3)(a) | Section 31A-22-2006 | |
|-------------------------------|------------------------|--|

Incorporations by Reference Information

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

| | First Incorporation |
|---|--|
| Official Title of Materials Incorporated (from title page) | Appendix A. Potential Premium Increase Disclosure Form |
| Publisher | Utah Insurance Department |
| Date Issued | January 1, 2021 |
| Issue, or version | Jan. 2021 |

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

| | Second Incorporation |
|---|---|
| Official Title of Materials Incorporated (from title page) | Appendix B. Notice to Applicant Regarding Replacement of Individual Accident and Sickness or Limited Long-Term Care Insurance or Long-Term Care Insurance |
| Publisher | Utah Insurance Department |
| Date Issued | January 1, 2021 |
| Issue, or version | Jan. 2021 |

| | |
|--|--|
| C) This rule adds, updates, or removes the following title of materials incorporated by references: | |
| | Third Incorporation |
| Official Title of Materials Incorporated (from title page) | Appendix C. Notice to Applicant Regarding Replacement of Accident and Sickness or Limited Long-Term Care Insurance or Long-Term Care Insurance |
| Publisher | Utah Insurance Department |
| Date Issued | January 1, 2021 |
| Issue, or version | Jan. 2021 |

| | |
|--|---------------------------------|
| D) This rule adds, updates, or removes the following title of materials incorporated by references: | |
| | Fourth Incorporation |
| Official Title of Materials Incorporated (from title page) | Appendix D. Outline of Coverage |
| Publisher | Utah Insurance Department |
| Date Issued | January 1, 2021 |
| Issue, or version | Jan. 2021 |

| | |
|--|--|
| E) This rule adds, updates, or removes the following title of materials incorporated by references: | |
| | Fifth Incorporation |
| Official Title of Materials Incorporated (from title page) | Appendix E. Replacement and Lapse Reporting Form |
| Publisher | Utah Insurance Department |
| Date Issued | January 1, 2021 |
| Issue, or version | Jan. 2021 |

| | |
|--|---|
| F) This rule adds, updates, or removes the following title of materials incorporated by references: | |
| | Sixth Incorporation |
| Official Title of Materials Incorporated (from title page) | Appendix F. Guidelines for Long-Term Care Independent Review Entities |
| Publisher | Utah Insurance Department |
| Date Issued | January 1, 2021 |
| Issue, or version | Jan. 2021 |

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: | 12/15/2020 |
|--|------------|

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 12/22/2020 |
| NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over. | |

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Steve Gooch, Public Information Officer 1 | Date: | 11/02/2020 |
|--|---|--------------|------------|

| NOTICE OF PROPOSED RULE | | |
|--------------------------------------|-------------------|-------------------------|
| TYPE OF RULE: Amendment | | |
| Utah Admin. Code Ref (R no.): | R612-100-3 | Filing No. 53180 |

Agency Information

| | | |
|---------------------------|-------------------------------|--------------------|
| 1. Department: | Labor Commission | |
| Agency: | Industrial Accidents | |
| Room no.: | 3rd Floor | |
| Building: | Heber M. Wells Bldg. | |
| Street address: | 160 E 300 S | |
| City, state: | Salt Lake City, UT 84111 | |
| Mailing address: | PO Box 146600 | |
| City, state, zip: | Salt Lake City, UT 84114-6600 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Ron Dressler | 801-530-6841 | rdressler@utah.gov |

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

General Information

| |
|---|
| 2. Rule or section catchline: |
| R612-100-3. Forms Used By Industrial Accidents Division |
| 3. Purpose of the new rule or reason for the change: |
| The purpose of the rule change is to reorganize the listing of forms used in workers' compensation processes. |
| 4. Summary of the new rule or change: |
| This rule incorporates new forms and deletes old forms pursuant to the implementation of the Division of Industrial Accidents' (Division) electronic interchange system. This allows information to be shared electronically by insurance carriers with regard to claims, but still allows forms to be filed by uninsured or self-insured employers. The new language also organizes the forms numerically. |

Fiscal Information

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|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| There is no anticipated cost or savings to the state budget since the rule change simply clarifies and reorganizes the existing rule. |
| B) Local governments: |
| There is no anticipated cost or savings to local governments since the rule change simply clarifies and reorganizes the existing rule. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| There is no anticipated cost or savings to small businesses since the rule change simply clarifies and reorganizes the existing rule. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| There is no anticipated cost or savings to non-small businesses since the rule change simply clarifies and reorganizes the existing rule. |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): |
| There is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities since the rule change simply clarifies and reorganizes the existing rule. |
| F) Compliance costs for affected persons: |

There will be no compliance costs since the rule change simply clarifies and reorganizes the existing rule.

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

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

H) Department head approval of regulatory impact analysis:

The Commissioner of the Labor Commission, Jaceson R. Maughan, has reviewed and approved the fiscal analysis.

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

There should be no fiscal impact on businesses since the rule change simply clarifies and reorganizes the existing rule.

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): | | |
| Section 34A-2-101 et seq. | Section 34A-3-101 et seq. | Section 34A-1-104 et seq. |
| Section 63G-4-102 et seq. | | |

Public Notice Information

| | |
|--|------------|
| 9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.) | |
| A) Comments will be accepted until: | 12/15/2020 |

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 12/22/2020 |
| 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: | Jacson R. Maughan, Commissioner | Date: | 11/02/2020 |
|--|---------------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE | | |
|--------------------------------------|-------------------|-------------------------|
| TYPE OF RULE: Amendment | | |
| Utah Admin. Code Ref (R no.): | R612-200-1 | Filing No. 53176 |

Agency Information

| | |
|-------------------------|--------------------------|
| 1. Department: | Labor Commission |
| Agency: | Industrial Accidents |
| Room no.: | 3rd Floor |
| Building: | Heber M. Wells Bldg. |
| Street address: | 160 E 300 S |
| City, state: | Salt Lake City, UT 84111 |
| Mailing address: | PO Box 146600 |

| | | |
|--|-------------------------------|--------------------|
| City, state, zip: | Salt Lake City, UT 84114-6600 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Ron Dressler | 801-530-6841 | rdressler@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|---|
| 2. Rule or section catchline: |
| R612-200-1. Reporting and Investigating Injuries |
| 3. Purpose of the new rule or reason for the change: |
| The purpose for the rule change is to clarify workers' compensation injury reporting requirements in response to updated electronic data interchange (EDI) implementation by the Division of Industrial Accidents (Division). |
| 4. Summary of the new rule or change: |
| The rule changes update references to the Division's EDI implementation guides and tables used to report workplace injuries. The rule also updates references to insurance carriers, self-insured employers, claim administrators, and non-insured employers as the entities responsible for reporting. |

Fiscal Information

| |
|---|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| There is no anticipated cost or savings to the state budget since the rule change updates references. There is no change to the actual reporting and Investigating injuries. |
| B) Local governments: |
| There is no anticipated cost or savings to local governments since the rule change updates references. There is no change to the actual reporting and Investigating injuries. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| There is no anticipated cost or savings to small businesses since the rule change updates references. There is no change to the actual reporting and Investigating injuries. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| There is no anticipated cost or savings non-small businesses since the rule change updates references. There is no change to the actual reporting and Investigating injuries. |

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

There is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities since the rule change updates references. There is no change to the actual reporting and Investigating injuries.

F) Compliance costs for affected persons:

There will be no costs for affected persons since the rule change updates references. There is no change to the actual reporting and Investigating injuries.

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

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

H) Department head approval of regulatory impact analysis:

The Commissioner of the Labor Commission, Jaceson R. Maughan, has reviewed and approved the impact analysis.

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

There should be no fiscal impact on businesses because of this rule change since the change only updates references.

