

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed July 16, 2021, 12:00 a.m. through August 02, 2021, 11:59 p.m.

Number 2021-16
August 15, 2021

Nancy L. Lancaster, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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Utah state bulletin.

Semimonthly.

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

KFU440.A73S7

348.792'025--DDC

85-643197

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NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between July 16, 2021, 12:00 a.m., and August 02, 2021, 11:59 p.m. are included in this, the August 15, 2021, issue of the *Utah State Bulletin*.

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

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them (~~example~~). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Office of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least September 14, 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 December 13, 2021, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R25-2	Filing ID 53749

Agency Information

1. Department:	Government Operations	
Agency:	Finance	
Room no.:	Floor 3	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141031	
City, state and zip:	Salt Lake City, UT 84114-1031	
Contact person(s):		
Name:	Phone:	Email:
Janica Gines	801-957-7727	jmgines@utah.gov

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

General Information

2. Rule or section catchline:
R25-2. Finance Adjudicative Proceedings
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The reason for the change is to allow the Division of Finance (Division) Director to appoint a designee to issue a written decision, to allow orders to be received through email, as well as through the mail, and to incorporate the Administrative Procedures Act (Title 63G, Chapter 4) in relation to review and appeals.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
Pursuant to Section 63A-3-310, the Division is adopting these changes for the implementation of Title 63A, Chapter 3, Part 3, Accounts Receivable Collection. This rule sets out, in part, the processes and procedures for administrative proceedings under that part. This rule states when a hearing is to be held, who is to be served or notified, whether a response is allowed, who may testify, attend, or intervene, who may preside and issue a written decision, and what law governs reviews and appeals. This rule also allows the written decision to be sent via email if the receiving party agrees.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

There is no anticipated cost or savings to the state budget. The Division cannot determine if there will be costs to state agencies. There is no way to anticipate if an agency will have a hearing.

B) Local governments:

There are no anticipated cost or savings to local governments. The Division cannot determine if there will be costs to local governments. There is no way to anticipate if a local government will have a hearing.

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

There are not anticipated cost or savings to small businesses. This rule applies to state and local governments only.

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

There are no costs to non-small businesses. This rule applies to state and local governments only.

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 applies to state and local government entities only. There is not anticipated cost or savings to other persons.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

This rule does not impose compliance costs on persons.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

I have reviewed this fiscal analysis, and agree with the described fiscal impacts associated with this rule. Jenney Rees, Executive Director

6. A) 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	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Government Operations, Jenney Rees, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 63A-3-310	Section 63G-4-203	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	09/14/2021

10. This rule change MAY become effective on:	09/21/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Janica Gines, Director	Date	07/09/2021
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R25. Government Operations, Finance.**R25-2. Finance Adjudicative Proceedings.****R25-2-1. Informal Proceedings.**

(1) ~~All~~ Matters over which the division has jurisdiction and which are subject to Section 63G-4-203 will be informal in nature for purposes of adjudication. The division director or ~~his~~ the division director's designee will preside over any proceeding.

(2) Procedures Governing Informal Adjudicatory Proceedings.

(a) No response need be filed to the notice of division action or hearing or to the request for division action or hearing.

(b) The division shall hold a hearing only if a hearing is required by statute ~~;~~ or is permitted by statute and a request for hearing is made within ten days after receipt of the notice of division action or request for division action.

(c) Only the parties named in the notice of division action or hearing or in the request for division action or hearing will be permitted to testify, present evidence, and comment on the issues.

(d) A hearing will be held only after timely notice of the hearing has been given.

(e) No discovery, either compulsory or voluntary will be permitted except that ~~all parties~~ each party to the action shall have access to information contained in the division's files and investigatory information and materials not restricted by law.

(f) No person, as defined in the Utah Administrative Procedures Act, Subsection 63G-4-103(1)(g), may intervene in a division action unless federal statute or rule requires the division to permit intervention.

(g) Any hearing held under this rule is open to all parties.

(h) Within ~~thirty~~ 30 days after the close of any hearing held under this rule, ~~or after the failure of a party to request a hearing,~~ the division director or the division director's designee shall issue a written decision order stating the decision, the reasons for the decision, notice of right of judicial review, and the time limits for requesting agency review and for filing an appeal to the appropriate district court.

