

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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# EXECUTIVE DOCUMENTS

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

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

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## EXECUTIVE ORDER 2021-13

Declaring a State of Emergency Due to Drought Conditions

**WHEREAS**, the state of Utah experienced a record dry and near record hot calendar year in 2020;

**WHEREAS**, the statewide snowpack reached approximately 81% of normal and peaked 10 days early;

**WHEREAS**, soil moisture reached exceptionally low levels not previously seen since soil moisture monitoring began in 2006;

**WHEREAS**, low soil moisture has already adversely affected the spring runoff;

**WHEREAS**, the state's reservoir storage has decreased 14% over the past year;

**WHEREAS**, all forecasts for spring runoff for the state are below 76% of the state seasonal average;

**WHEREAS**, the United States Department of Agriculture currently has listed 28 primary and one contiguous county in Utah under the Secretarial Disaster Designation for drought;

**WHEREAS**, these extreme drought conditions have adversely and significantly impacted agribusiness and livestock production, as well as wildlife and natural habitats;

**WHEREAS**, increased recreation in dry vegetative conditions has contributed to an increased and prolonged threat of wildfire across the state;

**WHEREAS**, drought conditions that require mitigation are expected to persist;

**WHEREAS**, these conditions create a state of emergency within the intent of the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code;

**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;

EXECUTIVE DOCUMENTS

**NOW, THEREFORE**, I, Spencer J. Cox, Governor of the State of Utah, declare a state of emergency due to the aforesaid circumstances requiring aid, assistance, and relief available from State resources and hereby order:

1. The state Emergency Operations Plan is activated.
2. The state Drought Response Plan is activated.
3. The state Drought Response Committee is activated and shall:
  - a. review hardships and unmet needs caused by the drought;
  - b. identify and recommend action to meet those needs;
  - c. ensure inter-agency coordination in addressing those needs; and
  - d. recommend when deactivation of the state Drought Response should occur.

This Order is effective immediately and shall remain in effect for 30 days unless the Legislature extends the state of emergency.

**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 13th day of May, 2021.

(State Seal)

**Spencer J. Cox**  
Governor

ATTEST:

**Deidre M. Henderson**  
Lieutenant Governor

2021/13/EO

**PROCLAMATION**

**2021-1S**

**WHEREAS**, since the adjournment of the 2021 General Session of the Sixty-fourth Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

**WHEREAS**, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

**NOW, THEREFORE**, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Sixty-fourth Legislature of the State of Utah into a First Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 19th day of May 2021, at 9:30 a.m., to consider the following:

1. authorizing the state to accept certain federal funds made available to Utah by the federal government through the American Rescue Plan Act of 2021;
2. appropriating federal funds made available to Utah by the federal government through the American Rescue Plan Act of 2021;
3. making changes to fiscal years 2021 and 2022 budgets and appropriations intent language;
4. amending local government building regulations;
5. amending industrial hemp regulations; and
6. addressing HB 410, Juvenile Justice Amendments which passed during the 2021 General Session and was rejected during the enrolling process due to the lack of an enacting clause;
7. amending provisions of the Health Spa Services Protection Act to amend provisions relating to: the assignment of a contract for a health spa service; the definition of a consumer's "primary location"; and the requirements for exemptions relating to bonds, letters of credit, or certificates of deposit;

8. adjusting effective dates for provision in HB 162, Peace Officer Training Amendments and HB334, Special Needs Training for Law Enforcement Amendments, both of which passed during the 2021 General Session and was signed by the governor;
9. amending public notice requirements of certain government actions to address an unintended consequence of eliminating newspaper publication requirements in SB 201, Public Notice Amendments which passed during the 2021 General Session and was signed by the governor;
10. adjusting funding sources for projects itemized in HB 433, Amendments Related to Infrastructure Funding, which passed during the 2021 General Session and was signed by the governor;
11. correcting technical errors in SB 51, Group Gang Enhancement Amendments which passed during the 2021 General Session and was signed by the governor;
12. a resolution celebrating the history and cultures of Asian Americans and Pacific Islanders and condemning acts of anti-Asian hate;
13. authorizing UPSTART funds to be used on behalf of kindergarten students who experience learning loss caused by the COVID-19 pandemic;
14. extending the state of emergency for drought conditions;
15. amending the eligibility criteria for peace officers;
16. modifying deadlines relating to the Independent Redistricting Commission;
17. prohibiting certain face mask requirements in K-12 schools;
18. modifying certain grant programs established in response to the COVID-19 pandemic and creating a grant program for local government to enhance the use of federal funds made available by the federal government through the American Rescue Plan Act of 2021;
19. authorizing sheriffs and bail commissioners to release individuals detained in jail before trial on their own recognizance in certain circumstances;
20. amend provisions relating to the sale of electronic cigarette products and nicotine products;
21. to modify or enact statutes to provide mechanisms, policies, and standards to deliver American Rescue Plan Act of 2021 monies; and
22. consenting to appointments made by the Governor.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 14th day of May 2021.

(State Seal)

**Spencer J. Cox**  
Governor

ATTEST:

**Deidre M. Henderson**  
Lieutenant Governor

**End of the Executive Documents Section**



## NOTICES OF PROPOSED RULES

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between May 01, 2021, 12:00 a.m., and May 14, 2021, 11:59 p.m. are included in this, the June 01, 2021, issue of the *Utah State Digest*.

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

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least July 01, 2021. 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 September 29, 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 Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

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

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	R68-7	Filing No. 53549

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant Industry	
<b>Street address:</b>	350 N Redwood Road	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	801-982-2204	ambermbrown@utah.gov
Robert Hougaard	801-982-2305	rhougaard@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R68-7. Utah Pesticide Control Rule
<b>3. Purpose of the new rule or reason for the change:</b>
Significant changes are needed to make this rule more consistent with the Utah Code, the Utah Rulewriting Manual, and 2017 regulatory changes published by the Environmental Protection Agency (EPA).
<b>4. Summary of the new rule or change:</b>
The changes include updates and clarifications to make the rule consistent with EPA standards including changes to: pesticide certification categories; applicator certification, recertification, and licensing requirements and procedures; pesticide applicator testing procedures; pesticide business licensing requirements; pesticide applicator and business licensee responsibilities; recordkeeping requirements; and pesticide application requirements. The changes also add the requirement to this rule that all pesticide applicators provide spill kits in each service vehicle. Finally, the changes also include nonsubstantive grammatical and spelling edits and other edits that make this rule text more consistent with the requirements of the Utah Rulewriting Manual.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There should be no anticipated cost or savings to the state budget. The costs to administer the program should not change and no fees charged to pesticide licensees have changed.
<b>B) Local governments:</b>
There are no anticipated costs or savings to local governments because they do not participate in the pesticide program.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There will be some additional cost to small businesses because the changes require that licensed pesticide applicators purchase a spill kit that could cost approximately \$35. Each business would need at least two spill kits, one for their storage area and one for their service truck for a total cost of \$70 per business. The vast majority (estimated 90%) of the current 4,000 licensees qualify as small businesses. The total cost for 3,600 licensees to purchase two spill kits each would be approximately \$252,000. The kits should last indefinitely so the cost will only be applicable in FY 2021.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There will be some additional cost to non-small businesses because the changes require that licensed pesticide applicators purchase a spill kit that could cost approximately \$35. Each business would need at least two spill kits, one for their storage area and one for their storage truck for a total cost of \$70 per business. A small portion of the current 4,000 licensees (estimated 10%) qualify as non-small businesses. The total cost for 400 licensees to purchase two spill kits each would be approximately \$28,000. The kits should last indefinitely so the cost will only be applicable in FY 2021.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
Other persons should not be affected by these changes because they do not participate in or administer the Department of Agriculture and Food's pesticide program.
<b>F) Compliance costs for affected persons:</b>
Compliance cost will increase by approximately \$70 for each applicator or business licensee that is required to purchase two spill kits. The kits should last indefinitely so the cost will only be applicable in FY 2021.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$252,000	\$0	\$0
Non-Small Businesses	\$28,000	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$280,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$(280,000)</b>	<b>\$0</b>	<b>\$0</b>

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

The Commissioner of the Department of Agriculture and Food, Craig W. Buttars, has reviewed and approves the regulatory impact analysis.

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

These changes will have a small one-time fiscal impact on businesses in Utah, however, the spill kits that licensees will be required to purchase will ultimately add to program safety and protect the public from pesticide spills.

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

Craig W. Buttars, 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 4-14-106		
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**Incorporations by Reference Information**

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

	<b>First Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	EPA Worker Protection Standard, 40 CFR 170
<b>Publisher</b>	US Federal Government
<b>Date Issued</b>	January 2, 2017

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	07/01/2021
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<b>10. This rule change MAY become effective on:</b>	07/08/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Craig W. Buttars, Commissioner	<b>Date:</b>	05/14/2021
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-317</b>	<b>Filing No. TBD*</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-317. Incentives for National Board Certification
<b>3. Purpose of the new rule or reason for the change:</b>
The rule is being amended to update the application window for national board certification to expand the time for applying.
<b>4. Summary of the new rule or change:</b>
The date changed for accepting applications from July 1 through January 31 annually, rather than through December 1.  (*EDITOR'S NOTE: Due to a glitch in the eRules filing system, this filing could not be filed in the normal manner and had to be sent over email. It was received in time and in proper order to be published in this issue, June 1, 2021, of the Bulletin. As soon as the problem is fixed, it will be put in the system so it is recorded and an ID number will be assigned. An Editor's Note will be published as soon as this happens.)