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):

| | | |
|---------------------------|---------------------------|-------------------|
| Section 34A-2-101 et seq. | Section 34A-3-101 et seq. | Section 34A-1-104 |
|---------------------------|---------------------------|-------------------|

Incorporations by Reference Information

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

| | First Incorporation |
|---|---|
| Official Title of Materials Incorporated (from title page) | Industrial Accidents Division Claims POC 3.0 EDI Implementation Guide |
| Publisher | Industrial Accidents Division , Utah Labor Commission |
| Issue, or version | Version 1.1 |

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

| | Second Incorporation |
|---|--|
| Official Title of Materials Incorporated (from title page) | Utah Claims R3.0 Element Table |
| Publisher | Industrial Accidents Division, Utah Labor Commission |
| Issue, or version | Version 1 |

| | |
|--|--|
| C) This rule adds, updates, or removes the following title of materials incorporated by references: | |
| | Third Incorporation |
| Official Title of Materials Incorporated (from title page) | Utah Claims R3.0 Event Table |
| Publisher | Industrial Accidents Division, Utah Labor Commission |
| Issue, or version | Version 1 |

| | |
|--|--|
| D) This rule adds, updates, or removes the following title of materials incorporated by references: | |
| | Fourth Incorporation |
| Official Title of Materials Incorporated (from title page) | Utah Claims R3.0 Edit Matrix Table |
| Publisher | Industrial Accidents Division, Utah Labor Commission |
| Issue, or version | Version 1 |

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: | 12/15/2020 |
|--|------------|

| | |
|--|------------|
| 10. This rule change MAY become effective on: | 12/22/2020 |
|--|------------|

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: | Jacson R. Maughan, Commissioner | Date: | 11/02/2020 |
|--|---------------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE | | |
|--------------------------------------|-----------------|-------------------------|
| TYPE OF RULE: Amendment | | |
| Utah Admin. Code Ref (R no.): | R612-300 | Filing No. 53174 |

Agency Information

| | | |
|---------------------------|-------------------------------|--------------------|
| 1. Department: | Labor Commission | |
| Agency: | Industrial Accidents | |
| Room no.: | 3rd Floor | |
| Building: | Heber M. Wells Bldg. | |
| Street address: | 160 E 300 S | |
| City, state: | Salt Lake City, UT 84111 | |
| Mailing address: | PO Box 146600 | |
| City, state, zip: | Salt Lake City, UT 84114-6600 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Ron Dressler | 801-530-6841 | rdressler@utah.gov |

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

General Information

| |
|--|
| 2. Rule or section catchline: |
| R612-300. Workers' Compensation Rules - Medical Care |

3. Purpose of the new rule or reason for the change:
 The purpose of this amendment is to adopt, with modifications, the Optum 2020 Essential Resource-Based Relative Value Schedule (RBRVS), 2020 1st Quarter Update and to adjust procedures for certain medical specialties.

4. Summary of the new rule or change:
 The amendment incorporates by reference current versions of the Resource-Based Relative Value Scale (RBRVS), modifies required forms, adjusts reimbursement codes and definitions, strikes provisions that restrict certain fees, and clarifies when fees can be discounted.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
 There is no anticipated cost or saving to the state budget because making the changes to this rule simply clarifies what already exists, updates the REBRVS, and adjusts procedures for certain medical specialties. These changes will not result in any new costs or savings.

| | | | |
|--|---------------|---------------|---------------|
| B) Local governments: | | | |
| There is no anticipated cost or savings to local governments because making the changes to this rule simply clarifies what already exists, updates the REBRVS, and adjusts procedures for certain medical specialties. These changes will not result in any new costs or savings. | | | |
| C) Small businesses ("small business" means a business employing 1-49 persons): | | | |
| There is no anticipated cost or saving to small businesses because making the changes to this rule simply clarifies what already exists, updates the REBRVS, and adjusts procedures for certain medical specialties. These changes will not result in any new costs or savings. | | | |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): | | | |
| There is no anticipated cost or savings to non-small businesses because making the changes to this rule simply clarifies what already exists, updates the REBRVS, and adjusts procedures for certain medical specialties. These changes will not result in any new costs 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): | | | |
| There is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities because making the changes to this rule simply clarifies what already exists, updates the REBRVS, and adjusts procedures for certain medical specialties. These changes will not result in any new costs or savings. | | | |
| F) Compliance costs for affected persons: | | | |
| There are no compliance costs because making the changes to this rule simply clarifies what already exists, updates the REBRVS, and adjusts procedures for certain medical specialties. These changes will not result in any new costs or savings. | | | |
| G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.) | | | |
| Regulatory Impact Table | | | |
| Fiscal Cost | FY2021 | FY2022 | FY2023 |
| State Government | \$0 | \$0 | \$0 |

| | | | |
|--|------------|------------|------------|
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |
| H) Department head approval of regulatory impact analysis: | | | |
| The Commissioner of the Labor Commission, Jaceson R. Maughan, has reviewed and approved this analysis. | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | |
| There is no cost or savings with this rule change as it only updates the RBRVS and adjusts procedures for certain medical specialties. | | | |
| 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): | | |
| Section 34A-1-104 | Section 34A-2-201 | |

Incorporations by Reference Information

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

| | First Incorporation |
|---|----------------------------------|
| Official Title of Materials Incorporated (from title page) | Current Procedural Coding Expert |
| Publisher | Optum360 |
| Issue, or version | 2020 |

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

| | Second Incorporation |
|---|----------------------|
| Official Title of Materials Incorporated (from title page) | The Essential RBRVS |
| Publisher | Optum260 |
| Issue, or version | 2020 |

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: | 12/15/2020 |
|--|------------|

10. This rule change MAY become effective on: 12/22/2020

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: | Jaceson R. Maughan | Date: | 11/02/2020 |
|--|--------------------|--------------|------------|

NOTICE OF PROPOSED RULE

| | | |
|--------------------------------------|-------------------|-------------------------|
| TYPE OF RULE: Amendment | | |
| Utah Admin. Code Ref (R no.): | R612-400-5 | Filing No. 53166 |

Agency Information

| | | |
|---------------------------|-------------------------------|--------------------|
| 1. Department: | Labor Commission | |
| Agency: | Industrial Accidents | |
| Room no.: | 3rd Floor | |
| Building: | Heber M. Wells Bldg. | |
| Street address: | 160 E 300 S | |
| City, state: | Salt Lake City, UT 84111 | |
| Mailing address: | PO Box 146600 | |
| City, state, zip: | Salt Lake City, UT 84114-6600 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Ron Dressler | 801-530-6841 | rdressler@utah.gov |

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

General Information

2. Rule or section catchline:
R612-400-5. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund

3. Purpose of the new rule or reason for the change:
Workers' compensation insurance premiums in Utah include assessments to fund the Employers' Reinsurance Fund (ERF), and the Uninsured Employers' Fund (UEF). These assessment rates are reviewed annually and amended as appropriate in order to ensure the funds remain viable and fully funded. The proposed changes establish these assessment rates for the 2021 calendar year.

4. Summary of the new rule or change:
This rule update establishes the following premium rates for 2021: 0.50% for the UEF and 0% for the ERF. This is an overall decrease in rates of 1.5%.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
There is expected cost savings to the state budget as the combined premium assessment rates for these funds is 1.5% lower than last year.

| | | | |
|--|---------------|---------------|---------------|
| B) Local governments: | | | |
| There is expected cost savings to local governments as the combined premium assessment rates for these funds is 1.5% lower than last year. | | | |
| C) Small businesses ("small business" means a business employing 1-49 persons): | | | |
| There is expected cost savings to small businesses as the combined premium assessment rates for these funds is 1.5% lower than last year. | | | |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): | | | |
| There is expected cost savings to non-small businesses as the combined premium assessment rates for these funds is 1.5% lower than last year. | | | |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): | | | |
| There is expected cost savings as the combined premium assessment rates for these funds is 1.5% lower than last year. | | | |
| F) Compliance costs for affected persons: | | | |
| There are no anticipated changes to compliance costs as these premiums are collected and paid each year. | | | |
| G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.) | | | |
| Regulatory Impact Table | | | |
| Fiscal Cost | FY2021 | FY2022 | FY2023 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |

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

H) Department head approval of regulatory impact analysis:

The Commissioner of the Labor Commission, Jaceson R. Maughan, has reviewed and approved the fiscal analysis

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

There will be an overall cost savings to affected persons, because the assessment rate will go down by 1.5%.

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):

| | | |
|-------------|--|--|
| Subsection | | |
| 59-9-101(2) | | |

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: 12/15/2020

10. This rule change MAY become effective on: 12/22/2020

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: | Jaceson R. Maughan | Date: | 10/28/2020 |
|--|--------------------|--------------|------------|

NOTICE OF PROPOSED RULE

| | | |
|--------------------------------------|---------------|-------------------------|
| TYPE OF RULE: Amendment | | |
| Utah Admin. Code Ref (R no.): | R649-1 | Filing No. 53154 |

Agency Information

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

General Information

| |
|---|
| 2. Rule or section catchline: |
| R649-1. Oil and Gas Definitions |
| 3. Purpose of the new rule or reason for the change: |
| During the 2020 General Session, S.B. 148 was passed, which modifies the process for imposing and collecting administrative penalties and causes the current Oil and Gas rules to be amended. |
| 4. Summary of the new rule or change: |
| Section R649-1-1 establishes the definitions for the Oil and Gas Program. "Willful Violation" is a new term added to the definitions. |