(i) The ~~division director's decision~~ order and decision of the division director or the division director's designee shall be based on the facts in the division file and if a hearing is held, the facts based on evidence presented at the hearing.

(j) The division shall notify the parties of the division order by promptly mailing a copy thereof to each at the address indicated in the file. If a party agrees to receive the order through email, the division may email a copy of the division order to an email address provided by the party, instead of mailing a copy to that party.

NOTICES OF PROPOSED RULES

(k) Whether a hearing is held or not, an order issued under ~~the provisions of~~ this rule shall be the final order of the division and may be appealed to the appropriate district court~~[-], as provided in the Utah Administrative Procedures Act.~~

(3) ~~Appeals regarding administrative orders.~~ A request for agency review of a division order must be made in writing ~~and~~ within 30 days of the date of ~~receipt of a letter of notification of an administrative order~~ the division order to be reviewed, and must be directed to the ~~division director of the Division of Finance, [2110 State Office Building, Salt Lake City, Utah 84114.]~~ Taylorsville State Office Building, 4315 South 2700 West, Floor 3, Taylorsville, UT 84129-2128.

(4) ~~All~~ Any other appeals or requests for review that are allowed by Subsection 63G-4-203, and Subsection 63G-4-103(1)(g), must be made in writing and directed to the ~~division director of the Division of Finance, [2110 State Office Building, Salt Lake City, Utah 84114.]~~ Taylorsville State Office Building, 4315 South 2700 West, Floor 3, Taylorsville, UT 84129-2128.

KEY: government hearings, finance

Date of Enactment or Last Substantive Amendment: ~~2021~~1992

Notice of Continuation: September 20, 2016

Authorizing, and Implemented or Interpreted Law: 63G-4-203

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R68-22	Filing ID 53755
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Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Cody James	801-982-2376	codyjames@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R68-22. Industrial Hemp Research

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

Changes are needed to expand this rule to include a certificate for research involving industrial hemp processing rather than just cultivation. This is needed because universities are currently doing research that involves industrial hemp processing and guidance regarding program requirements are not currently set in rule.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule is expanded to include requirements and guidelines to allow the Department of Agriculture and Food (Department) to issue an industrial hemp processing certificate that will allow universities to conduct research involving processing of industrial hemp. Definitions and clarifications are added to cover industrial hemp processing. Transportation and reporting requirements are added for holders of an industrial hemp processing or growing certificates. Additional changes are made to make this rule text more consistent with the requirements of the Utah Rulewriting Manual.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The rules changes clarify processes that are already in place but not yet codified in rule. Therefore, there should be no cost or savings to the state budget.

B) Local governments:

There should be no cost or savings to local governments because they do not research industrial hemp or administer the Department's industrial hemp program.

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

The rules changes clarify processes that are already in place at the Department but not yet codified in rule. Therefore, there should be no additional cost or savings to small businesses.

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

The rules changes clarify processes that are already in place at the Department but not yet codified in rule. Therefore, there should be no additional cost or savings to non-small businesses.

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

The rules changes clarify processes that are already in place at the Department but not yet codified in rule. Therefore, there should be no additional cost or savings to other persons, including universities who operate under this research program.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

The compliance costs for affected persons will not change as a result of these rule changes. The rules of the program and fees charged by the Department to conduct research will remain the same.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

These rule changes will not have a fiscal impact on businesses. Craig W. Buttars, Commissioner

6. A) 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	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Commissioner of the Utah Department of Agriculture and Food, Craig W. Buttars, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 4-41-103		
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 09/14/2021

10. This rule change MAY become effective on: 09/21/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	07/22/2021
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R68. Agriculture and Food, Plant Industry.

R68-22. Industrial Hemp Research.

R68-22-1. Authority and Purpose.

Pursuant to Section 4-41-103, this rule establishes the standards, practices, and procedures of the Industrial Hemp Growing or Industrial Hemp Processing Certificate allowing a higher education institution to perform academic or agricultural research.

R68-22-2. Definitions.

As used in this rule:

(1) "Academic Research"[-] means growth or processing of industrial hemp ~~[for the purpose of discovering and enabling]to discover and enable~~ development of useful processes, information, and products.

NOTICES OF PROPOSED RULES

(2) "Agricultural Research"[~~:-~~] means growth of industrial hemp for seed stock from parent material intended for varietal development, phytoremediation, and agronomic practices.