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have significant fiscal impact on state government revenues or expenditures. Expanding the application window should not meaningfully impact current procedure.
<b>B) Local governments:</b>
This rule change is not expected to have significant fiscal impact on local governments' revenues or expenditures. Expanding the application window should not meaningfully impact current procedure.

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

This rule change is not expected to have significant fiscal impacts on small businesses' revenues or expenditures. Expanding the application window should not meaningfully impact current procedure.

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

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

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

This rule change is not expected to have significant fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Expanding the application window should not meaningfully impact current procedure.

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

There are no significant compliance costs for affected persons. Expanding the application window should not meaningfully impact current procedure.

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

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

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

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

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

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

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Section 53F-2-523	Section 53F-5-202
Subsection 53E-3-401(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:** 07/01/2021

**10. This rule change MAY become effective on:** 07/08/2021

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**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	05/13/2021
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> New		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-320</b>	<b>Filing No. 53545</b>

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-320. Grow Your Own Teacher and School Counselor Pipeline Program
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this rule is to establish requirements for administration of the grant program.
<b>4. Summary of the new rule or change:</b>
H.B. 381, passed in the 2021 General Session, creates the Grow Your Own Teacher and School Counselor Pipeline Program (program) to provide scholarships to certain school employees to become educators and school counselors; establishes eligibility criteria and allowed uses for the program, and requires the State Board of Education to make rules and administer the program.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The amendments are due to H.B. 381 (2021).
<b>B) Local governments:</b>
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The amendments are due to H.B. 381 (2021).
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The amendments are due to H.B. 381 (2021).
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments are due to H.B. 381 (2021).

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

There are no independent compliance costs for affected persons. The amendments in the rule change are due to H.B. 381 (2021).

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

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

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

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

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

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Section 53F-5-218	Subsection 53E-3-401(4)
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**Public Notice Information**

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

**A) Comments will be accepted until:** 07/01/2021

**10. This rule change MAY become effective on:** 07/08/2021

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**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	05/13/2021
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-404</b>	<b>Filing No. 53546</b>

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-404. Requirements for Assessments of Student Achievement
<b>3. Purpose of the new rule or reason for the change:</b>
Board Rule R277-404 requires an annual review and approval to update the effective date of the Standard Test Administration and Testing Ethics Policy referenced within Section R277-404-3.

**4. Summary of the new rule or change:**  
 The policy language was added under Subsection R277-404-3(1)(c) "direction to reference the formative tools' guidance documentation." In addition, there was a section included within the policy, "Formative Assessment Tools" which needs to also be added to the rule.

**Fiscal Information**

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

**A) State budget:**

This rule change is not expected to have significant fiscal impact on state government revenues or expenditures. The amendments should not meaningfully change current procedures because they reflect current practices within the field.

**B) Local governments:**

This rule change is not expected to have significant fiscal impact on local governments' revenues or expenditures. The amendments should not meaningfully change current procedures because they reflect current practices within the field.

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

This rule change is not expected to have significant fiscal impact on small businesses' revenues or expenditures. The amendments should not meaningfully change current procedures because they reflect current practices within the field.

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

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

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

This rule change is not expected to have significant fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments should not meaningfully change current procedures because they reflect current practices within the field.

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

There are no significant compliance costs for affected persons. The amendments to this rule should not meaningfully change current procedures because they reflect current practices within the field.

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

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

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

The department head of Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

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

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

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Section 53F-5-218	Subsection 53E-3-401(4)
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**Public Notice Information**

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

**A) Comments will be accepted until:** 07/01/2021

**10. This rule change MAY become effective on:** 07/08/2021

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**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	05/13/2021
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-477</b>	<b>Filing No.</b>	<b>53547</b>
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**Agency Information**

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

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

**General Information**

**2. Rule or section catchline:**

R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program

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

The rule is being amended due to the changes outlined in H.B. 222, passed in the 2021 General Session.

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

The changes update reporting requirements to work with the School Children's Trust's new website and make additional updates in requirements for oversight of School LAND trust funds; such as, clarify the approval role of the authorizing entity for a charter school, and define a sample for review of Final Reports.

**Fiscal Information**

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

**A) State budget:**

This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The amendments are due to H.B. 222 (2021).

**B) Local governments:**

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The amendments are due to H.B. 222 (2021).

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The amendments are due to H.B. 222 (2021).

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments are due to H.B. 222 (2021).

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

There are no independent compliance costs for affected persons. The amendments in the rule change are due to H.B. 222 (2021).

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

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

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

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

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

businesses. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Section 53D-2-202	Subsection 53F-2-404(2)(d)
Subsection 53E-3-401(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:** 07/01/2021

**10. This rule change MAY become effective on:** 07/08/2021

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**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	05/13/2021
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-491</b>	<b>Filing No.</b>	<b>53548</b>
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**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-491. School Community Councils
<b>3. Purpose of the new rule or reason for the change:</b>
The rule is being amended due to the changes outlined in H.B. 222, passed in the 2021 General Session.
<b>4. Summary of the new rule or change:</b>
The changes update reporting requirements to work with the School Children's Trust's new website and make additional updates in requirements for oversight of School LAND trust funds such as: clarify the approval role of the authorizing entity for a charter school, and define a sample for review of Final Reports.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The amendments are due to H.B. 222 (2021).
<b>B) Local governments:</b>
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The amendments are due to H.B. 222 (2021).
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The amendments are due to H.B. 222 (2021).

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments are due to H.B. 222 (2021).

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

There are no independent compliance costs for affected persons. The amendments in the rule change are due to H.B. 222 (2021).

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

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

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

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

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

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

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Section 53D-2-202	Subsection 53F-2-404(2)(d)
Subsection 53E-3-401(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:** 07/01/2021

**10. This rule change MAY become effective on:** 07/08/2021

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**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	05/13/2021
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NOTICE OF PROPOSED RULE	
<b>TYPE OF RULE:</b> Amendment	
<b>Utah Admin. Code Ref (R no.):</b>	<b>R357-3</b> <b>Filing No. 53542</b>

**Agency Information**

<b>1. Department:</b>	Governor	
<b>Agency:</b>	Economic Development	
<b>Building:</b>	World Trade Center	
<b>Street address:</b>	60 E South Temple	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dane Ishihara	801-538-8864	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R357-3. Economic Development Tax Increment Financing Rule
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this rule filing is to update definitions, eligibility criteria, tax credit calculation, and the contract

modification process. Additionally, H.B. 348, passed during the 2021 General Session, changed the Governor's Office of Economic Development (GOED) to the Governor's Office of Economic Opportunity (GO Utah).

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

This rule filing updates: Section R357-3-102 to include definitions of apportionment, high paying job, and leisure and hospitality industry; Section R357-3-104 amends references of GOED to GO Utah; Section R357-3-105 amends references of GOED to GO Utah, and establishes the criteria for an award above 30% of new state revenues; Section R357-3-106 amends the references of GOED to GO Utah, and establishes criteria to receive, maintain and modify tax credit eligibility; Section R357-3-107 established merger and acquisition eligibility requirements; and Section R357-8-108 establishes county economic distress criteria.

**Fiscal Information**

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

**A) State budget:**  
There is no new aggregate anticipated cost or savings to the state budget. The rule is merely updating program criteria and making technical changes.

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

**C) Small businesses** ("small business" means a business employing 1-49 persons):  
There is no new aggregate anticipated cost or savings to small businesses because this proposed amendment does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation. Participation in the program is optional.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):  
There is no new aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed amendment does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

**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 new aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed amendment does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

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

There are no new compliance costs for affected persons because participation in the program is optional.

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

**Regulatory Impact Table**

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

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

The Executive Director of the Governor's Office of Economic Development, Dan Hemmert, 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 purpose of this rule filing is to clarify the standards for participation in the program and make technical changes. This rule will have no impact on businesses.

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

Dan Hemmert, 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 63N-2-104		
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**Public Notice Information**

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

**A) Comments will be accepted until:** 07/01/2021

**10. This rule change MAY become effective on:** 07/08/2021

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**

<b>Agency head or designee, and title:</b>	Dan Hemmert, Executive Director	<b>Date:</b>	05/13/2021
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R357-39</b>	<b>Filing No.</b>	<b>53544</b>
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**Agency Information**

<b>1. Department:</b>	Governor	
<b>Agency:</b>	Economic Development	
<b>Building:</b>	World Trade Center	
<b>Street address:</b>	60 E South Temple	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dane Ishihara	801-538-8864	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R357-39. Talent Development Grant Rule
<b>3. Purpose of the new rule or reason for the change:</b>
H.B. 348, passed during the 2021 General Session, established talent development grants under the industrial assistance account administered by the Governor's Office of Economic Opportunity. The purpose of this rule is to establish the criteria to receive talent development grant funds.
<b>4. Summary of the new rule or change:</b>
This rule will codify definitions, eligibility criteria, proposal and submission process, method for selecting awards, contract requirements, contract modification process, funding distribution, and reporting requirements.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no new aggregate anticipated cost or savings to the state budget. This rule is merely establishing the process to receive talent development grant funds.
<b>B) Local governments:</b>
There is no new aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There is no new aggregate anticipated cost or savings to small businesses because this proposed rule does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation.