Fiscal Information

| |
|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| There is a total of one state agency, the Division of Oil, Gas and Mining (Division), that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative. |
| B) Local governments: |
| This rule does not apply to local governments. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| There are 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There will be an estimated fiscal cost to oil and gas operators who receive a Division enforcement order, however, it cannot be estimated how many oil and gas operators will receive a Division enforcement order or the class of violation committed. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . There will be an estimated fiscal cost to oil and gas operators who receive a Division enforcement order, however, it cannot be estimated how many oil and gas operators will receive a Division enforcement order or the class of violation committed. |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>): |
| This rule change will not affect persons other than small businesses, businesses, or local government entities. |
| F) Compliance costs for affected persons: |
| There will be no compliance costs for oil and gas operators. |
| G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.) |

| Regulatory Impact Table | | | |
|--|------------|------------|------------|
| Fiscal Cost | FY2021 | FY2022 | FY2023 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |
| H) Department head approval of regulatory impact analysis: | | | |
| The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis. | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | |
| This rule change is estimated to have a fiscal cost to oil and gas operators who are in violation and receive a Division enforcement order, however, the number of violations and the violation classes cannot be estimated. | | | |
| B) Name and title of department head commenting on the fiscal impacts: | | | |
| Brian Steed; Executive Director | | | |

Citation Information

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

| | | |
|---------------------------|--|--|
| Section 40-6-1 et seq. | | |
|---------------------------|--|--|

Public Notice Information

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

| | |
|--|------------|
| A) Comments will be accepted until: | 12/15/2020 |
|--|------------|

| | |
|--|------------|
| 10. This rule change MAY become effective on: | 12/22/2020 |
|--|------------|

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

Agency Authorization Information

| | | | |
|--|---------------------|--------------|------------|
| Agency head or designee, and title: | John Baza, Director | Date: | 10/30/2020 |
|--|---------------------|--------------|------------|

| NOTICE OF PROPOSED RULE | | |
|--------------------------------------|----------------|-------------------------|
| TYPE OF RULE: Amendment | | |
| Utah Admin. Code Ref (R no.): | R649-10 | Filing No. 53155 |

Agency Information

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

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

General Information

| |
|---|
| 2. Rule or section catchline: |
| R649-10. Administrative Procedures |
| 3. Purpose of the new rule or reason for the change: |
| During the 2020 General Session, S.B. 148 was passed, which modifies the process for imposing and collecting administrative penalties and causes the current Oil and Gas rules to be amended. |
| 4. Summary of the new rule or change: |
| Rule R649-10 establishes the Oil and Gas Program's Administrative Procedures. A new citation is added to Section R649-10-1, Section R649-10-6 gains clarification of written and final orders, and Section R649-10-8 clarifies the exhaustion of administrative remedies. |

Fiscal Information

| |
|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| There is a total of one state agency, the Division of Oil, Gas and Mining (Division), that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative. |
| B) Local governments: |
| This rule does not apply to local governments. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| There are 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There will be an estimated fiscal cost to oil and gas operators who receive a Division enforcement order, however, it cannot be estimated how many oil and gas operators will receive a Division enforcement order or the class of violation committed. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . There will be an estimated fiscal cost to oil and gas operators who receive a Division enforcement order, however, it cannot be estimated how many oil and gas operators will receive a Division enforcement order or the class of violation committed. |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): |

This rule change will not affect persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons:

There will be no compliance costs for oil and gas operators.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

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

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

This rule change is estimated to have a fiscal cost to oil and gas operators who are in violation and receive a Division enforcement order, however, the number of violations and the violation classes cannot be estimated.

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

Brian Steed; Executive Director

Citation Information

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

| | | |
|---------------------------|--|--|
| Section 40-6-1 et seq. | | |
|---------------------------|--|--|

Public Notice Information

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

| | |
|--|------------|
| A) Comments will be accepted until: | 12/15/2020 |
|--|------------|

| | |
|--|------------|
| 10. This rule change MAY become effective on: | 12/22/2020 |
|--|------------|

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

Agency Authorization Information

| | | | |
|--|------------------------|--------------|------------|
| Agency head or designee, and title: | John Baza, Director | Date: | 10/30/2020 |
|--|------------------------|--------------|------------|

NOTICE OF PROPOSED RULE

TYPE OF RULE: New

| | | | |
|--------------------------------------|----------------|-------------------|--------------|
| Utah Admin. Code Ref (R no.): | R649-11 | Filing No. | 53156 |
|--------------------------------------|----------------|-------------------|--------------|

Agency Information

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

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

General Information

2. Rule or section catchline:
R649-11. Administrative Penalties

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

During the 2020 General Session, S.B. 148 was passed, which modifies the process for imposing and collecting administrative penalties and causes the current Oil and Gas rules to be amended.

4. Summary of the new rule or change:

Rule R649-11 establishes the rules and procedures for imposing and collecting administrative penalties, including a penalty assessment, penalty calculation, and classifications of violations.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

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

B) Local governments:

This rule does not apply to local governments.

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

There are 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the state of Utah. There will be an estimated fiscal cost to oil and gas operators who receive a Division enforcement order, however, it cannot be estimated how many oil and gas operators will receive a

Division enforcement order or the class of violation committed.

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

There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . There will be an estimated fiscal cost to oil and gas operators who receive a Division enforcement order, however, it cannot be estimated how many oil and gas operators will receive a Division enforcement order or the class of violation committed.

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

This rule change will not affect persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons:

There will be no compliance costs for oil and gas operators.

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

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

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

H) Department head approval of regulatory impact analysis:

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

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

This proposed rule is estimated to have a fiscal cost to oil and gas operators who are in violation and receive a Division enforcement order, however, the number of violations and the violation classes cannot be estimated.

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

Brian Steed; Executive Director

Citation Information

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

| | | |
|------------------------|--|--|
| Section 40-6-1 et seq. | | |
|------------------------|--|--|

Public Notice Information

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

A) Comments will be accepted until: 12/15/2020

10. This rule change MAY become effective on: 12/22/2020

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

will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|------------------------|--------------|------------|
| Agency head or designee, and title: | John Baza, Director | Date: | 10/30/2020 |
|--|------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE | | |
|--------------------------------------|--------------------|-----------------------------------|
| TYPE OF RULE: Amendment | | |
| Utah Admin. Code Ref (R no.): | R651-601-10 | Filing No. 53117 |

Agency Information

| | | |
|--|-------------------------------|----------------------|
| 1. Department: | Natural Resources | |
| Agency: | Parks and Recreation | |
| Room no.: | Ste 116 | |
| Street address: | 1594 W North Temple | |
| City, state: | Salt Lake City, UT | |
| Mailing address: | PO Box 146001 | |
| City, state, zip: | Salt Lake City, UT 84114-6001 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Tammy Wright | 801-538-7359 | tammywright@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule or section catchline: |
| R651-601-10. Posted |
| 3. Purpose of the new rule or reason for the change: |
| This amendment would clarify what the term "posted" means. |
| 4. Summary of the new rule or change: |
| With the new rule on camping check-in and check-out times, the Division of Parks and Recreation (Division) use the term "posted" to indicate locations where the check-in and check-out times will be given as notices. These locations would be physically at the parks and on printed and web-based documents. There will be variety of check-in and check-out times throughout the parks. |

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There is no cost or savings to the state budget. This rule clarifies what is already taking place in state parks.

B) Local governments:

There is no cost or savings to local governments because the amendment affects campsites within state parks. This rule clarifies what is already happening within state parks.

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

There is no cost or savings to the small businesses. This amendment is for clarification purposes.

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

There is no cost or savings to non-small businesses. This rule amendment clarifies the definition of what "posted" means. This is already taking place within state parks.

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

There is no cost or savings to persons other than small businesses, non-small businesses, state or local government entities. This rule amendment would clarify what is already taking place in state parks.

F) Compliance costs for affected persons:

There are no compliance costs for this amendment. This is for clarification purposes only.

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 |

NOTICES OF PROPOSED RULES

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

H) Department head approval of regulatory impact analysis:

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

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

No fiscal impact.

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 79-4-304 | Section 79-4-601 | Section 41-22-10 |
| Section 79-4-203 | | |

Public Notice Information

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

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

A) Comments will be accepted until: 12/15/2020

10. This rule change MAY become effective on: 12/22/2020

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: | Jeff Rasmussen, Director | Date: | 11/06/2020 |
|--|--------------------------|--------------|------------|

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

| | | | |
|--------------------------------------|-----------------|-------------------|--------------|
| Utah Admin. Code Ref (R no.): | R651-606 | Filing No. | 53116 |
|--------------------------------------|-----------------|-------------------|--------------|

Agency Information

| | |
|--------------------------|-------------------------------|
| 1. Department: | Natural Resources |
| Agency: | Parks and Recreation |
| Room no.: | Ste 116 |
| Street address: | 1594 West North Temple |
| City, state: | Salt Lake City, UT |
| Mailing address: | PO Box 146001 |
| City, state, zip: | Salt Lake City, UT 84114-6001 |

Contact person(s):

| | | |
|--------------|---------------|----------------------|
| Name: | Phone: | Email: |
| Tammy Wright | 801-538-7359 | tammywright@utah.gov |

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

General Information

2. Rule or section catchline:

R651-606. Camping

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

As our parks have become increasingly busier, there has been some concern the Division of Parks and Recreation (Division) is turning away overnight stays when there may be space available due to no show reservations.