(3) "Applicant(s)"[~~:-~~] means a person, or group of persons from a higher education institution who apply for an Industrial Hemp Growing or Industrial Hemp Processing Certificate from the Utah Department of Agriculture and Food.

(4) "Department"[~~:-~~] means the Utah Department of Agriculture and Food.

(5) "Final product" means a reasonably homogenous industrial hemp product in its final packaged form created using the same standard operating procedures and the same formulation.

(~~5~~)6 "Growing Area"[~~:-~~] means the area ~~[on which]~~ where the hemp is grown, inside or outside.

(~~6~~)7 "Industrial Hemp"[~~:-~~] means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a ~~[delta-9-tetrahydrocannabinol]~~THC concentration of not more than 0.3 percent on a dry weight basis.

(~~7~~)8 "Industrial Hemp Growing or Industrial Hemp Processing Certificate"[~~:-~~] means a certificate issued by the department to a higher education institution granting authorization to grow, ~~[and/or]~~ cultivate, process, or manufacture industrial hemp for academic research purposes.

(9) "Key Participant" means any person who has a financial interest in the business entity including members of a limited liability company, a sole proprietor, partners in a partnership, and incorporators or directors of a corporation. A key participant also includes persons at executive levels including chief executive officer, chief operating officer, or chief financial officer. Key participants are also operation managers and site managers, or any employee who may present a risk of diversion.

(10) "Processing area" means the area where industrial hemp is harvested, extracted, refined, and manufactured to be prepared for market.

(11) "Processing research" means research that involves harvesting, extracting, refining, and manufacturing of industrial hemp.

(12) "Raw plant material" or "Raw concentrate" means industrial hemp plant material or concentrate that is not in final product form.

(~~8~~)13 "Research Plan"[~~:-~~] means a plan stating the objective[~~(s)~~] and purpose[~~(s)~~] of the academic research being proposed, including an explanation of whether the research is agricultural research or processing research, as well as the methods and procedures for carrying out the research, procedures governing the proposed disposition of industrial hemp material, the name[~~(s)~~] and telephone number[~~(s)~~] for the faculty advisor[~~(s)~~], the institution's name and address, and the names of ~~[all]~~each individual ~~[applicant(s)]~~involved in the project.

(~~9~~)14 "Security Plan"[~~:-~~] means a plan to control and limit unauthorized access to industrial hemp, whether in seed, plant, or harvested form, and methods used to prevent the inadvertent dissemination of industrial hemp.

(15) "THC" means total composite tetrahydrocannabinol, including delta-9-tetrahydrocannabinol, tetrahydrocannabinolic acid, and any THC analogs as defined in Subsection 58-37-4(2)(a)(ii)(AA).

R68-22-3. Application for Industrial Hemp Growing Certificate.

(1) Each ~~[A]~~applicant[~~(s)~~] seeking ~~[certification]~~an Industrial Hemp Growing Certificate shall submit the following to the ~~[D]~~department:

~~(a)~~ a completed application form provided by the Department;

~~[a-](b)~~ ~~[A]~~a research plan[~~;~~];

~~[b-](c)~~ ~~[A]~~a description of the industrial hemp varieties to be planted on the growing area[~~(s)~~];

~~[e-](d)~~ ~~[F]~~the legal description of the growing area[~~(s)~~];

~~[d-](e)~~ ~~[P]~~the physical address of the growing area[~~;~~];

~~[e-](f)~~ ~~[T]~~the global positioning coordinates for the center of the outdoor growing area[~~(s)~~];

~~[f-](g)~~ ~~[M]~~maps of the growing area showing the boundaries and dimensions of the growing area[~~(s)~~] in acres or square feet, and the location of the different varieties within the growing area[~~(s)~~]; and

~~[g-](h)~~ a security plan.

(2) Each ~~[A]~~applicant[~~(s)~~] shall acknowledge and agree to the following:

~~[a-](a)~~ they ~~[Applicant(s)]~~ will comply with ~~[all]~~the terms and conditions of the certificate, state, and federal laws, and

~~[b-](b)~~ they ~~[Applicant(s)]~~ will allow department officials on the growing area[~~(s)~~] during normal business hours.

R68-22-4. Application for Industrial Hemp Processing Certificate.