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

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

**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 new aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed rule does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

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

There are no new compliance costs for affected persons because participation is optional.

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

**Regulatory Impact Table**

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

NOTICES OF PROPOSED RULES

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

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

The Executive Director of the Governor's Office of Economic Development, Dan Hemmert, 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 purpose of this rule filing is to establish the standards and review process for talent development grants under the industrial assistance account. This rule will have no negative impact on businesses. Rather, the grant will assist businesses to recruit, train, and hire employees.

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

Dan Hemmert, Executive Director

**Citation Information**

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

Subsection 63G-3-201(2)	Section 63N-3-112	
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	07/01/2021
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<b>10. This rule change MAY become effective on:</b>	07/08/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Dan Hemmert, Executive Director	<b>Date:</b>	05/14/2021
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R384-100</b>	<b>Filing No. 53435</b>

**Agency Information**

<b>1. Department:</b>	Health		
<b>Agency:</b>	Disease Control and Prevention, Health Promotion		
<b>Building:</b>	Cannon Health Building		
<b>Street address:</b>	288 N 1460 W		
<b>City, state:</b>	Salt Lake City, UT		
<b>Mailing address:</b>	PO Box 141010		
<b>City, state, zip:</b>	Salt Lake City, UT 84114-1010		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Marie Nagata		mnagata@utah.gov	

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

**General Information**

<b>2. Rule or section catchline:</b>
R384-100. Cancer Reporting Rule

**3. Purpose of the new rule or reason for the change:**  
 The current Cancer Reporting Rule provides contact information for Utah Cancer Registry that is no longer correct and refers to reporting procedures, based on paper forms that are obsolete. This rule has not been amended for over 10 years. This amendment is proposed to provide correct current contact information for the Utah Cancer Registry, to refer to modern electronic reporting procedures, and to bring this rule up to date in other respects.

**4. Summary of the new rule or change:**  
 Amendments are proposed as follows.  
 In Subsection R384-100-1(3), the clarification of the

purpose of maintaining cancer registry records.

In Section R384-100-2, references are added to applicable definitions already found in Utah Code. Specialized definitions that are not needed are removed.

In Section R384-100-3, the language describing "Reportable Cases" is updated. The definition of a reportable case may change slightly from year to year based on recommendations of national standard-setting organizations for cancer registries, and therefore, reference is made to current information available from Utah Cancer Registry. Correct contact information for the registry is provided.

The old Section R384-100-5 has become the new Section R384-100-4. Language describing entities required to report is amended to simpler language. The old Section R384-100-4 is re-numbered Section R384-100-6.

A new Section R384-100-5 is added. This section describes entities that provide information to the cancer registry but do not fall under the description of required reporters.

In Section R384-100-6, the description of "Case Report Contents" (old Section R384-100-4) is amended to describe modern cancer registry standards. Different expectations for case report contents are stated for different reporting entities. Because expectations for cancer report contents change slightly from year to year based on recommendations of national standard-setting organizations for cancer registries, reference is made to an electronic data item list available from the Utah Cancer Registry website and updated annually.

The old Section R384-100-6 is re-numbered Section R384-100-8.

Section R384-100-7 is substantially amended to describe modern electronic reporting procedures. Correct contact information for Utah Cancer Registry is provided so that entities may contact Utah Cancer Registry to establish electronic reporting.

In Section R384-100-8, time requirements for reporting are described in more detail.

The old Section R384-100-8 is re-numbered Section R384-100-9. Language is amended to provide more detail.

The old Section R384-100-9 is re-numbered Section R382-100-10.

The old Section R384-100-10 is re-named and re-numbered Section R384-100-11.

**Fiscal Information**

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

**A) State budget:**

The amendments to the existing administrative rule are not expected to have any costs to the state budget, because the changes do not affect the state directly.

**B) Local governments:**

The amendments to the existing administrative rule are not expected to have any costs to local governments because the changes do not affect local governments directly.

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

It is estimated that the proposed amendments will have no net fiscal impact on small businesses because the new electronic reporting process described in this amendment will require no more resources than the old manual reporting process. Under the Cancer Reporting Rule currently in place, health care providers and non-hospital health care facilities that diagnose or treat cancer and are small businesses are required to report when contacted by Utah Cancer Registry regarding specific reportable cases. Under this process, a skilled staff member of the provider or facility manually reviews electronic medical records, fills in information on forms, and transmits these by fax. Under the proposed amended rule, these entities will report electronically using information queried from an electronic medical record. The Division of Disease Control and Prevention, Health Promotion expects that an information technology employee of the business will spend approximately one hour (estimated \$105 hour), with telephone consultation with Utah Cancer Registry, to initially set up the new electronic reporting process. A further hour per quarter may be required to maintain the submission of electronic data for cancer registry reporting. This new cost for electronic reporting will be balanced by cost saving because there will no longer be a need for employee time to be spent on the manual reporting process.

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

It is estimated that the proposed amendments will have no net fiscal impact on non-small businesses. For non-small businesses that are hospitals or laboratories, the reporting requirements in the amended rule are a more accurate description of modern electronic cancer reporting processes that these entities currently perform. For non-small businesses that are health care providers and non-hospital health care facilities, the anticipated impacts are similar to those described above for small businesses, i.e. transition from manual to electronic reporting processes. Any new cost in the form of employee time spent setting up electronic reporting is anticipated to be balanced by cost saving because there will no longer be a need for employee time to be spent on the manual reporting processes.

**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**):

Other entities anticipated to be affected by the Cancer Reporting Rule are not-for-profit health care organizations operating hospitals, laboratories, and other health care facilities in Utah. It is estimated that the proposed amendments will have no net fiscal impact on these entities. The reporting requirements in the amended rule are a more accurate description of modern electronic cancer reporting processes that these entities currently perform.

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

The amendments to the existing administrative rule are not expected to have any compliance costs to affected persons, because the changes do not affect individuals directly.

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

**Regulatory Impact Table**

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

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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**H) Department head approval of regulatory impact analysis:**

The 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:**

There is no fiscal impact on business because any new costs for compliance are offset in cost savings of employee time.

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

Richard G. Saunders, 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 26-1-30(6)	Section 26-5-2	Section 26-5-3
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**Incorporations by Reference Information**

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

	<b>First Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	Reportable ICD-10-CM List for Utah Cancer Registry
<b>Publisher</b>	Utah Cancer Registry: <a href="https://uofuhealth.utah.edu/utah-cancer-registry/reporting-cancer-in-utah/docs/icd10-fy2020.pdf">https://uofuhealth.utah.edu/utah-cancer-registry/reporting-cancer-in-utah/docs/icd10-fy2020.pdf</a>
<b>Date Issued</b>	01/01/2020
<b>Issue, or version</b>	2020

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

	<b>Second Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	Data items required by Utah Cancer Registry from reporting facilities
<b>Publisher</b>	Utah Cancer Registry: <a href="https://uofuhealth.utah.edu/utah-cancer-registry/reporting-cancer-in-utah/docs/ucr-required-data-items-">https://uofuhealth.utah.edu/utah-cancer-registry/reporting-cancer-in-utah/docs/ucr-required-data-items-</a>

	2021+_revised-10-26-2020.xlsx
<b>Date Issued</b>	11/01/2020
<b>Issue, or version</b>	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.)

<b>A) Comments will be accepted until:</b>	07/01/2021
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<b>10. This rule change MAY become effective on:</b>	07/08/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Richard G. Saunders, Executive Director	<b>Date:</b>	04/23/2021
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Repeal and Reenact

<b>Utah Admin. Code Ref (R no.):</b>	<b>R436-18</b>	<b>Filing No.</b>	<b>53434</b>
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**Agency Information**

<b>1. Department:</b>	Health
<b>Agency:</b>	Vital Records and Statistics
<b>Room no.:</b>	140
<b>Building:</b>	Cannon Health
<b>Street address:</b>	288 N 1460 W
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 141012
<b>City, state, zip:</b>	Salt Lake City, UT 84114-1012

<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Winger	801-538-6262	Lindaw@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R436-18. Adoption Program Procedures, Form Content, and Donations

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

Changes in Section 78B-6-141 were made during the 2020 General Session 2020 in H.B. 345. The changes provided for an adult adoptee to access an adoption document related to the adoptee with permission from the birth parent. The best mechanism for this new option is to use the Adoption Registry. This rule modifies the rule governing the Adoption Registry to facilitate the new options.

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

The new rule modifies the process currently in the old rule to allow for the creation of a user account in the Adoption Registry. It also modifies the options for information giving several new ones that are now allowable such as a non-certified copy of the original birth record and the use of an intermediary for contact between the adult adoptee and birth parent.

**Fiscal Information****5. Aggregate anticipated cost or savings to:****A) State budget:**

The fiscal impact for the state budget is inestimable because there is no way to estimate the number of adult adoptees who would want to register on the Adoption Registry now that they may be able to obtain a non-certified copy of their original birth certificate. The Office of Vital Records and Statistics (Office) is also not able to estimate the number of birth parents who may now want to register on the Adoption Registry given the new options. The new law gives several new options. There is no historical information that can be used to estimate costs or savings.