4. Summary of the new rule or change:
 The way the current rule is written, the Division doesn't have authority to reassign vacancies, even when the Division knows the site or lodging will go unused. This amendment would allow the Division to reassign vacant campsites when the Division is confident that the reservations are not going to be used, so the sites do not sit empty.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There is no cost or savings to the state budget. The amendment could allow for an additional source of revenue, but it is unknown if it would be or how much, so those are inestimable.

B) Local governments:

There is no cost or savings to local governments because the amendment affects campsites within state parks. The fees already exist and are not new.

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

There is no cost or savings to the small businesses because the amendment affects campsites within state parks and is for those sites that would be a "no show" type of situation.

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

There is no cost or savings to non-small businesses. This amendment affects campsites within state parks and are not new fees associated with camping.

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

There is no cost or savings to persons other than small businesses, non-small businesses, state or local government entities than what would already occur if someone was reserving a campsite. This is not a new fee requirement.

F) Compliance costs for affected persons:

There are no compliance costs for this amendment. Camping fees already exist.

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

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

H) Department head approval of regulatory impact analysis:

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

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

No fiscal impact.

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 79-4-501 | |
|------------------|--|

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: | 12/15/2020 |
|--|------------|

| | |
|--|------------|
| 10. This rule change MAY become effective on: | 12/22/2020 |
|--|------------|

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: | Jeff Rasmussen, Director | Date: | 11/06/2020 |
|--|--------------------------|--------------|------------|

NOTICE OF PROPOSED RULE

| | | |
|--------------------------------------|----------------|-------------------------|
| TYPE OF RULE: Repeal | | |
| Utah Admin. Code Ref (R no.): | R657-48 | Filing No. 53118 |

Agency Information

| | |
|--------------------------|---------------------------------|
| 1. Department: | Natural Resources |
| Agency: | Wildlife Resources |
| Room no.: | Suite 2110 |
| Building: | Department of Natural Resources |
| Street address: | 1594 W North Temple |
| City, state: | Salt Lake City, UT |
| Mailing address: | PO Box 146301 |
| City, state, zip: | Salt Lake City, UT 84114-6301 |

| | | |
|--|---------------|---------------------|
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Staci Coons | 801-450-3093 | stacicoons@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

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|--------------------------------------|
| 2. Rule or section catchline: |
| R657-48. Wildlife Sensitive Species |

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|--|
| 3. Purpose of the new rule or reason for the change: |
| This rule is being repealed pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to sensitive species in Utah. |

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| 4. Summary of the new rule or change: |
| This rule is repealed in its entirety. |

Fiscal Information

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| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| DWR has determined that this repeal does not create a cost or savings impact to the state budget or DWR's budget. |

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| B) Local governments: |
| The proposed repeal of this entire rule does not create any direct cost or savings impact to local governments. |

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| C) Small businesses ("small business" means a business employing 1-49 persons): |
| The proposed repeal of this rule will not directly impact small businesses because a service was not required of them. |

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| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| The proposed repeal of this rule will not directly impact non-small businesses because a service was not required of them. |

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| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): |
| This repeal does not have the potential to create a cost impact. |

| | | | |
|---|---------------|---------------|---------------|
| F) Compliance costs for affected persons: | | | |
| DWR has determined that this repeal will not create additional costs or savings. | | | |
| G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.) | | | |
| Regulatory Impact Table | | | |
| Fiscal Cost | FY2021 | FY2022 | FY2023 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |
| H) Department head approval of regulatory impact analysis: | | | |
| The Executive Director of the Department of 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: | | | |
| After conducting a thorough analysis, it was determined that this repeal will not result in a fiscal impact to businesses. | | | |

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|---|
| 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 23-14-18 | Section 23-14-19 | |

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: | 12/15/2020 |

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 12/22/2020 |
| 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: | Mike Fowlks, DWR Director | Date: | 10/19/2020 |
|--|---------------------------|--------------|------------|

| | | |
|--------------------------------------|----------------|-----------------------------------|
| NOTICE OF PROPOSED RULE | | |
| TYPE OF RULE: Amendment | | |
| Utah Admin. Code Ref (R no.): | R657-58 | Filing No. 53119 |

Agency Information

| | |
|-----------------------|---------------------------------|
| 1. Department: | Natural Resources |
| Agency: | Wildlife Resources |
| Room no.: | Suite 2110 |
| Building: | Department of Natural Resources |

| | | |
|--|-------------------------------|---------------------|
| Street address: | 1594 W North Temple | |
| City, state: | Salt Lake City, UT | |
| Mailing address: | PO Box 146301 | |
| City, state, zip: | Salt Lake City, UT 84114-6301 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Staci Coons | 801-450-3093 | stacicoons@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule or section catchline: |
| R657-58. Fishing Contests and Clinics |
| 3. Purpose of the new rule or reason for the change: |
| This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to fishing contests and clinics. The proposed rule amendments simplified the process for conducting fishing contests and clinic and allows for an electronic application process. |
| 4. Summary of the new rule or change: |
| The proposed amendments to this rule: 1) simplify the process to conduct fishing contests or clinics in Utah; 2) create a simplified and straightforward set of criteria that contest organizers can use to determine whether a Certificate of Registration is required; 3) remove the designated differences between warmwater and coldwater species to simplify the application process; and 4) establish an online application process. |

Fiscal Information

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| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| These changes can be initiated within the current workload and resources of DWR, therefore, DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget. |
| B) Local governments: |
| Since the proposed amendments simplifies a state agency process, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments. |

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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**):

These amendments do not have the potential to create a cost impact to those individuals wishing to conduct a fishing contest or clinic.

F) Compliance costs for affected persons:

DWR has determined that this amendment will not create additional costs for those conducting fishing contests or clinics in Utah.

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

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

| | | | |
|---|------------|------------|------------|
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |
| H) Department head approval of regulatory impact analysis: | | | |
| The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis. | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | |
| After conducting a thorough analysis, it was determined that these proposed rule amendments will not result in a fiscal impact to 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 23-14-18 | Section 23-14-19 | |

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: | 12/15/2020 |

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 12/22/2020 |
| 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: | Mike Fowlks, DWR Director | Date: | 10/19/2020 |
|--|---------------------------|--------------|------------|

NOTICE OF PROPOSED RULE

| | | | |
|--------------------------------------|-------------------|-------------------|--------------|
| TYPE OF RULE: Amendment | | | |
| Utah Admin. Code Ref (R no.): | R657-62-26 | Filing No. | 53120 |

Agency Information

| | | |
|---------------------------|---------------------------------|---------------------|
| 1. Department: | Natural Resources | |
| Agency: | Wildlife Resources | |
| Room no.: | Suite 2110 | |
| Building: | Department of Natural Resources | |
| Street address: | 1594 W North Temple | |
| City, state: | Salt Lake City, UT | |
| Mailing address: | PO Box 146301 | |
| City, state, zip: | Salt Lake City, UT 84114-6301 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Staci Coons | 801-450-3093 | stacicoons@utah.gov |

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

General Information

| |
|---|
| 2. Rule or section catchline: |
| R657-62-26. Deployed Military |
| 3. Purpose of the new rule or reason for the change: |
| This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to Big Game Applications. |
| 4. Summary of the new rule or change: |
| The proposed amendments to this rule waives the combination/hunting license requirement for all resident deployed military members if they miss a bonus or preference point application period while actively deployed. |

Fiscal Information

| |
|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| The proposed rule amendments allows for deployed military sportsmen to acquire a bonus or preference point |

during applications periods without having to meet the combination/hunting license requirement, these changes can be initiated within the current workload and resources of DWR, therefore, DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since the proposed amendment provides a waiver of a DWR requirement, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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**):

These amendments do not have the potential to create a cost impact to those deployed individuals wishing to participate in the hunting opportunities.

F) Compliance costs for affected persons:

DWR has determined that this amendment will not create additional costs for those participating in hunting in Utah.