(1) Each applicant seeking an Industrial Hemp Processing Certificate shall submit the following to the department:

~~(a)~~ a completed application form provided by the department;

~~(b)~~ a research plan;

~~(c)~~ a description of the industrial hemp products to be processed;

~~(d)~~ the blueprint of the processing building;

~~(e)~~ the physical address where the industrial hemp will be processed;

~~(f)~~ maps of the processing area showing the boundaries and dimensions in relation to campus; and

~~(g)~~ a security plan.

(2) Each applicant shall acknowledge and agree to the following:

~~(a)~~ they will comply with the terms and conditions of certificate, state, and federal laws; and

~~(b)~~ they will allow department officials in the processing area during normal business hours.

R68-22-[4]5. Terms of the Certificate.

(1) The term of the Industrial Hemp Growing or Industrial Hemp Processing Certificate is one calendar year beginning in January and ending in December. A person seeking to perform academic research for more than one year shall reapply for ~~[certification]~~a certificate each year.

(2) Prior to each planting, applicant[~~(s)~~] shall provide the department with a statement verifying:

~~[a-](a)~~ ~~[That]~~the type and varieties to be planted in the growing area[~~(s)~~];

~~[b-](b)~~ ~~[F]~~the location of ~~[all]~~each growing area[~~(s)~~]; and

~~[e-](c)~~ ~~[F]~~the amount to be planted in each location.

(3) ~~[7]~~Two weeks ~~[days]~~prior to harvest or product disposal, each applicant[~~(s)~~] shall provide the department with a statement of the intended disposition of the crop waste or product.

(4) Each ~~a~~~~[A]~~pplicant[~~(s)~~] shall take ~~[all]~~any necessary measures to avoid the inadvertent dissemination of industrial hemp.

(5) Each applicant shall notify the department of any change in their research plan.

R68-22-6. Transportation of Industrial Hemp Material.

(1) A printed transport permit provided by the department shall accompany each transport of any industrial hemp material within the possession of each holder of an Industrial Hemp Growing or Industrial Hemp Processing Certificate.

(2) The permit shall contain the following information:

(a) the address and license number of the departure location;

(b) the physical address and license number of the receiving location;

(c) the strain name, quantities by weight, and unique identification numbers of each industrial hemp material to be transported;

(d) the date and time of departure;

(e) the estimated date and time of arrival; and

(f) the name and signature of each agent accompanying the industrial hemp material.

(3) The transport permit may not be voided or changed after departing from the original industrial hemp licensee or certificate holder.

(4) A copy of the transport permit shall be given to the receiving industrial hemp licensee or certificate holder.

(5) The receiving industrial hemp licensee or certificate holder shall ensure that the industrial hemp material received is as described in the transport manifest and shall:

(a) record the amounts received for each strain; and

(b) document any differences between the quantity specified in the transport permit and the quantities recorded.

(6) During transportation, industrial hemp material shall be:

(a) shielded from the public view;

(b) secured; and

(c) temperature controlled if perishable.

(7) A certificate holder shall contact the department within 24 hours if a vehicle transporting industrial hemp material is involved in an accident that involves product loss.

(8) Only key participants involved in the industrial hemp academic research may occupy a transporting vehicle.

R68-22-7. Reporting Requirements.

(1) Within ten days of planting, each Industrial Hemp Growing Certificate holder shall submit a Planting Report, on a form provided by the department, that includes:

(a) a list of industrial hemp varieties and other plants in the growing area that were planted;

(b) the actual acres planted or the seeding rate or number of clones planted in the growing area;

(c) adjusted maps and global position coordinates for the area planted; and

(d) the amount of seed that was not used.

(2) 30 days prior to harvest, each Industrial Hemp Growing Certificate holder shall submit a Harvest Report, on a form provided by the department, that includes:

(a) any contracts entered into between the certificate holder and another certificate holder or licensee or a statement of the intended use of industrial hemp cultivated in the growing area;

(b) any intended storage areas for industrial hemp or industrial hemp material; and

(c) the harvest dates and location of each variety cultivated in the growing areas.

(3) Each Industrial Hemp Growing Certificate holder shall immediately inform the department of any changes in the reported harvest date that exceed five days.

(4) By December 31st, each Industrial Hemp Growing or Industrial Hemp Processing Certificate holder shall submit:

(a) a completed production report, on a form provided by the department; and

(b) a report of the results of their research as set forth in their research plan.

(5) The failure to submit each report required by this rule may result in the denial of a renewal certificate.