**B) Local governments:**

The proposed rule change is not expected to have any fiscal impact on local governments because the Adoption Registry is maintained at the state level.

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

The proposed rule change is not expected to have any fiscal impact on small businesses because the Adoption Registry is maintained by state government.

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

The proposed rule change is not expected to have any fiscal impact on non-small businesses because the Adoption Registry is maintained by state government.

**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 proposed rule change is not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because the Adoption Registry is maintained by state government.

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

The compliance costs for affected persons are inestimable because there is no way to estimate the number of adult adoptees who would want to register on the Adoption Registry now that they may be able to obtain a non-certified copy of their original birth certificate. The Office is also not able to estimate the number of birth parents who may now want to register on the Adoption Registry given the new options. The new law gives several new options. There is no historical information that can be used to estimate 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.)

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

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

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

The Executive Director of the Department of Health, Richard Sanders, 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 places no obligations or requirements on business and has no fiscal impact.

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

Richard G. Saunders, 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 26-2-22	Section 78B-6-144.5	Section 78B-6-144
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**Public Notice Information**

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

**A) Comments will be accepted until:** 07/01/2021

<b>10. This rule change MAY become effective on:</b>	07/08/2021
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**

<b>Agency head or designee, and title:</b>	Linda S. Winger, Director	<b>Date:</b>	03/30/2021
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R597-3</b>	<b>Filing No. 53471</b>

**Agency Information**

<b>1. Department:</b>	Judicial Performance Evaluation Commission		
<b>Agency:</b>	Administration		
<b>Building:</b>	State Capitol Building		
<b>Street address:</b>	350 N State Street		
<b>City, state:</b>	Salt Lake City, UT 84103		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Jennifer Yim	801-538-1652	jyim@utah.gov	
Please address questions regarding information on this notice to the agency.			

**General Information**

<b>2. Rule or section catchline:</b>
R597-3. Judicial Performance Evaluations
<b>3. Purpose of the new rule or reason for the change:</b>
The reason for the change is to allow one-time, as-needed supplements to the attorney survey pool for judge evaluations for judges eligible for the 2022 retention elections. This change is proposed solely due to the impact of the COVID-19 pandemic.
<b>4. Summary of the new rule or change:</b>
The changes will allow one-time supplements to the attorney survey pool only with attorneys who appeared before a judge eligible for the 2022 retention elections from October 1, 2019, up to, and including, March 31, 2020.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>			
<b>A) State budget:</b>			
There are no anticipated costs or savings to the state budget. Current survey contract amounts will not change with this change.			
<b>B) Local governments:</b>			
There are no anticipated costs or savings to local governments. Local governments do not participate in this process.			
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>			
One small business, located in the state of Maine, conducts the survey but this amendment will not affect cost. There are no anticipated costs or savings to other small businesses, as no other small businesses participate in this process.			
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>			
There are no anticipated costs or savings to non-small businesses. No non-small businesses participate in this process.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>			
There are no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities. Surveyed attorneys will receive the same maximum number of surveys as they would without this rule amendment.			
<b>F) Compliance costs for affected persons:</b>			
Evaluated judges affected by this rule amendment may receive a wider pool of attorney evaluators, if necessary, to collect a sufficient sample of attorney respondents. The survey pool for affected judges will include a time period of attorney appearances that is not usually surveyed. However, performance may be more representative of the judge because the time period is pre-pandemic.			
<b>G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)</b>			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Judicial Performance Evaluation Committee, Jennifer Yim, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
There are no anticipated fiscal impacts that this rule may have on businesses.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Jennifer Yim, Executive Director			

**Citation Information**

<b>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Subsection		
78A-12-204(11)		

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the</b>
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agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	07/01/2021

<b>10. This rule change MAY become effective on:</b>	07/08/2021
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**

<b>Agency head or designee, and title:</b>	Gil Miller, Chairperson	<b>Date:</b>	05/05/2021
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R657-41</b>	<b>Filing No. 53474</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R657-41. Conservation and Sportsman Permits

<p><b>3. Purpose of the new rule or reason for the change:</b></p> <p>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 Conservation and Sportsman Permits.</p>
<p><b>4. Summary of the new rule or change:</b></p> <p>This rule is being amended to: 1) combine the one-year and three-year programs into a single application process on a three-year term; 2) allow up to two new conservation organizations to enter the conservation permit program once every three years on a probationary status; 3) provide new groups with 0.5% market share; 4) reduce competitive barrier for entry into the conservation permit program; 5) ensure the use of all eligible conservation permits; 6) clarify that conservation permits can be issued for specific units, subunits and hunt areas; 7) require conservation permits are based on the number of public draw permits; and 8) add language on direct purchases made by conservation organizations.</p>

**Fiscal Information**

<p><b>5. Aggregate anticipated cost or savings to:</b></p>
<p><b>A) State budget:</b></p> <p>The proposed rule amendments clarify portions of this rule and combines the one and three year programs, these changes can be initiated within the current workload and resources of the 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.</p>
<p><b>B) Local governments:</b></p> <p>Since the proposed amendment provides a simplification of the program and does not require additional restrictions to participate, 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.</p>
<p><b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>The proposed rule amendments will not directly impact small businesses because a service is not required of them.</p>
<p><b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.</p>

<p><b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</p> <p>These amendments do not have the potential to create a cost impact to those participating in the conservation and sportsman permit program because it does not require a service from them.</p>
<p><b>F) Compliance costs for affected persons:</b></p> <p>DWR has determined that this amendment will not create additional costs for those participating in hunting in Utah because the amendments do not require additional services from them.</p>
<p><b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)</p>

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

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

The Executive Director of the Department of 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	
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	07/01/2021
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<b>10. This rule change MAY become effective on:</b>	07/08/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Rory Reynolds, DWR Interim Director	<b>Date:</b>	05/05/2021
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R657-60</b>	<b>Filing No. 53475</b>

**Agency Information**

<b>1. Department:</b>	Natural Resources
<b>Agency:</b>	Wildlife Resources
<b>Room no.:</b>	Suite 2110
<b>Building:</b>	Department of Natural Resources
<b>Street address:</b>	1594 W North Temple
<b>City, state:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO Box 146301
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6301

Contact person(s):		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Staci Coons	801-450-3093	stacicoons@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R657-60. Aquatic Invasive Species Interdiction

<b>3. Purpose of the new rule or reason for the change:</b>
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 aquatic invasive species.

<b>4. Summary of the new rule or change:</b>
The proposed amendments to this rule remove the 140 degrees Fahrenheit requirement from the definition and allows for a Dip Tank to be used to de-contaminate watercraft.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The proposed rule amendment clarifies a definition used for de-contaminating watercraft. Therefore, DWR has determined that these amendments do not create a cost or savings impact to the current state budget or DWR's budget.

<b>B) Local governments:</b>			
The proposed amendments do not directly nor indirectly impact local governments. Therefore, this filing does not create any direct cost or savings impact to local governments.			
<b>C) Small businesses</b> ("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.			
<b>D) Non-small businesses</b> ("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.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
These amendments do not have the potential to create a cost impact to those wishing to boat in Utah because they do not add any additional services or requirements to boat owners.			
<b>F) Compliance costs for affected persons:</b>			
DWR has determined that this amendment will not create any additional costs to those participating in launching watercrafts in Utah because it does not inflict any additional cost requirements on them.			
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Brian Steed, Executive Director			

**Citation Information**

<b>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Section 23-14-18	Section 23-14-19	Section 23-27-401

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	07/01/2021

<b>10. This rule change MAY become effective on:</b>	07/08/2021
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**

<b>Agency head or designee, and title:</b>	Rory Reynolds, DWR Interim Director	<b>Date:</b>	05/05/2021
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> New		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R661-24</b>	<b>Filing No. 53472</b>

**Agency Information**

<b>1. Department:</b>	Navajo Trust Fund	
<b>Agency:</b>	Trustees	
<b>Street address:</b>	151 E 500 N	
<b>City, state and zip:</b>	Blanding, UT 84511	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Maury Bergman	435-678-1461	mbergman@utah.gov
Tony Dayish	435-678-1468	tdayish@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R661-24. Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program
<b>3. Purpose of the new rule or reason for the change:</b>
Rule R661-4 expired on 03/01/2021. The purpose of this rule is to reinstate the expired rule.

<b>4. Summary of the new rule or change:</b>
The objective of the program is to assist San Juan County, Utah Navajo college students with scholarships and financial aid by matching other college financial assistance or funding sources. These requirements and guidelines already existed under Rule R661-6 so there will be no major changes due to this new rule.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
All requirements listed in Rule R661-24 previously existed under the 120-day emergency Rule R661-24 and Rule R661-6. The rule text remains the same. Since the content of the rule has not changed, there will be no fiscal impact to the state budget with the new rule. (EDITOR'S NOTE: The corresponding emergency Rule R661-24 that is effective as of 04/14/2021 was published in the May 1, 2021, Bulletin under Filing No. 53391.)
<b>B) Local governments:</b>
All requirements listed in Rule R661-24 previously existed under the 120-day emergency Rule R661-24 and Rule R661-6. The rule text remains the same. Since the content of the rule has not changed, there will be no fiscal impact to local governments with the new rule.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
All requirements listed in Rule R661-24 previously existed under the 120-day emergency rule R661-24 and Rule R661-6. The rule text remains the same. Since the content of the rule has not changed, there will be no costs or savings to small businesses with the rule.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
All requirements listed in Rule R661-24 previously existed under the 120-day emergency Rule R661-24 and Rule R661-6. The rule text remains the same. Since the content of the rule has not changed, there will be no fiscal impact on non-small businesses with the new rule.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</b>
All requirements listed in Rule R661-24 previously existed under the 120-day emergency Rule R661-24 and Rule R661-6. The rule text remains the same. Since the content of the rule has not changed, there will be no fiscal impact on persons, non-small businesses, state or local government entities with the new rule.