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

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

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

H) Department head approval of regulatory impact analysis:

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

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to 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 23-14-18 | Section 23-14-19 | |
|------------------|------------------|--|

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: 12/15/2020

10. This rule change MAY become effective on: 12/22/2020

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: | Mike Fowlks, DWR Director | Date: | 10/19/2020 |
|--|---------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE | | |
|--------------------------------------|-----------------|-------------------------|
| TYPE OF RULE: New | | |
| Utah Admin. Code Ref (R no.): | R722-930 | Filing No. 53147 |

Agency Information

| | | |
|--|---|--------------------|
| 1. Department: | Public Safety | |
| Agency: | Criminal Investigations and Technical Services, Criminal Identification | |
| Street address: | 3888 W 5400 S | |
| City, state: | Taylorsville, UT 84129 | |
| Mailing address: | 3888 W 5400 S | |
| City, state, zip: | Taylorsville, UT 84129 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Kim Gibb | 801-965-4018 | kgibb@utah.gov |
| Nicole Borgeson | 801-281-5072 | nshepherd@utah.gov |
| Greg Willmore | 801-965-4533 | gwillmor@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--------------------------------------|
| 2. Rule or section catchline: |
| R722-930. Automatic Expungement |

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

The purpose of this proposed rule is to implement procedures for processing an automatic expungement as authorized under Section 77-40-111. This authority was established upon the passage of H.B. 431 during the 2019 General Session, which was made effective on 05/01/2020.

4. Summary of the new rule or change:

This rule outlines the procedure by which the Bureau of Criminal Identification (BCI) will receive and process an electronic order to expunge a clean slate eligible criminal case. The process includes removal of information from applicable databases, maintenance of the information for eligible entities to access expunged clean slate eligible cases, and notification requirements to applicable law enforcement entities following expungement of a clean slate eligible case.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

BCI does not anticipate any costs or savings to the state budget as a result of this new administrative rule. This rule only clarifies the steps that must occur in order to process an automatic expungement order for a clean slate eligible criminal case.

B) Local governments:

BCI does not anticipate any costs or savings to local governments as a result of this new administrative rule. This rule only clarifies the steps that must occur in order to process an automatic expungement order for a clean slate eligible criminal case.

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

BCI does not anticipate any costs or savings to small businesses as a result of this new administrative rule. This rule only clarifies the steps that must occur in order to process an automatic expungement order for a clean slate eligible criminal case.

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

BCI does not anticipate any costs or savings to the non-small businesses as a result of this new administrative rule. This rule only clarifies the steps that must occur in order to process an automatic expungement order for a clean slate eligible criminal case.

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): | | | |
| BCI does not anticipate any costs or savings to persons other than small businesses, non-small businesses, state, or local government entities as a result of this new administrative rule. This rule only clarifies the steps that must occur in order to process an automatic expungement order for a clean slate eligible criminal case. | | | |
| F) Compliance costs for affected persons: | | | |
| BCI does not anticipate any compliance costs for affected persons as a result of this new administrative rule. This rule only clarifies the steps that must occur in order to process an automatic expungement order for a clean slate eligible criminal case. | | | |
| G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.) | | | |
| Regulatory Impact Table | | | |
| Fiscal Cost | FY2021 | FY2022 | FY2023 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |

H) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Public Safety, Jess L. Anderson, 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 not any small or non-small businesses in Utah that will be impacted as a result of the enactment of this rule. This rule specifies the steps that must occur to process an expungement order for a clean slate eligible criminal case including the receipt, verification of eligibility, removal of information from applicable databases, maintenance of data for entities entitled to obtain the information once the case is expunged, and notification to applicable law enforcement agencies regarding the expungement of the case.

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

Jess L. Anderson, Commissioner

Citation Information

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

| | | |
|-------------------|-------------------|-------------------|
| Section 77-40-111 | Section 77-40-116 | Section 77-40-115 |
| Section 77-40-114 | | |

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: 12/15/2020

10. This rule change MAY become effective on: 12/22/2020

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: | Greg Willmore, Director | Date: | 10/26/2020 |
|--|-------------------------|--------------|------------|

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

| | | | |
|--------------------------------------|---------------|-------------------|--------------|
| Utah Admin. Code Ref (R no.): | R909-3 | Filing No. | 53158 |
|--------------------------------------|---------------|-------------------|--------------|

Agency Information

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

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

General Information

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|--|
| 2. Rule or section catchline: |
| R909-3. Standards for Utah School Buses |
| 3. Purpose of the new rule or reason for the change: |
| This administrative rule incorporates by reference the Standards for Utah School Buses and Operations, and it regulates advertisement allowed on school busses. The purpose of this proposed change is to incorporate the most recently published edition of the Standards for Utah School Buses and Operations. |
| 4. Summary of the new rule or change: |
| This proposed change incorporates by reference the 2020 Edition of the Standards for Utah School Buses and Operations and makes technical and grammatic changes, which is the most recent edition of those standards. |

Fiscal Information

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|---|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| The Department of Transportation (Department) does not anticipate this proposed rule change will affect the state's budget. None of the changes made in the 2020 Edition of the Standards for Utah School Buses and Operations lead to costs or efficiencies. |
| B) Local governments: |
| This proposed rule change will not lead to additional costs or savings to local governments because it does not apply to them. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| This proposed rule change will not lead to additional costs or savings to small businesses because it does not apply to them, generally. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| This proposed rule change will not lead to additional costs or savings to non-small businesses because it does not apply to them, generally. |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>): |
| This proposed rule change will not lead to additional costs or savings to persons other than small businesses, non-small businesses, state, or local government entities because it does not apply to them. It does apply to public school districts and private schools that operate busses. However, the proposed changes will not lead to costs or savings to public school districts or private schools that operate busses because none of the changes made in the 2020 Edition of the Standards for Utah School Buses and Operations lead to costs or efficiencies. |
| F) Compliance costs for affected persons: |
| Public school districts and private schools that operate busses will be affected by the proposed changes to this rule. However, the proposed changes do not lead to additional costs or savings so there will be no compliance costs for the affected persons. |
| G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.) |

| Regulatory Impact Table | | | |
|---|---------------|---------------|---------------|
| Fiscal Cost | FY2021 | FY2022 | FY2023 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |
| H) Department head approval of regulatory impact analysis: | | | |
| Carlos M. Braceras, the Executive Director of the Department of Transportation, approves this regulatory impact analysis. | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | |
| This proposed rule change will not have a fiscal impact on businesses. | | | |
| B) Name and title of department head commenting on the fiscal impacts: | | | |
| Carlos M. Braceras, PE, 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 41-6a-1304 | Section 41-6a-1309 | |

Incorporations by Reference Information

| | |
|---|--|
| 8. A) This rule adds, updates, or removes the following title of materials incorporated by references: | |
| | First Incorporation |
| Official Title of Materials Incorporated (from title page) | Standards for Utah School Buses and Operations |
| Publisher | Utah State Board of Education |
| Date Issued | Published December 7, 2018 |
| Issue, or version | 2020 Edition |

Public Notice Information

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|--|------------|
| 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: | 12/15/2020 |

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 12/22/2020 |
| 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: | Carlos M. Braceras, PE, Executive Director | Date: | 10/30/2020 |
|--|--|--------------|------------|

NOTICE OF PROPOSED RULE

| | | |
|--------------------------------------|---------------|-----------------------------------|
| TYPE OF RULE: Amendment | | |
| Utah Admin. Code Ref (R no.): | R940-6 | Filing No. 53160 |

Agency Information

| | |
|-----------------------|---------------------------------|
| 1. Department: | Transportation Commission |
| Agency: | Administration |
| Room no.: | Administrative Suite, 1st Floor |

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

General Information

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|--|
| 2. Rule or section catchline: |
| R940-6. Prioritization of New Transportation Capacity Projects |
| 3. Purpose of the new rule or reason for the change: |
| This administrative rule provides a procedure the Transportation Commission (Commission) follows to satisfy the requirements of Section 72-1-304. The Commission wants to change the rule to improve the prioritization process. |
| 4. Summary of the new rule or change: |
| The proposed changes add defined terms, delete unnecessary commission duties, add requirements to provide opportunity for public input, add requirements related to Transportation Investment Fund (TIF) Active Transportation Project in a Department Approved Active Transportation Plan, add requirements for nominating a project for prioritization, and add ways to make such nominations. |

Fiscal Information

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| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| The Department of Transportation (Department) does not anticipate these proposed changes will result in any costs or savings to the state budget because they modify procedures the commission already must follow to prioritize new transportation capacity projects. |

| | | | |
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| B) Local governments: | | | |
| The Department does not anticipate these proposed changes will result in any costs or savings to local governments because this rule does not apply to local governments. | | | |
| C) Small businesses ("small business" means a business employing 1-49 persons): | | | |
| The Department does not anticipate these proposed changes will result in any costs or savings to small businesses because this rule does not apply to small businesses. | | | |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): | | | |
| The department does not anticipate these proposed changes will result in any costs or savings to non-small businesses because this rule does not apply to non-small businesses. | | | |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>): | | | |
| The Department does not anticipate these proposed changes will result in any costs or savings to persons other than small businesses, non-small businesses, state, or local government because this rule only applies to the Commission. | | | |
| F) Compliance costs for affected persons: | | | |
| The only person affected by these proposed changes is the Commission. The changes are procedural and will not cost anything to implement. There are no compliance 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 |