R68-22-[5]8. Inspection and Revocation of Certification.

[~~_____~~(1) Growing area(s) are subject to random sampling to verify the THC concentration does not exceed 0.3% on a dry weight basis by department officials.]

([2]1) The [D]department shall have complete and unrestricted access to [all]industrial hemp plants and seeds whether growing or harvested, any raw material and product, [all]and any land, buildings and other structures used for the cultivation, processing, and storage of industrial hemp, during normal business hours.

(2) Any material in the growing or processing area is subject to random sampling and testing by the department to ensure the THC concentration is within the limits required by this rule.

[~~_____~~(3) Samples of each variety of industrial hemp may be sampled from each growing area(s) at the department's discretion.

(4) The department will conduct the laboratory testing on the samples to determine the THC concentration on a dry weight basis.]

([5]3) [The department shall test each of the growing area(s) two weeks prior to harvest.

a. The Applicant]Each Industrial Hemp Growing Certificate holder shall notify the department of their intended harvest date at least [3]three weeks prior to harvest.

(4) The department shall test each growing area no more than two weeks prior to harvest.

([6]5) [Any laboratory test result of greater than 0.3% may be considered a violation of the terms of the certificate.]Upon receipt of [such]a failed test result the department may revoke the Industrial Hemp Growing or Processing [e]Certificate[,], except as provided in Subsection R68-22-8(7).

([7]6) Upon receipt of [a test result of greater than 0.3%]notice of a failed test, the department shall:

[a.](a) [N]otify the faculty advisor of [all]each test result[s.]; and

[b.](b) [A]allow for additional testing to be done at the request of the faculty advisor[.];

[+](7) The [F]faculty advisor shall notify the department, in writing, within ten days if they are seeking additional testing[.];

[e.](8) In response to receiving notification of a failed test result and notification from the faculty advisor that they will not seek additional testing, the department shall:

(a) [S]upervise the destruction of the industrial hemp crop, raw plant material, raw concentrate, or product; and

[d. S](b) send notification of revocation to the faculty advisor within 30 days if a determination is reached to suspend the certificate.

([8]9) Any laboratory test with a result of 1.0% or greater will be turned over to the appropriate law enforcement agency and revocation of the certificate will be immediate, unless:

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~~[a-](a)~~ the applicant~~(s)~~ declared in the research plan the possibility of exceeding 1% THC level~~[-]~~;

~~[b-](b)~~ the research plan includes an explanation for why the THC level may exceed 0.3%~~[-]~~; and

~~[e-](c)~~ the research plan includes additional measures that may need to be taken to control access to the ~~[H]~~industrial ~~[H]~~hemp.

R68-22-~~[6]~~9. Renewal.

(1) Each Industrial Hemp Growing or Processing Certificate~~[Certification]~~ shall be renewed on a year to year basis.

(2) An a~~[A]~~pplicant~~(s)~~ seeking renewal of the ~~[Industrial Hemp Certification]~~Industrial Hemp Growing or Processing Certificate shall resubmit ~~[a]~~each document~~[s]~~ required for certification, with any updated information, 30 days prior to the expiration of the current year certificate.

R68-22-10. Violations.

(1) A lot of industrial hemp plants shall be considered to be in violation of the terms of the industrial hemp growing certificate if a sample of the raw plant material is found to contain greater than 0.3% total THC on a dry weight basis, except as specified in Subsection R68-22-8(7).

(2) A batch of hemp raw material or hemp product shall be considered to be in violation of the terms of the industrial hemp processing certificate if a sample of the product or material is found to contain greater than 0.3% total THC by mass, except as specified in Subsection R68-22-8(7).

(3) The holder of an Industrial Hemp Growing or Industrial Hemp Processing certificate shall be in violation of the certificate if any raw plant material, raw concentrate, or product is not destroyed following the completion of academic research.