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

All requirements listed in Rule R661-24 previously existed under the 120-day emergency Rule R661-24 and Rule R661-6. The rule text remains the same. Since the content of the rule has not changed, there will be no compliance costs for affected persons with the new 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Trust Fund Administrator of the Utah Navajo Trust Fund, Tony Dayish, 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 new fiscal impact will result under this proposed rule because the text remains the same as Rule R661-6.

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

Tony Dayish, Administrator

**Citation Information**

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

Title 51,  
Chapter 10

**Public Notice Information**

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

**A) Comments will be accepted until:** 07/01/2021

**10. This rule change MAY become effective on:** 07/08/2021

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**

<b>Agency head or designee, and title:</b>	Maury Bergman, Finance Manager	<b>Date:</b>	05/03/2021
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R661-25</b>	<b>Filing No.</b>	<b>53473</b>
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**Agency Information**

<b>1. Department:</b>	Navajo Trust Fund
<b>Agency:</b>	Trustees
<b>Street address:</b>	151 E 500 N
<b>City, state and zip:</b>	Blanding, UT 84511

Contact person(s):		
Name:	Phone:	Email:
Maury Bergman	435-678-1461	mbergman@utah.gov
Tony Dayish	435-678-1468	tdayish@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R661-25. Utah Navajo Trust Fund Housing Projects Policy
<b>3. Purpose of the new rule or reason for the change:</b>
Rule R661-7 expired on 03/01/2021. The purpose of this rule is to reinstate the expired rule.
<b>4. Summary of the new rule or change:</b>
The objective of the policy is to provide housing assistance to San Juan County, Utah Navajos. These requirements and guidelines already existed under Rule R661-7 so there will be no major changes due to this new rule.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
All requirements listed in Rule R661-25 previously existed under the 120-day emergency rule R661-25 and Rule R661-7. The rule text remains the same. Since the content of the rule has not changed, there will be no fiscal impact to the state budget with the new rule. (EDITOR'S NOTE: The corresponding 120-day emergency Rule R661-25 that is effective as of 04/14/2021 was published in the May 1, 2021, Bulletin under Filing No. 53392.)
<b>B) Local governments:</b>
All requirements listed in Rule R661-25 previously existed under the 120-day emergency rule R661-25 and Rule R661-7. The rule text remains the same. Since the content of the rule has not changed, there will be no fiscal impact to local governments with the new rule.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
All requirements listed in Rule R661-25 previously existed under the 120-day emergency rule R661-25 and Rule R661-7. The rule text remains the same. Since the content of the rule has not changed, there will be no costs or savings to small businesses with the rule.

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

All requirements listed in Rule R661-25 previously existed under the 120-day emergency rule R661-25 and Rule R661-7. The rule text remains the same. Since the content of the rule has not changed, there will be no costs or savings to non-small businesses with the 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**):

All requirements listed in Rule R661-25 previously existed under the 120-day emergency rule R661-25 and Rule R661-7. The rule text remains the same. Since the content of the rule has not changed, there will be no fiscal impact on persons, non-small businesses, and state or local government entities with the new rule.

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

All requirements listed in Rule R661-25 previously existed under the 120-day emergency rule R661-25 and Rule R661-7. The rule text remains the same. Since the content of the rule has not changed, there will be no compliance costs for affected persons with the new 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Administrator of the Utah Navajo Trust Fund, Tony Dayish, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
No new fiscal impact will result under this proposed rule because the text remains the same as Rule R661-7.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Tony Dayish, Administrator			

**Citation Information**

<b>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Title 51, Chapter 10		

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	07/01/2021

<b>10. This rule change MAY become effective on:</b>	07/08/2021
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**

<b>Agency head or designee, and title:</b>	Maury Bergman, Finance Manager	<b>Date:</b>	05/03/2021
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R765-134</b>	<b>Filing No.</b>	<b>53422</b>

**Agency Information**

<b>1. Department:</b>	Higher Education (Utah Board of)	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Regents Building, The Gateway	
<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R765-134. Informal Adjudicative Procedures Under the Utah Administrative Procedures Act
<b>3. Purpose of the new rule or reason for the change:</b>
The reason for this change is to rename the Department to comply with S.B. 111 passed in the 2020 General Session.
<b>4. Summary of the new rule or change:</b>
The reference to "Regents (Board of)" is changed to "Higher Education (Utah Board of)." The definitions are also changed to reflect the board's new name and make up. In addition, there are several other technical changes, including the renumbering of subsections.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
Enactment of this change will not materially impact state revenue because this rule applies only to students who apply for scholarships or attend educational institutions.

<b>B) Local governments:</b>			
Enactment of this change will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.			
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
Enactment of this change will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.			
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
Enactment of this change will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect non-small businesses.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
Enactment of this change will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because this rule applies only to students who apply for scholarships or attend educational institutions.			
<b>F) Compliance costs for affected persons:</b>			
There are no compliance costs for affected persons since this rule provides for administrative procedures to be used by educational institutions.			
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Commissioner of Higher Education, David R. Woolstenhulme, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
This rule affects educational institutions within the state's system of higher education and has no fiscal impact on businesses.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
David R. Woolstenhulme, Commissioner			

**Citation Information**

<b>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Subsection		
63G-4-102(6)		

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	07/01/2021

<b>10. This rule change MAY become effective on:</b>	07/08/2021
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**

<b>Agency head or designee, and title:</b>	Kevin V. Olsen, Designee and Assistant Attorney General	<b>Date:</b>	04/22/2021
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R765-604</b>	<b>Filing No. 53423</b>

**Agency Information**

<b>1. Department:</b>	Higher Education (Utah Board of)	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Regents Building, The Gateway	
<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R765-604. New Century Scholarship
<b>3. Purpose of the new rule or reason for the change:</b>
The reason for this amendment is to add a requirement for applicants of the New Century Scholarship to complete the Free Application for Federal Student Aid as required by Subsection 53B-8-105(5). In addition, this change renames the Department to comply with S.B. 111 passed in the 2020 General Session.

<b>4. Summary of the new rule or change:</b>
The amendment provides an additional requirement for applicants of the New Century Scholarship to complete the Free Application for Federal Student Aid, with the ability to opt out due to financial and privacy concerns. In addition, the reference to "Regents (Board of)" is changed to "Higher Education (Utah Board of)." Further, there are several other technical changes, including the renumbering of subsections.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
Enactment of this change will not materially impact state revenue because this rule applies only to students who apply for the New Century Scholarship.
<b>B) Local governments:</b>
Enactment of this change will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
Enactment of this change will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
Enactment of this change will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect non-small businesses.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</b>
Enactment of this change will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because this rule applies only to students who apply for the New Century Scholarship.
<b>F) Compliance costs for affected persons:</b>
There are no compliance costs for affected persons since the New Century Scholarship is a voluntary program.
<b>G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in</b>

NOTICES OF PROPOSED RULES

this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Commissioner of Higher Education, David R. Woolstenhulme, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
This rule affects the New Century Scholarship that is administered by the Utah Board of Higher Education and has no fiscal impact on businesses.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
David R. Woolstenhulme, 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 53B-8-105(5)		
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	07/01/2021
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**10. This rule change MAY become effective on:** 07/08/2021

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**

<b>Agency head or designee, and title:</b>	Kevin V. Olsen, Designee and Assistant Attorney General	<b>Date:</b>	04/22/2021
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R765-621</b>	<b>Filing No. 53424</b>

**Agency Information**

<b>1. Department:</b>	Higher Education (Utah Board of)
<b>Agency:</b>	Administration
<b>Building:</b>	Board of Regents Building, The Gateway

<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R765-621. Terrell H. Bell Education Scholarship Program
<b>3. Purpose of the new rule or reason for the change:</b>
The reason for this amendment is to add a requirement for applicants of the Terrell H. Bell Education Scholarship to complete the Free Application for Federal Student Aid as required by Subsection 53B-8-116(6)(b). In addition, this change renames the Department to comply with S.B. 111 passed in the 2020 General Session.
<b>4. Summary of the new rule or change:</b>
The amendment provides an additional requirement for applicants of the Terrell H. Bell Education Scholarship to complete the Free Application for Federal Student Aid, with the ability to opt out due to financial and privacy concerns. In addition, the reference to "Regents (Board of)" is changed to "Higher Education (Utah Board of)." Further, there are several other technical changes, including the renumbering of subsections.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
Enactment of this change will not materially impact state revenue because this rule applies only to students who apply under the Terrell H. Bell Education Scholarship Program.
<b>B) Local governments:</b>
Enactment of this change will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
Enactment of this change will not result in direct expenditures from tax or fee changes for small businesses

because this rule does not apply to or affect small businesses.