NOTICES OF PROPOSED RULES

| | | | |
|---|------------|------------|------------|
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |
| H) Department head approval of regulatory impact analysis: | | | |
| Carlos M. Braceras, PE, the Executive Director of the Department of Transportation, approves this regulatory impact analysis. | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | |
| This proposed rule change will not have a fiscal impact on businesses, generally. | | | |
| B) Name and title of department head commenting on the fiscal impacts: | | | |
| Carlos M. Braceras, PE, Executive Director | | | |

Citation Information

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

| | | |
|---------------------------|--|--|
| Subsection 72-1-304(4) | | |
|---------------------------|--|--|

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: | 12/15/2020 |
|--|------------|

| | |
|--|------------|
| 10. This rule change MAY become effective on: | 12/22/2020 |
|--|------------|

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: | Carlos M. Braceras, PE, Executive Director | Date: | 10/30/2020 |
|--|--|--------------|------------|

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the 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.): | R27-1 | Filing No. 50056 |

Agency Information

| | | |
|--|--------------------------|------------------|
| 1. Department: | Administrative Services | |
| Agency: | Fleet Operations | |
| Street address: | 4315 S 2700 W 3rd Floor | |
| City, state, zip: | Salt Lake City, UT 84129 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Stewart Cowley | | scowley@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|---|
| 2. Rule catchline: |
| R27-1. Definitions |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| This rule is established pursuant to Section 63A-9-401, which requires the Department of Administrative Services, Division of Fleet Operations, to establish rules regarding the State Fleet. |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |
| There have been no written comments received during the last five-year period. |

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| 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 still required pursuant to Section 63A-9-401. Therefore, this rule should be continued. |

Agency Authorization Information

| | | | |
|--|--------------------------|--------------|------------|
| Agency head or designee, and title: | Stewart Cowley, Director | Date: | 10/20/2020 |
|--|--------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|--|-------|------------------|
| Utah Admin. Code Ref (R no.): | R27-2 | Filing No. 50057 |

Agency Information

| | | |
|--|--------------------------|------------------|
| 1. Department: | Administrative Services | |
| Agency: | Fleet Operations | |
| Street address: | 4315 S 2700 W 3rd Floor | |
| City, state, zip: | Salt Lake City, UT 84129 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Stewart Cowley | | scowley@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule catchline: |
| R27-2. Fleet Operations Adjudicative Proceedings |

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

This rule is established pursuant to Section 63A-9-401, which requires the Department of Administrative Services, Division of Fleet Operations, to establish rules regarding the State Fleet.

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

There have been no written comments received during the last five-year period.

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

This rule is required pursuant to Section 63A-9-401. Therefore, this rule should be continued.

Agency Authorization Information

| | | | |
|--|--------------------------|--------------|------------|
| Agency head or designee, and title: | Stewart Cowley, Director | Date: | 10/20/2020 |
|--|--------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|--|--------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R27-3 | Filing No. 50051 |

Agency Information

| | | |
|--|--------------------------|------------------|
| 1. Department: | Administrative Services | |
| Agency: | Fleet Operations | |
| Street address: | 4315 S 2700 W 3rd Floor | |
| City, state, zip: | Salt Lake City, UT 84129 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Stewart Cowley | | scowley@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|---|
| 2. Rule catchline: |
| R27-3. Vehicle Use Standards |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| This rule is established pursuant to Subsection 63A-9-401(1)(d), which authorizes the Division of Fleet Operations to establish the requirements for the use of |

state vehicles including business and personal use practices and commute standards.

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

There have been no written comments received during the last five-year period.

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

This rule is still required pursuant to Subsection 63A-9-401(1)(d). Therefore, this rule should be continued.

Agency Authorization Information

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|--|--------------------------|--------------|------------|
| Agency head or designee, and title: | Stewart Cowley, Director | Date: | 10/20/2020 |
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| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|--|--------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R27-7 | Filing No. 50055 |

Agency Information

| | | |
|--|--------------------------|------------------|
| 1. Department: | Administrative Services | |
| Agency: | Fleet Operations | |
| Street address: | 4315 S 2700 W 3rd Floor | |
| City, state, zip: | Salt Lake City, UT 84129 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Stewart Cowley | | scowley@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

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| 2. Rule catchline: |
| R27-7. Safety and Loss Prevention of State Vehicles |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| This rule is established pursuant to Subsection 63A-9-401(1)(d)(iii) which requires the Division of Fleet Operations to make rules establishing requirements for fleet safety and loss prevention programs. |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |

There have been no written comments received during the last five-year period.

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

This rule is required pursuant to Section 63A-9-401. Therefore, this rule should be continued.

Agency Authorization Information

| | | | |
|--|--------------------------|--------------|------------|
| Agency head or designee, and title: | Stewart Cowley, Director | Date: | 10/20/2020 |
|--|--------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|--|----------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R151-14 | Filing No. 50228 |

Agency Information

| | | |
|--|-------------------------------|-------------------|
| 1. Department: | Commerce | |
| Agency: | Administration | |
| Building: | Heber M Wells Bldg | |
| Street address: | 160 E 300 S, Second Floor | |
| City, state, zip: | Salt Lake City, UT 84111 | |
| Mailing address: | Box 146701 | |
| City, state, zip: | Salt Lake City, UT 84114-6701 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Masuda Medcalf | 801-530-7663 | mmedcalf@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

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| 2. Rule catchline: |
| R151-14. New Automobile Franchise Act Rule |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| The New Automobile Franchise Act (NAFA), Section 13-14-101 governs the distribution and sales of new motor vehicles through franchise agreements and regulates the relationship between franchisors and franchisees. Section 13-14-104 authorizes the Utah Motor Vehicle Franchise Advisory Board and the Department of Commerce to promulgate rules regarding the administration of NAFA. |

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 regarding this rule in the past five years.

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

The rule is necessary to administer the registration of franchisees and franchisors and to conduct adjudicative proceedings before the Board. Therefore, this rule should be continued.

Agency Authorization Information

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| Agency head or designee, and title: | Chris Parker, Executive Director | Date: | 10/21/2020 |
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| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|--|-----------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R156-61a | Filing No. 50293 |

Agency Information

| | | |
|--|---|------------------|
| 1. Department: | Commerce | |
| Agency: | Occupational and Professional Licensing | |
| Building: | Heber M Wells Bldg | |
| Street address: | 160 E 300 S | |
| City, state, zip: | Salt Lake City, UT 84111-2316 | |
| Mailing address: | PO Box 146741 | |
| City, state, zip: | Salt Lake City, UT 84114-6741 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Jennifer Zaelit-Falkenrath | 801-530-7632 | jzaelit@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

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| 2. Rule catchline: |
| R156-61a. Behavior Analyst Licensing Act Rule |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| Title 58, Chapter 61, Part 7, provides for the licensure and regulation of behavior analysts and assistant behavior specialists. Subsection 58-1-106(1)(a) provides that the |

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-1-202(1)(a) provides that the Psychologist Licensing Board's duties, functions, and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 61, Part 7, with respect to behavior analysts and assistant behavior specialists.

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:

Since this rule was originally enacted in November 2015, the Division has received no written comments with respect to 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 should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 61, Part 7. This rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

Agency Authorization Information

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| Agency head or designee, and title: | Mark B. Steinagel, Division Director | Date: | 06/18/2020 |
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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| Utah Admin. Code Ref (R no.): | R356-2 | Filing No. 50850 |
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Agency Information

| | |
|--------------------------|---|
| 1. Department: | Governor |
| Agency: | Criminal and Juvenile Justice (State Commission on) |
| Room no.: | 330 |
| Building: | Senate |
| Street address: | Utah State Capitol Complex PO Box 14230 |
| City, state, zip: | Salt Lake City, UT 84114-2330 |

| Contact person(s): | | |
|--|---------------|---------------------|
| Name: | Phone: | Email: |
| Kim Cordova | 801-425-7346 | kimcordova@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

2. Rule catchline:

R356-2. Judicial Nominating Commissions

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

Under the authority of Section 78A-10-1, this rule provides procedures for nominating and the appointment of judges.

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

No written comments were received.

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

Utah has a merit based process for its selection of judges. It is one of the best models in the country and as a result, the judiciary in Utah is extraordinary. The process also builds trust with the community and faith by the community in the judiciary. The Commission agrees that there needs to be amendments to this rule to reflect the current process. The amendment will be filed concurrently with this review. Therefore, this rule should be continued. (EDITOR'S NOTE: The proposed amendment to Rule R356-2 is under Filing No. 53141 in this issue, November 15, 2020, of the Bulletin.)