KEY: hemp, academic research

Date of Enactment or Last Substantive Amendment: ~~[April 22, 2015]~~2021

Notice of Continuation: March 5, 2020

Authorizing, and Implemented or Interpreted Law: 4-41

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R277-726	Filing ID 53648
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Agency Information

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

Contact person(s):

Name:	Phone:	Email:
Angie Stallings	801-538-7830	Angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:

R277-726. Statewide Online Education Program

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

Rule R277-726 is being amended to bring this rule into compliance with the new requirements for the Statewide Online Education Program due to the passage of S.B. 226 and S.B. 234 in the 2021 General Session.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The amendments incorporate by reference 4 separate applications for each type of provider, requires all providers to be approved before offering services, maintain an 80% course completion rate, and submit to an annual review process that includes a process for curing any compliance issues prior to being removed from the program if the issues cannot be resolved. This rule also sets a fee for Certified online course providers to pay the Board 5% of the first \$200,000 collected pursuant to Section 53F4-505 and 1% after that in perpetuity to remain in the program.

Fiscal Information

5. Provide an estimate and written explanation of the 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 S.B. 226 and S.B. 234 (2021).

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governmenta' revenues or expenditures. The amendments are due to S.B. 226 and S.B. 234 (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 S.B. 226 and S.B. 234 (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 S.B. 226 and S.B. 234 (2021).

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no independent compliance costs for affected persons. The amendments are due to S.B. 226 and S.B. 234 (2021).

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

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. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, State Superintendent

6. A) 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	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) 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.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 53E-3-501(1)(c)(iv)	Article X, Section 3	Subsection 53E-3-502(8)
Subsection 53E-3-401(4)		

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

	First Incorporation
Official Title of Materials	LEA SOEP Provider Application & Statewide Services Agreement

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Incorporated (from title page)	(Primary Agreement)
Publisher	State Board of Education
Date Issued	6/22/2021
Issue, or version	Version 1

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

	Second Incorporation
Official Title of Materials Incorporated (from title page)	Higher ed SOEP Provider Application & Statewide Services Agreement (Primary Agreement)
Publisher	State Board of Education
Date Issued	6/22/2021
Issue, or version	Version 1

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

	Third Incorporation
Official Title of Materials Incorporated (from title page)	Certified Online Provider SOEP Provider Application & Statewide Services Agreement (Orig)
Publisher	State Board of Education
Date Issued	6/22/2021
Issue, or version	Version 1

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

	Fourth Incorporation
Official Title of Materials Incorporated (from title page)	Certified Online Provider SOEP Provider Application & Statewide Services Agreement (Re-Ad)
Publisher	State Board of Education
Date Issued	6/22/2021
Issue, or version	Version 1

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	09/14/2021
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10. This rule change MAY become effective on:	09/21/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	07/29/2021
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R277. Education, Administration.

R277-726. Statewide Online Education Program.

R277-726-1. Authority and Purpose.

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
- (b) Section 53F-4-514, which requires the Board to make rules:
- (i) providing for the administration of the ~~[high school]~~ applicable statewide assessments to students enrolled in online courses; ~~and~~
- (ii) that establish a course credit acknowledgment form and procedures for completing and submitting the form to the Board; and
- (iii) that establish protocols for an online course provider to obtain approval to become a certified online course provider; and
- (c) 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.
- (2) The purpose of this rule is to:
- (a) define necessary terms;
- (b) provide and describe a program registration agreement; and
- (c) provide other requirements for an LEA, the Superintendent, a parent and a student, and a provider for program implementation and accountability.

R277-726-2. Definitions.

- (1) "Actively participates" means the student actively participates as defined by the provider.
- (2) "Applicable statewide assessments" means:
- (a) the high school assessment described in Section 53E-4-304 and Subsection R277-404-2(6);
- (b) a standards assessment as defined in Subsection R277-404-2(9);
- (c) a statewide assessment as defined in Subsection R277-404-2(10); and
- (d) a Utah alternative assessment as defined in Subsection R277-404-2(12).
- (3) "Certified online course provider" means the same as the term is defined in Subsection 53F-4-501(1).
- (4) "Course completion" means that a student has completed a course with a passing grade and the provider has transmitted the grade and credit to the primary LEA of enrollment.
- (5)(a) "Course Credit Acknowledgment" or "CCA" means an agreement and registration record using the Statewide Online Education Program application provided by the Superintendent.

(b) Except as provided in Subsection 53F-4-508(3)(h), the CCA shall be signed by the designee of the primary school of enrollment, and the qualified provider.

(14)(a) "Eligible student" means a student enrolled in grades 6-12 in a secondary environment in a course that:

(i) is offered by a public school; and

(ii) provides the student the opportunity to complete middle school requirements or earn high school graduation credit.

(b) "Eligible student" does not include a student enrolled in an adult education program.