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

Enactment of this change will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or 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**):

Enactment of this change will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because this rule applies only to students who apply under the Terrell H. Bell Education Scholarship Program.

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

There are no compliance costs for affected persons since the Terrell H. Bell Education Scholarship Program is voluntary.

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

**Regulatory Impact Table**

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

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

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

The Commissioner of Higher Education, David R. Woolstenhulme, 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 affects the Terrell H. Bell Education Scholarship Program that is administered by the Utah Board of Higher Education and has no fiscal impact on businesses.

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

David R. Woolstenhulme, 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 53B-8-116(6)		
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**Public Notice Information**

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

**A) Comments will be accepted until:** 07/01/2021

**10. This rule change MAY become effective on:** 07/08/2021

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**

<b>Agency head or designee, and title:</b>	Kevin V. Olsen, Designee and Assistant Attorney General	<b>Date:</b>	04/22/2021
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R765-622</b>	<b>Filing No. 53425</b>

**Agency Information**

<b>1. Department:</b>	Higher Education (Utah Board of)	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Regents Building, The Gateway	
<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu

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

**General Information**

<b>2. Rule or section catchline:</b>
R765-622. Career and Technical Education Scholarship Program
<b>3. Purpose of the new rule or reason for the change:</b>
The reason for filing this amendment is to change the definition of "eligible institution" and to rename the Department to comply with S.B. 111 passed in the 2020 General Session.
<b>4. Summary of the new rule or change:</b>
The amendment changes the definition of "eligible institution" to match the statutory definition. In addition, the amendment changes the numbering style of the subsections and makes other technical changes. Further, the reference to "Regents (Board of)" is changed to "Higher Education (Utah Board of)."

**Fiscal Information**

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

**A) State budget:**

Enactment of this change will not materially impact state revenue because this rule applies only to students who apply under the Career and Technical Education Scholarship Program.

**B) Local governments:**

Enactment of this change will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.

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

Enactment of this change will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

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

Enactment of this change will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or 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**):

Enactment of this change will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because this rule applies only to students who apply under the Career and Technical Education Scholarship Program.

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

There are no compliance costs for affected persons since the Career and Technical Education Scholarship Program is voluntary.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

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

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

The Commissioner of Higher Education, David R. Woolstenhulme, 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 affects the Career and Technical Education Scholarship Program that is administered by the Utah Board of Higher Education and has no fiscal impact on businesses.

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

David R. Woolstenhulme, 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 53B-8-115(5)		
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**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the

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

<b>A) Comments will be accepted until:</b>	07/01/2021
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<b>10. This rule change MAY become effective on:</b>	07/08/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Kevin V. Olsen, Designee and Assistant Attorney General	<b>Date:</b>	04/22/2021
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**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.):	R137-1	Filing No. 50222

### Agency Information

<b>1. Department:</b>	Career Service Review Office	
<b>Agency:</b>	Administration	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state, zip:</b>	Taylorsville, UT 84129	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Akiko Kawamura	385-346-8552	akawamura@utah.gov
Annette Morgan	385-346-8551	amorgan@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule catchline:</b>
R137-1. Grievance Procedure Rules
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is enacted under the Utah State Personnel Management Act. Section 67-19a-203 grants authority to the administrator to make rules governing the procedures for employee grievances filed under the statute.

<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No written comments were received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary for employee grievances filed under the Utah State Personnel Management Act. Therefore, this rule should be continued.

### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Akiko Kawamura, Administration	<b>Date:</b>	05/06/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-923	Filing No. 53282

### Agency Information

<b>1. Department:</b>	Education
<b>Agency:</b>	Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state, zip:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 144200
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4200

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R277-923. American Indian and Alaskan Native Education State Plan Pilot Programs

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

This rule is authorized by Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Section 53F-5-603 which provides that the Board may make rules related to the programs; and Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

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

There were no written comments received.

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

This rule continues to be necessary because it provides criteria for evaluating grant applications; and procedures for: a school district to apply to the Board to receive grant money, and the review of the use of grant money. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	05/13/2021
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	R317-7	<b>Filing No.</b>	50776
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**Agency Information**

<b>1. Department:</b>	Environmental Quality
<b>Agency:</b>	Water Quality
<b>Room no.:</b>	DEQ, 3rd Floor

<b>Building:</b>	Multi Agency State Office Building
<b>Street address:</b>	195 N 1950 W
<b>City, state, zip:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO Box 144870
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4870

<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Drummond Earley	801-536-4088	dearley@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R317-7. Underground Injection Control (UIC) Program

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

The Underground Injection Control (UIC) rule for state programs are federally mandated by 40 CFR 145.11(b), as a result of the federal Safe Drinking Water Act (SDWA). If a state does not obtain and maintain primacy to enforce UIC rules at least equivalent to the federal rules, then the Environmental Protection Agency (EPA) will enforce the federal rules in that state using Direct Implementation procedures. The Utah Water Quality Board promulgated the Utah UIC rule under the authority of Section 19-5-104 of the Water Quality Act which allows rules to be made in order to protect drinking water sources.

**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 date of the last substantive amendment to this rule is September 24, 2013. This has not been a controversial rule. No comments have been received either supporting or opposing this rule since the last five-year review nor during the September 24, 2013 amendment process.

**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 required to maintain state primacy for administering Utah's UIC Program. If Utah does not obtain and maintain primacy to enforce UIC rules at least equivalent to the federal rules, then the EPA will enforce the federal rules using Direct Implementation procedures. In promulgating this rule, the Water Quality Board made the determination that the UIC Program is best administered at the state level. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Erica Brown Gaddis, PhD, Director	<b>Date:</b>	05/13/2021
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R317-11</b>	<b>Filing No. 50778</b>
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**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Water Quality	
<b>Room no.:</b>	DEQ, 3rd Floor	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO BOX 144870	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4870	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Robert Beers	801-536-4380	rbeers@utah.gov
Ken Hoffman	801-536-4313	kenhoffman@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R317-11. Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Soil Evaluations or Percolation Tests for Underground Wastewater Disposal Systems
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized under Title 19, Chapter 5. The statute authorizes protection of human health and the environment. This rule achieves that through requiring training and certification of individuals who conduct soil evaluations and percolation tests, design, inspect, and maintain underground wastewater disposal systems.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
Minor revision of this rule, involving all stakeholders, was concluded in 2013 to correct errors and to include

additional technical information. This rule was continued in 2016. No written comments have been received since the 2013 revision.

**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 provides vital minimum standards and guidance for training and certification of individuals who conduct soil evaluations and percolation tests, design, inspect, and maintain underground wastewater disposal systems. This rule is essential for maintaining professional standards for individuals and businesses that perform underground wastewater disposal system services and to protect citizens that do not have access to a public sewer system. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Erica Brown Gaddis, PhD, Director	<b>Date:</b>	05/13/2021
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R388-805</b>	<b>Filing No. 52750</b>
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**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	Box 142104	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2104	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Tyler Fisher	801-538-6353	TFisher@Utah.gov
Allison Allred	801-538-6311	AAllred@Utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R388-805. Ryan White Part B Program

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

This rule is enacted under Sections 26-1-5, 26-1-15, and 26-1-18; and Subsections 26-1-30(2)(a), (b), (c), and (g). The Department of Health (Department) has the authority to accept federal aid and to administer federally assisted state programs for public health, health planning, and medical assistance. Ryan White Part B Program funding is administered by the US Department of Health and Human Services (HHS). Part B provides grant funding to states and territories to improve the quality, availability and organization of HIV health care and support services. Grant recipients include all 50 states.

**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.

**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 Ryan White Part B Program must be continued in order to enable the Department to accept and administer Part B Program funds to improve the public's health as described in Box 3 above.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Richard G. Saunders, Executive Director	<b>Date:</b>	05/12/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R495-885</b>	<b>Filing No. 51185</b>

**Agency Information**

<b>1. Department:</b>	Human Services	
<b>Agency:</b>	Administration	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov

Elisabeth Kitchens	385-303-2953	ehkitchens@utah.gov
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Please address questions regarding information on this notice to the agency.

**General Information**

<b>2. Rule catchline:</b>
R495-885. Employee Background Screenings

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

This rule is authorized and enacted through Sections 62A-1-118 and 62A-2-120. These sections grant rulemaking authority and require the Department of Human Services (DHS) to establish processes and procedures as it relates to the background screening process.

**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.

**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 continuation of this rule is essential to meet the requirements established in Sections 62A-1-118 and 62A-2-120. This rule is created to hold DHS employees and volunteers to high standards of conduct, protect children and vulnerable adults, and promote public trust.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Nathan Checketts, Deputy Director	<b>Date:</b>	04/30/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R539-9</b>	<b>Filing No. 51313</b>

**Agency Information**

<b>1. Department:</b>	Human Services	
<b>Agency:</b>	Services for People with Disabilities	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84116	

Contact person(s):		
Name:	Phone:	Email:
Kelly Thomson	435-669-4855	kthomson@utah.gov
Jonah Shaw		jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

2. Rule catchline:
R539-9. State Supported Employment Program

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

The legislature established a supported employment services program that operates without Medicaid funding. Section 62A-5-103.1 requires the Division of Services for People with Disabilities (Division) to make rules for the implementation and administration of the supported employment services program.