Agency Authorization Information

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| Agency head or designee, and title: | Kim Cordova, Executive Director | Date: | 10/21/2020 |
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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| Utah Admin. Code Ref (R no.): | R434-50 | Filing No. 51098 |
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Agency Information

| | | |
|--|---|-----------------------|
| 1. Department: | Health | |
| Agency: | Family Health and Preparedness, Primary Care and Rural Health | |
| Room no.: | 361 | |
| Street address: | 3760 S Highland Drive | |
| City, state, zip: | Salt Lake City, UT 84106 | |
| Mailing address: | PO Box 142005 | |
| City, state, zip: | Salt Lake City, UT 84114-2005 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Ashley Moretz | 801-350-1546 | amoretz@utah.gov |
| Colton Gordon | 801-230-6570 | coltongordon@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

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| 2. Rule catchline: |
| R434-50. Assistance for People with Bleeding Disorders |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| This rule is required by Subsection 26-47-103(5). It implements Section 103 of the Health Care Assistance Act, Title 26, Chapter 47. In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Health shall make rules governing the administration of the program, which is Rule R434-50. |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |
| No written comments have been received since the last five-year review of the rule from interested persons supporting or opposing 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 should be continued because it has met the requirements of its authorizing statute and this rule has facilitated a well-administered program that meets the statutory purposes of Section 26-47-103. |

Agency Authorization Information

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|--|--|--------------|------------|
| Agency head or designee, and title: | Richard Saunders, Interim Executive Director | Date: | 10/22/2020 |
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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| Utah Admin. Code Ref (R no.): | R527-35 | Filing No. 51274 |
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Agency Information

| | | |
|--|-------------------------------|------------------|
| 1. Department: | Human Services | |
| Agency: | Recovery Services | |
| Street address: | 515 E 100 S | |
| City, state, zip: | Salt Lake City, UT 84102-4211 | |
| Mailing address: | PO Box 45033 | |
| City, state, zip: | Salt Lake City, UT 84145-0033 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Scott Weight | 801-741-7435 | sweigh2@utah.gov |
| Casey Cole | 801-741-7523 | cacole@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

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| 2. Rule catchline: |
| R527-35. Non-IV-A Fee Schedule |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| Section 62A-11-107 gives the Office of Recovery Services (ORS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law pursuant to Title 62A, Chapter 11. Provisions found in Section 62A-11-104 require the ORS to collect money due the agency which may help offset state expenditure. 45 CFR 302.33 states that ORS must provide that an application fee will be charged for each individual who applies for services, that ORS shall collect the application fee from the individual or pay the application fee out of state funds, and that ORS may elect to recover any costs incurred in excess of any fees collected to cover administrative costs. This rule provides the schedule of fees that ORS may charge recipient of child support services who are not receiving financial assistance or Medicaid. |

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:

There have been no comments received since the last five-year review of this rule.

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

This rule should be continued because the fees outlined in this rule that are charged for the Non-IV-A services provided by ORS are still in effect. In addition, this rule incorporates 45 CFR 302.33 by reference, which is still in effect, and addresses the costs that a state may elect to recover for providing Non-IV-A services. The fees listed in this rule are not specified in the federal regulations or in the authorizing state statute.

Agency Authorization Information

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| Agency head or designee, and title: | Liesa Stockdale, Director | Date: | 10/13/2020 |
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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| Utah Admin. Code Ref (R no.): | R655-10 | Filing No. 51720 |
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Agency Information

| | | |
|--|--------------------------|---------------------------|
| 1. Department: | Natural Resources | |
| Agency: | Water Rights | |
| Room no.: | 220 | |
| Street address: | 1594 W North Temple | |
| City, state, zip: | Salt Lake City, UT 84116 | |
| Mailing address: | 1594 W North Temple | |
| City, state, zip: | Salt Lake City, UT 84116 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Marianne Burbidge | 801-538-7370 | Marianneburbidge@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

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| 2. Rule catchline: |
| R655-10. Dam Safety Classifications, Approval Procedures and Independent Reviews |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |

This rule is established under the authority of Title 73, Chapter 5a. The procedures constitute minimum requirements for dams. Additional procedures may be required to comply with any other governing statute, federal law, federal regulation, or local ordinance. The purpose of this rule is to outline the procedures necessary to obtain approval to design, construct, operate, and remove a dam. This rule in no way waives the right of the State Engineer to evaluate the merits of different procedures or to require additional information before approval of any project. This rule applies to any dam constructed in the state with the exception of those specifically exempted by Section 73-5a-102. Some dams may have an abbreviated approval process as outlined in Section 73-5a-202.

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 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:

Rule R655-10 is still required for processing and acceptance by the State Engineer. Therefore, this rule should be continued.

Agency Authorization Information

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|--|---|--------------|------------|
| Agency head or designee, and title: | Teresa Wilhelmsen, PE, State Engineer/ Director | Date: | 10/28/2020 |
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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|--------------------------------------|----------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R655-11 | Filing No. 51721 |
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Agency Information

| | | |
|---------------------------|--------------------------|---------------------------|
| 1. Department: | Natural Resources | |
| Agency: | Water Rights | |
| Room no.: | 220 | |
| Street address: | 1594 W North Temple | |
| City, state, zip: | Salt Lake City, UT 84116 | |
| Mailing address: | 1594 W North Temple | |
| City, state, zip: | Salt Lake City, UT 84116 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Marianne Burbidge | 801-538-7370 | Marianneburbidge@utah.gov |

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

General Information

2. Rule catchline:

R655-11. Requirements for the Design, Construction and Abandonment of Dams

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

This rule is established under the authority of Title 73, Chapter 5a. The procedures constitute minimum design requirements for dams. Additional procedures may be required to comply with any other governing statute, federal law, federal regulation, or local ordinance. This rule applies to any dam constructed in the state with the exception of those specifically exempted by Section 73-5a-102 and those dams not requiring plans as outlined in Section 73-5a-202.

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 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:

Rule R655-11 is still required for processing and acceptance by the State Engineer. Therefore, this rule should be continued.

Agency Authorization Information

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| Agency head or designee, and title: | Teresa Wilhelmsen, PE, State Engineer/ Director | Date: | 10/28/2020 |
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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| Utah Admin. Code Ref (R no.): | R655-12 | Filing No. 51724 |
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Agency Information

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|--------------------------|--------------------------|
| 1. Department: | Natural Resources |
| Agency: | Water Rights |
| Room no.: | 220 |
| Street address: | 1594 W North Temple |
| City, state, zip: | Salt Lake City, UT 84116 |
| Mailing address: | 1594 W North Temple |
| City, state, zip: | Salt Lake City, UT 84116 |

Contact person(s):

| | | |
|-------------------|---------------|---------------------------|
| Name: | Phone: | Email: |
| Marianne Burbidge | 801-538-7370 | Marianneburbidge@utah.gov |

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

General Information

2. Rule catchline:

R655-12. Requirements for Operational Dams

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

This rule is established under the authority of Title 73, Chapter 5a. The procedures constitute minimum operational requirements for dams. Additional procedures may be required to comply with any other governing statute, federal law, federal regulation, or local ordinance. This rule applies to any dam constructed in the state with the exception of those specifically exempted by Section 73-5a-102, and those dams not requiring plans as outlined in Section 73-5a-202.

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 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:

Rule R655-12 is still required for processing and acceptance by the State Engineer. Therefore, this rule should be continued.

Agency Authorization Information

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| Agency head or designee, and title: | Teresa Wilhelmsen, PE, State Engineer/ Director | Date: | 10/28/2020 |
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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| Utah Admin. Code Ref (R no.): | R722-910 | Filing No. 51938 |
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Agency Information

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| 1. Department: | Public Safety |
| Agency: | Criminal Investigations and Technical Services, Criminal Identification |
| Street address: | 3888 W 5400 S |

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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|--|------------------------|--------------------|
| City, state, zip: | Taylorsville, UT 84129 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Kim Gibb | 801-556-8198 | kgibb@utah.gov |
| Greg Willmore | 801-965-4533 | gwillmor@utah.gov |
| Nicole Borgeson | 801-281-5072 | nshepherd@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

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| 2. Rule catchline: |
| R722-910. Non-Reportable Traffic Offenses |
| 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 53-10-104(13) authorizes the Department of Public Safety to promulgate rules to implement the provisions of Title 53, Chapter 10. This rule establishes procedures regarding the collection and dissemination of non-reportable traffic offenses. |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |
| There have been no written comments received during and since the last five-year review of this rule. |
| 5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any: |
| This rule is authorized under Subsection 53-10-104(13) and is necessary in order to outline procedures regarding the collection and dissemination of non-reportable traffic offenses. Therefore, this rule should be continued. |

Agency Authorization Information

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| Agency head or designee, and title: | Jess L. Anderson, Commissioner | Date: | 10/27/2020 |
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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| Utah Admin. Code Ref (R no.): | R909-3 | Filing No. | 52100 |
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Agency Information

| | | |
|--|---------------------------------|----------------------|
| 1. Department: | Transportation | |
| Agency: | Motor Carrier | |
| Room no.: | Administrative Suite, 1st Floor | |
| Building: | Calvin Rampton | |
| Street address: | 4501 S 2700 W | |
| City, state, zip: | Taylorsville, UT | |
| Mailing address: | PO Box 148455 | |
| City, state, zip: | Salt Lake City, UT 84114-8455 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Linda Hull | 801-965-4253 | lhull@utah.gov |
| James Palmer | 801-965-4197 | jimpalmer@agutah.gov |
| Lori Edwards | 801-965-4048 | ledwards@agutah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