(5)(7) "Enrollment confirmation" means the student initially registered and actively participated, as defined under Subsection(1).

(6)(8)(a) "Executed CCA" means a CCA that has been executed pursuant to signed by all parties as provided in Subsection 53F-4-508(3)(4) and received by the Superintendent.

(b) Following enrollment confirmation and participation, Superintendent directs funds to the provider, consistent with Sections 53F-4-505 through 53F-4-507.

~~(7)(a) "High school assessment" means the high school assessment described in Section 53E-4-304 and Subsection R277-404-2(6).~~

~~(b) "High school assessment" includes the board approved alternate assessment for high school.~~

(8)(9) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(9)(10) "Online course" means a course of instruction offered through the Statewide Online Education Program.

(10)(11) "Online course payment" means the amount withheld from a student's primary LEA and disbursed or otherwise paid to the designated provider following satisfaction of the requirements of the law, and as directed in Subsection 53F-4-507(2).

(11)(12) "Online course provider" or "provider" means:

(a) a school district school with an approved application described in Subsection R277-726-3(1)(a);

(b) a charter school with an approved application described in Subsection R277-726-3(1)(a);

(c) an LEA program created for the purpose of serving Utah students in grades ~~9~~7-12 online with an approved application described in Subsection R277-726-3(1)(a); or

(d) a program of an institution of higher education described in Subsection 53F-4-504(3) with an approved application described in Subsection R277-726-3(1)(b).

(12)(13) "Primary LEA of enrollment" means the LEA in which an eligible student is enrolled for courses other than online courses offered through the Statewide Online Education Program, and which reports the student to be in regular membership, and special education membership, if applicable.

(13)(14) "Primary school of enrollment" means:

(a) a student's school of record within a primary LEA of enrollment; and

(b) the school that maintains the student's cumulative file, enrollment information, and transcript for purposes of high school graduation.

(14)(15) "Resident school" means the district school within whose attendance boundaries the student's custodial parent or legal guardian resides.

(16) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

(17) "Standard of active participation" means the measure of student engagement that is used by the certified online course provider to count a student as in attendance for a course.

(15)(18) "Statewide Online Education Program" or "program" means courses offered to students under Title 53F, Chapter 4, Part 5, Statewide Online Education Program Act.

(16)(19) "Teacher of record" means the teacher who is employed by a provider and to whom students are assigned for purposes of reporting and data submissions to the Superintendent in accordance with Section R277-484-3.

(17)(20) "Underenrolled student" means a student with less than a full course load, as defined by the LEA, during the regular school day at the student's primary school of enrollment.

(18)(21) "USBE course code" means a code for a designated subject matter course assigned by the Superintendent.

(19)(22) "Withdrawal from online course" means that a student withdraws or ceases participation in an online course as follows:

(a) within 20 calendar days of the start date of the course, if the student enrolls on or before the start date;

(b) within 20 calendar days of enrolling in a course, if the student enrolls after the start date;~~or~~

(c) within 20 calendar days after the start date of the second 0.5 credit of a 1.0 credit course; or

(d) as the result of a student suspension from an online course following adequate documented due process by the provider.

R277-726-3. Incorporation of Provider Applications by Reference.

(1) This rule incorporates by reference the June 2021 edition of:

(a) the LEA SOEP Provider Application and Statewide Services Agreement;

(b) the Higher Education SOEP Provider Application and Statewide Services Agreement, Utah Public Institutions of Higher Education;

(c) the Certified Online Provider SOEP Provider Application and Statewide Services Agreement; and

(d) the Certified Online Provider SOEP Provider Application and Statewide Services Agreement for Program Re-Admission.

(2) A copy of each provider application is located at:

(a) <https://schools.utah.gov/administrativerules/documentsincorporated;> and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

R277-726-[3]4. Course Credit Acknowledgment (CCA) Process.

(1) A student, a student's parent, a counselor, or a provider may initiate a CCA.

(2)(a) A counselor designated by a student's primary school of enrollment shall review the student's CCA to ensure consistency with:

(i) graduation requirements;

(ii) the student's plan for college and career readiness;

(iii) the student's IEP;

(iv) the student's Section 504 plan; or

(v) the student's international baccalaureate program.

(b) The primary school of enrollment shall return the CCA to the Superintendent within 72 business hours.