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

The Division has not received written comments regarding Rule R539-9.

**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 R539-9 describes the requirements and expectations of program participants that are necessary to administer the program in accordance with statute. The rule also establishes priority enrollment as required by Subsection 62A-5-103.1(4). Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Nathan Checketts, Deputy Director	<b>Date:</b>	04/30/2021
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	R652-150	<b>Filing No.</b>	51711
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**Agency Information**

<b>1. Department:</b>	Natural Resources
<b>Agency:</b>	Forestry, Fire and State Lands
<b>Room no.:</b>	352

<b>Building:</b>	DNR
<b>Street address:</b>	1594 W North Temple
<b>City, state, zip:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO BOX 145703
<b>City, state, zip:</b>	Salt Lake City, UT 84114-5703

Contact person(s):		
Name:	Phone:	Email:
Brianne Emery	385-239-0791	brianneemery@utah.gov
Jamie Barnes	385-222-1536	jamiebarnes@utah.gov

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

**General Information**

2. Rule catchline:
R652-150. Utah Bioprospecting Act

**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 adopted pursuant to the authority of Subsection 65A-1-4(2), which requires the Division of Forestry, Fire, and State Lands (Division) to promulgate rules, and by Section 65A-14-101 et seq. to clarify the procedure through which operators must register with the Division and notify the Division of the intent to conduct bioprospecting activities.

**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.

**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 has been enacted to foster the discovery and evaluation of these resources in a way that benefits the citizens of Utah. By registration of Bioprospecting the State reserves the right for the citizens to share in any future economic value of these resources. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Jamie Barnes, Interim Director	<b>Date:</b>	05/11/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R708-46	Filing No. 51890

**Agency Information**

<b>1. Department:</b>	Public Safety	
<b>Agency:</b>	Driver License	
<b>Room no.:</b>	3rd Floor	
<b>Building:</b>	Calvin Rampton Complex	
<b>Street address:</b>	4501 S 2700 W	
<b>City, state, zip:</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	PO Box 1445001	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-965-4018	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R708-46. Refugee or Approved Asylee Knowledge Test in Applicant's Native Language
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized under Subsection 53-3-206(2)(c) which states that the Driver License Division (Division) shall make rules establishing the procedures and requirements for a refugee or an approved asylee to take an examination of the person's knowledge of the state traffic laws in the person's native language.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Division has not received any written comments regarding this rule since the last five-year review of this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is required under Section 53-3-206 and is necessary to outline the procedures and requirements for a refugee or approved asylee to take a written knowledge

test in their native language. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Christopher Caras, Division Director	<b>Date:</b>	05/10/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R714-160	Filing No. 51922

**Agency Information**

<b>1. Department:</b>	Public Safety	
<b>Agency:</b>	Highway Patrol	
<b>Building:</b>	Calvin Rampton Complex	
<b>Street address:</b>	4501 S 2700 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84119-5994	
<b>Mailing address:</b>	PO Box 141100	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-1100	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Tim Kincaid	801-580-9931	tkincaid@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Matt Spillman	801-698-2186	mspillman@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R714-160. Equipment Standards for Passenger Vehicle and Light Truck Safety Inspections
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized by Subsection 53-8-204(5), which requires the Division of Highway Patrol (Division) to make rules:
a) setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway;
b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can be operated safely;

c) establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections;  
 d) establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate;  
 e) establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students;  
 f) establishing requirements:  
 i) designed to protect consumers from unwanted or unneeded repairs or adjustments;  
 ii) for maintaining safety inspection records;  
 iii) for providing reports to the Division; and  
 iv) for maintaining and protecting safety inspection certificates;  
 g) establishing procedures for a motor vehicle that fails a safety inspection;  
 h) setting bonding amounts for safety inspection stations if bonds are required under Subsection (3)(a); and  
 i) establishing procedures for a safety inspection station to follow if the station is going out of business; and Subsection 41-6a-1601(2), which requires the department to make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under Title 41, Chapter 6a, Part 16.

**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 required by Subsections 53-8-204(5) and 41-6a-1601(2), and is necessary in order to establish safety standards for vehicle equipment and safe operation and procedures and requirements to ensure that vehicle inspections are conducted by qualified individuals in a safe environment using safe equipment for the protection of both consumers and employees; to establish requirements for maintaining and protecting records and providing reports to the Division; to establish procedures for a vehicle that fails an inspection; to set bonding amounts when required; and to establish procedures for when a safety inspection station goes out of business. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Tim Kincaid, Captain	<b>Date:</b>	05/10/2021
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<b>FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION</b>		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R714-161</b>	<b>Filing No. 51918</b>

**Agency Information**

<b>1. Department:</b>	Public Safety	
<b>Agency:</b>	Highway Patrol	
<b>Building:</b>	Calvin Rampton Complex	
<b>Street address:</b>	4501 S 2700 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84119-5994	
<b>Mailing address:</b>	PO Box 141100	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-1100	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Tim Kincaid	801-580-9931	tkincaid@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Matt Spillman	801-698-2186	mspillman@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R714-161. Equipment Standards for Motorcycle Safety Inspections

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

This rule is authorized by Subsection 53-8-204(5), which requires the Division of Highway Patrol (Division) to make rules:  
 a) setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway;  
 b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can be operated safely;  
 c) establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections;  
 d) establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate;  
 e) establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students;  
 f) establishing requirements:  
 i) designed to protect consumers from unwanted or unneeded repairs or adjustments;

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

ii) for maintaining safety inspection records;  
 iii) for providing reports to the Division; and  
 iv) for maintaining and protecting safety inspection certificates;  
 g) establishing procedures for a motor vehicle that fails a safety inspection;  
 h) setting bonding amounts for safety inspection stations if bonds are required under Subsection (3)(a); and  
 (i) establishing procedures for a safety inspection station to follow if the station is going out of business; and  
 Subsection 41-6a-1601(2), which requires the Department of Public Safety to make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under Title 41, Chapter 6a, Part 16.

**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 required by Subsections 53-8-204(5) and 41-6a-1601(2), and is necessary in order to establish safety standards for motorcycle equipment and safe operation and procedures and requirements to ensure that motorcycle inspections are conducted by qualified individuals in a safe environment using safe equipment for the protection of both consumers and employees; to establish requirements for maintaining and protecting records and providing reports to the Division; to establish procedures for a vehicle that fails an inspection; to set bonding amounts when required; and to establish procedures for when a safety inspection station goes out of business. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Tim Kincaid, Captain	<b>Date:</b>	05/10/2021
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R714-162</b>	<b>Filing No. 51919</b>
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**Agency Information**

<b>1. Department:</b>	Public Safety
<b>Agency:</b>	Highway Patrol
<b>Building:</b>	Calvin Rampton Complex
<b>Street address:</b>	4501 S 2700 W

<b>City, state, zip:</b>	Salt Lake City, UT 84119-5994	
<b>Mailing address:</b>	PO Box 141100	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-1100	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Tim Kincaid	801-580-9931	tkincaid@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Matt Spillman	801-698-2186	mspillman@utah.gov

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

**General Information**

**2. Rule catchline:**

R714-162. Equipment Standards for Heavy Motor Vehicle, Trailer and Bus Safety Inspections

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

This rule is authorized by Subsections 53-8-204(5), which requires the Division of Highway Patrol (Division) to make rules:

- a) setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway;
- b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can be operated safely;
- c) establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections;
- d) establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate;
- e) establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students;
- f) establishing requirements:
  - i) designed to protect consumers from unwanted or unneeded repairs or adjustments;
  - ii) for maintaining safety inspection records;
  - iii) for providing reports to the Division; and
  - iv) for maintaining and protecting safety inspection certificates;
- g) establishing procedures for a motor vehicle that fails a safety inspection;
- h) setting bonding amounts for safety inspection stations if bonds are required under Subsection (3)(a); and
- ii) establishing procedures for a safety inspection station to follow if the station is going out of business; and Subsection 41-6a-1601(2), which requires the Department of Public Safety to make rules setting minimum standards

covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under Title 41, Chapter 6a, Part 16.

**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 required by Subsections 53-8-204(5) and 41-6a-1601(2), and is necessary in order to establish safety standards for heavy motor vehicle, trailer and bus equipment and safe operation, and procedures and requirements to ensure that heavy motor vehicle, trailer and bus inspections are conducted by qualified individuals in a safe environment using safe equipment for the protection of both consumers and employees; to establish requirements for maintaining and protecting records and providing reports to the Division; to establish procedures for a vehicle that fails an inspection; to set bonding amounts when required; and to establish procedures for when a safety inspection station goes out of business. The standards set forth in this rule are used by the state to inspect heavy trucks, trailers and buses. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Tim Kincaid, Captain	<b>Date:</b>	05/10/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R909-19</b>	<b>Filing No. 53052</b>

**Agency Information**

<b>1. Department:</b>	Transportation
<b>Agency:</b>	Motor Carrier
<b>Room no.:</b>	First Floor Administration Suite
<b>Building:</b>	Calvin Rampton
<b>Street address:</b>	4501 S 2700 W
<b>City, state, zip:</b>	Salt Lake City, UT 84129
<b>Mailing address:</b>	PO Box 148455
<b>City, state, zip:</b>	Salt Lake City, UT 84114-8455

Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

**2. Rule catchline:**  
R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification

**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 Department of Transportation (Department) promulgated this rule under the authority of Title 72, Chapter 9, Motor Carrier Safety Act, which authorizes the Department to make rules to administer and enforce the act, including provisions for required equipment, operation, and certification of tow truck operators. More specifically, Section 72-9-603 authorizes the Department to set maximum rates for the towing, storage, and administrative fee and establishes authorized towing certification requirements and the posting of tow rates.