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| 2. Rule catchline: |
| R909-3. Standards for Utah School Buses |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| This rule is enacted under authority of Sections 41-6a-1304 and 41-6a-1309 for the purpose of governing the design and operation of school buses and governing the placement of advertisements on school buses. Section 41-6a-1304 requires the Department of Transportation (Department) to maintain this rule. |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |
| The Department has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule. |
| 5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any: |
| Section 41-6a-1304, which is effective law, requires the Department to maintain this rule. Therefore, this rule should be continued. |

Agency Authorization Information

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| Agency head or designee, and title: | Carlos M. Braceras, PE, Executive Director | Date: | 10/28/2020 |
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| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
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| Utah Admin. Code Ref (R no.): | R940-6 | Filing No. 52162 |

Agency Information

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

General Information

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| 2. Rule catchline: |
| R940-6. Prioritization of New Transportation Capacity Projects |
| 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 72-1-304(5) requires the Transportation Commission (Commission) to consult with the Department of Transportation (Department) and the metropolitan planning organizations to make rules establishing the written prioritization process pursuant to Subsection 72-1-304(1). As required by Subsection 72-1-304(5), the Department and the Commission have consulted and established the written prioritization process. This rule codifies that written prioritization process as required by Subsection 72-1-304(5).

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:

Acting on behalf of the Commission, the Department has received numerous written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule. The written comments are from representatives of local governments, other state agencies, and quasi-state agencies that are affected by the way the Commission prioritizes projects. The Commission made changes to this rule in October 2019, and it is filing proposed changes to this rule the same day it files this five-year review. The written comments represent the collaboration that the Department and Commission work to engage in with affected persons and entities. Since a collaboration takes place, the comments received both support and oppose this rule because it is all part of the process. The changes the Commission makes to the rule are largely a result of the collaboration between the stakeholders. (EDITOR'S NOTE: The proposed amendment to Rule R940-6 is under Filing No. 53160 in this issue, November 15, 2020, of the Bulletin.)

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 must be continued because it satisfies the requirements of Subsection 72-1-304(5), which remains in effect.

Agency Authorization Information

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| Agency head or designee, and title: | Carlos M. Braceras, PE, Executive Director | Date: | 10/30/2020 |
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Administrative Services

Records Committee

No. 52790 (Amendment and CPR) R35-2-2: Scheduling and Declining Requests for Hearings

Published: 09/15/2020

Effective: 10/16/2020

Records Management Committee

No. 52975 (New Rule) R36-1: Records Management Committee

Published: 08/15/2020

Effective: 10/16/2020

Alcoholic Beverage Control

Administration

No. 53013 (Amendment) R82-1: General

Published: 09/15/2020

Effective: 10/27/2020

No. 53014 (Amendment) R82-1-208: Percentage lease agreements

Published: 09/15/2020

Effective: 10/27/2020

No. 53015 (Amendment) R82-1-304: Background Checks for Resort Licenses

Published: 09/15/2020

Effective: 10/27/2020

No. 53016 (Amendment) R82-2-303: Non-Consignment Inventory

Published: 09/15/2020

Effective: 10/27/2020

No. 53017 (Amendment) R82-5-101: General Retail License Provisions

Published: 09/15/2020

Effective: 10/27/2020

No. 53018 (Amendment) R82-5-102: Licensing Ownership, and Transfer of License

Published: 09/15/2020

Effective: 10/27/2020

No. 53019 (Amendment) R82-5-104: Liquor Dispensing Systems

Published: 09/15/2020

Effective: 10/27/2020

No. 53020 (Amendment) R82-5-107: Identification

Published: 09/15/2020

Effective: 10/27/2020

No. 53021 (Amendment) R82-6-602: Reporting Requirement for Banquet Licensees

Published: 09/15/2020

Effective: 10/27/2020

No. 53022 (Amendment) R82-6-1005: Hospitality Amenity Licensee Notice and Records

Published: 09/15/2020

Effective: 10/27/2020

No. 53023 (Amendment) R82-7-102: Off-Premise Beer Retailer State License & Master Off-Premise Beer Retailer License

Published: 09/15/2020

Effective: 10/27/2020

Commerce

Consumer Protection

No. 53044 (Amendment) R152-49: Immigration Consultants Registration Act Rule

Published: 09/15/2020

Effective: 10/26/2020

NOTICES OF RULE EFFECTIVE DATES

Occupational and Professional Licensing
No. 53070 (Amendment) R156-17b: Pharmacy Practice Act Rule
Published: 10/01/2020
Effective: 11/10/2020

No. 53041 (Amendment) R156-28: Veterinary Practice Act Rule
Published: 09/15/2020
Effective: 10/23/2020

No. 53064 (Amendment) R156-60: Mental Health Professional Practice Act Rule
Published: 10/01/2020
Effective: 11/10/2020

No. 53065 (Amendment) R156-60a: Social Worker Licensing Act Rule
Published: 10/01/2020
Effective: 11/10/2020

No. 53071 (Amendment) R156-60b: Marriage and Family Therapist Licensing Act Rule
Published: 10/01/2020
Effective: 11/10/2020

No. 53066 (Amendment) R156-60c: Clinical Mental Health Counselor Licensing Act Rule
Published: 10/01/2020
Effective: 11/10/2020

No. 53067 (Amendment) R156-60d: Substance Use Disorder Counselor Act Rule
Published: 10/01/2020
Effective: 11/10/2020

Real Estate
No. 52504 (Amendment) R162-2f: Real Estate Licensing and Practices Rules
Published: 09/01/2020
Effective: 10/21/2020

Education

Administration
No. 53026 (New Rule) R277-319: Special Educator Stipends
Published: 09/01/2020
Effective: 11/09/2020

No. 53024 (Amendment) R277-406: Early Learning Program and Benchmark Assessments
Published: 09/01/2020
Effective: 11/09/2020

No. 53027 (Amendment) R277-492: Utah Science Technology and Research Initiative (USTAR) Centers Program
Published: 09/01/2020
Effective: 11/09/2020

No. 53028 (Repeal) R277-525: Special Educator Stipends
Published: 09/01/2020
Effective: 11/09/2020

No. 53031 (Amendment) R277-552: Charter School Timelines and Approval Processes
Published: 09/15/2020
Effective: 10/23/2020

No. 53029 (Amendment) R277-750: Education Programs for Students with Disabilities
Published: 09/01/2020
Effective: 11/06/2020

No. 53030 (Amendment) R277-925: Effective Teachers in High Poverty Schools Incentive Program
Published: 09/01/2020
Effective: 11/09/2020

Environmental Quality

Air Quality
No. 53004 (New Rule) R307-240: Prescribed Burning
Published: 09/01/2020
Effective: 11/05/2020

Water Quality
No. 53042 (Amendment) R317-1: TMDLs
Published: 09/15/2020
Effective: 10/30/2020

Health

Health Care Financing, Coverage and Reimbursement Policy
No. 53073 (Amendment) R414-307: Eligibility for Home and Community-Based Services Waivers
Published: 10/01/2020
Effective: 11/10/2020

Human Services

Services for People with Disabilities
No. 53069 (Repeal and Reenact) R539-1: Eligibility
Published: 10/01/2020
Effective: 11/09/2020

Labor Commission

Adjudication
No. 53008 (Amendment) R602-2: Pleadings and Discovery
Published: 09/01/2020
Effective: 10/22/2020

Occupational Safety and Health
No. 53033 (Amendment) R614-1: Incorporation of Federal Standards
Published: 09/15/2020
Effective: 10/23/2020

Natural Resources

Oil, Gas and Mining; Non-Coal
No. 53045 (Amendment) R647-1: Definitions
Published: 09/15/2020
Effective: 10/29/2020

No. 53046 (Amendment) R647-3: Mine Enlargement
Published: 09/15/2020
Effective: 10/29/2020

No. 53047 (Amendment) R647-4: Revisions
Published: 09/15/2020
Effective: 10/29/2020

Wildlife Resources

No. 53058 (Amendment) R657-10: Taking Cougar
Published: 10/01/2020
Effective: 11/09/2020

Tax Commission

Property Tax
No. 53011 (Amendment) R884-24P-33: 2020 Personal
Property Valuation Guides and Schedules Pursuant to Utah
Code Ann. Section 59-2-107
Published: 09/01/2020
Effective: 10/20/2020

End of the Notices of Rule Effective Dates Section