**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 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 72-9-603 requires the Department to maintain an administrative rule regulating areas of the tow truck motor carrier industry that this rule controls. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Carlos M. Braceras, PE, Executive Director	<b>Date:</b>	05/10/2021
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R916-1</b>	<b>Filing No. 52109</b>
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**Agency Information**

<b>1. Department:</b>	Transportation	
<b>Agency:</b>	Operations, Construction	
<b>Room no.:</b>	First Floor Administration Suite	
<b>Building:</b>	Calvin Rampton	
<b>Street address:</b>	4501 S 2700 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84129	
<b>Mailing address:</b>	PO Box 148455	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-8455	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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Becky Lewis	801-965-4026	blewis@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R916-1. Advertising and Awarding Construction Contracts
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 72-1-201 and Subsection 63G-6a-107.7(5) authorize the Department of Transportation (Department) to make rules necessary to conduct highway construction projects. This rule covers some of the activities required to complete highway construction projects.

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

The Department has received no written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

This rule establishes guidelines the Department follows advertising, awarding, and executing construction contracts. It is a necessary tool for hiring contractors to design and build highway construction projects. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Carlos M. Braceras, PE, Executive Director	<b>Date:</b>	05/13/2021
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R916-2</b>	<b>Filing No. 52117</b>
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**Agency Information**

<b>1. Department:</b>	Transportation	
<b>Agency:</b>	Operations, Construction	
<b>Room no.:</b>	First Floor Administration Suite	
<b>Building:</b>	Calvin Rampton	
<b>Street address:</b>	4501 S 2700 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84129	
<b>Mailing address:</b>	PO Box 148455	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-8455	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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Lori Edwards	801-965-4048	loriedwards@agutah.gov
Becky Lewis	801-965-4026	blewis@utah.gov

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

**General Information**

**2. Rule catchline:**

R916-2. Prequalification of Contractors

**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 72-1-201(h) requires the Department of Transportation (Department) to make rules for administering the Department state transportation systems, and programs. Section 63G-6a-106 grants the Department authority to manage and supervise the procurement to ensure to the extent practicable that taxpayers receive the best value.

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

The Department has received zero written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

This rule establishes procedures for prequalifying contractors desiring to submit bids and proposals for Department construction projects. Prequalifying contractors is a tool the Department uses to manage and supervise construction procurement to ensure taxpayers receive the best value for the tax dollars invested in designing and building transportation systems. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Carlos M. Braceras, PE, Executive Director	<b>Date:</b>	05/10/2021
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R916-3</b>	<b>Filing No.</b>	<b>52116</b>
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**Agency Information**

<b>1. Department:</b>	Transportation
<b>Agency:</b>	Operations, Construction
<b>Room no.:</b>	First Floor Administration Suite
<b>Building:</b>	Calvin Rampton

<b>Street address:</b>	4501 S 2700 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84129	
<b>Mailing address:</b>	PO Box 148455	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-8455	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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Becky Lewis	801-965-4026	blewis@utah.gov

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

**General Information**

**2. Rule catchline:**

R916-3. Design-Build Contracts

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

Subsection 63G-6a-1402(3)(a) authorizes the Department of Transportation (Department) to award a design-build transportation project contract for any transportation project by following the requirements of Section 63G-6a-1402. It requires the Department to make rules, under the Utah Administrative Rulemaking Act, establishing requirements for the procurement of its design-build transportation project contracts in addition to those required by this section.

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

The Department has received no written comments 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:**

Subsection 63G-6a-1402(3)(a)(ii) requires the Department to have an administrative rule that establishes requirements for the procurement of its design-build transportation project contracts. Rule R916-3 satisfies this requirement. Therefore, this rule should be continued.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Carlos M. Braceras, PE, Executive Director	<b>Date:</b>	5/10/2021
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Becky Lewis	801-965-4026	blewis@utah.gov
Please address questions regarding information on this notice to the agency.		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R926-9</b>	<b>Filing No. 52142</b>

**Agency Information**

<b>1. Department:</b>	Transportation	
<b>Agency:</b>	Program Development	
<b>Room no.:</b>	First Floor Administration Suite	
<b>Building:</b>	Calvin Rampton	
<b>Street address:</b>	4501 S 2700 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84129	
<b>Mailing address:</b>	PO Box 148455	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-8455	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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Lori Edwards	801-965-4048	loriedwards@agutah.gov

**General Information**

<b>2. Rule catchline:</b>
R926-9. Establishment, Designation, and Operation of Tollways
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 72-6-118 requires the Department of Transportation (Department) to make rules necessary to establish and operate tollways on state highways.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department has not received written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is required by Section 72-6-118, which still in effect. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Carlos M. Braceras, PE, Executive Director	<b>Date:</b>	05/10/2021
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**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF RULE EFFECTIVE DATES

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

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

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

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### Agriculture and Food

#### Plant Industry

No. 53372 (Amendment) R68-27: Cannabis Cultivation  
Published: 04/01/2021  
Effective: 05/15/2021

### Commerce

#### Administration

No. 53373 (Amendment) R151-2: Government Records  
Access and Management Act Rule  
Published: 04/15/2021  
Effective: 05/24/2021

#### Real Estate

No. 53227 (Amendment) R162-2g: Real Estate Appraiser  
Licensing and Certification Rules  
Published: 03/01/2021  
Effective: 04/28/2021

### Education

#### Administration

No. 53366 (Amendment) R277-214: Utah Professional  
Practices Advisory Commission Criminal Background Review  
Published: 04/01/2021  
Effective: 05/24/2021

No. 53368 (Repeal) R277-504: Early Childhood,  
Elementary, Secondary, Special Education (K-12), and  
Preschool Special Education (Birth-Age 5) Licensure  
Published: 04/01/2021  
Effective: 05/24/2021

No. 53369 (Repeal) R277-509: Licensure of Student  
Teachers and Interns  
Published: 04/01/2021  
Effective: 05/24/2021

No. 53370 (Repeal) R277-511: Academic Pathway to  
Teaching (APT) Level 1 License  
Published: 04/01/2021  
Effective: 05/24/2021

No. 53371 (Amendment) R277-617: Smart School  
Technology Program  
Published: 04/01/2021  
Effective: 05/24/2021

### Environmental Quality

#### Air Quality

No. 53312 (Amendment) R307-101: Version of Code of  
Federal Regulations Incorporated by Reference  
Published: 03/01/2021  
Effective: 05/06/2021

No. 53313 (Amendment) R307-210: Standards of  
Performance for New Stationary Sources  
Published: 03/01/2021  
Effective: 05/06/2021

No. 53314 (Amendment) R307-214: National Emission  
Standards for Hazardous Air Pollutants  
Published: 03/01/2021  
Effective: 05/06/2021

### Governor

#### Economic Development

No. 53365 (Repeal) R357-2: Targeted Business Tax Credit  
Published: 04/01/2021  
Effective: 05/10/2021

No. 53364 (Amendment) R357-15a: Targeted Business Tax  
Credit Rule  
Published: 04/01/2021  
Effective: 05/10/2021

NOTICES OF RULE EFFECTIVE DATES

Health

Health Care Financing, Coverage and Reimbursement Policy  
No. 53359 (Amendment) R414-60: Limitations  
Published: 04/01/2021  
Effective: 05/12/2021

No. 53360 (Amendment) R414-510: Intermediate Care  
Facility for Persons with Intellectual Disabilities Transition  
Program and Education  
Published: 04/01/2021  
Effective: 05/12/2021

Center for Health Data, Vital Records and Statistics  
No. 53374 (Repeal and Reenact) R436-2: Infants of  
Unknown Parentage; Foundling Registration  
Published: 04/15/2021  
Effective: 05/26/2021

Human Services

Recovery Services  
No. 53388 (Amendment) R527-250: Emancipation  
Published: 04/15/2021  
Effective: 05/24/2021

Insurance

Administration  
No. 53271 (Amendment) R590-102: Insurance Department  
Fee Payment Rule  
Published: 01/15/2021  
Effective: 05/24/2021

No. 53271 (Change in Proposed Rule) R590-102:  
Insurance Department Fee Payment Rule  
Published: 04/15/2021  
Effective: 05/24/2021

Title and Escrow Commission

No. 53375 (Amendment) R592-6: Unfair Inducements and  
Marketing Practices in Obtaining Title Insurance Business  
Published: 04/15/2021  
Effective: 05/24/2021

Natural Resources

Wildlife Resources  
No. 53332 (Amendment) R657-62: Deployed Military  
Published: 03/15/2021  
Effective: 05/04/2021

Public Safety

Driver License  
No. 53384 (Repeal) R708-18: Regulatory and  
Administrative Fees  
Published: 04/15/2021  
Effective: 05/25/2021

**End of the Notices of Rule Effective Dates Section**