(3)(a) The primary school of enrollment is not required to meet with the student or parent for approval of a course request.

(b) The Superintendent shall notify a primary school of enrollment of a student's enrollment in the program.

(4) If a student enrolling in the program has an IEP, ~~or a~~]Section 504 plan, or qualifies for multilingual supports, the primary LEA or school of enrollment shall forward the IEP or description of 504 accommodations and other relevant supports to the provider within 72

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business hours of receiving notice from the Superintendent that the provider has accepted the enrollment request.

(5) The Superintendent shall develop and administer procedures for facilitation of a CCA that informs ~~all~~the appropriate parties.

R277-726-[4]5. Eligible Student and Parent Rights and Responsibilities.

(1) An eligible student may register for program credits consistent with Section 53F-4-503.

(2) An eligible student may exceed a full course load during a regular school year if:

(a) the student's plan for college and career readiness indicates that the student intends to complete high school graduation requirements and exit high school before the rest of the student's high school cohort; and

(b) the student's schedule demonstrates progress toward early graduation.

(3) In accordance with Subsection 53F-4-509(5), if a student enrolled in a program course exceeds a full course load during a regular school year, a primary LEA of enrollment may mark the student as an early graduate and increase membership in accordance with Section R277-419-[6]8 and Rule R277-484 to account for credits in excess of full-time enrollment in a local Student Information System.

(4)(a) An eligible student is expected to complete courses in which the student enrolls in a timely manner consistent with Section 53F-4-505 and requirements for attendance and participation in accordance with Subsection R277-726-[7](8)(15).

(b) If a student changes the student's enrollment for any reason, it is the student's or student's parent's responsibility to notify the provider immediately.

(5) A student should enroll in online courses, or declare an intention to enroll, during the school course registration period designated by the primary LEA of enrollment for regular course registration.

(6) A student may alter a course schedule by dropping a traditional course and adding an online course in accordance with the primary school of enrollment's same established deadline for dropping and adding traditional courses.

(7)(a) Notwithstanding Subsection (6), an underenrolled student may enroll in an online course at any time during a calendar year.

(b) If an underenrolled student enrolls in an online course as described in Subsection (7)(a), the primary school of enrollment may immediately claim the student for the adjusted portion of enrollment.

R277-726-[5]6. LEA Requirements and Responsibilities.

(1) A primary school of enrollment shall facilitate student enrollment with any and all eligible providers selected by an eligible student consistent with course credit limits.

(2) A primary school of enrollment or a provider LEA shall use the CCA application, records, and processes provided by the Superintendent for the program.

(3) A primary school or LEA of enrollment shall provide information about available online courses and programs:

- (a) in registration materials;
- (b) on the LEA's website; and
- (c) on the school's website.

(4) A primary school or LEA of enrollment shall provide the notice required under Subsection (3) concurrent with the high school course registration period designated by the LEA for the upcoming school year to facilitate enrollment as required by Section 53F-4-513.

(5) A primary school of enrollment shall include a student's online courses in the student's enrollment records and, upon course completion, include online course grades and credits on the student's transcripts.

(6) A primary school of enrollment shall recognize credit earned toward high school graduation by a participating secondary student through courses completed prior to grade 9 for purposes of high school graduation provided that:

(a) the student has in the student's records documentation of the student's intention to graduate early; and

(b) the student is enrolled at a middle school or junior high school and a high school accredited in accordance with Rule R277-410.

(7) A primary school of enrollment shall determine fee waiver eligibility for participating public school students pursuant to R277-407.

(8)(a) If a participating student qualifies for a fee waiver, the student's primary LEA or school of enrollment shall provide the participating student access to an online course by:

(i) allowing a student access to necessary technology in a computer lab or other space within the school building during a school period or during the regular school day for the student to participate in an online course; or

(ii) providing a participating student technology and wifi needed for the student to participate outside of the school building.

(b) If a participating student who qualifies for a fee waiver is a home or private school student, the online course provider shall provide the participating home or private school student access to the online course.

(9) A primary school of enrollment shall provide participating students access to facilities for the student to participate in an online course during the regular school day, sports, extracurricular and co-curricular activities, and graduation services consistent with local policies governing participation irrespective of relative levels of participation in traditional courses versus Statewide Online Education courses.

(10)(a) If a participating student's primary school of enrollment is a middle school or junior high as defined in Rule R277-700, course completions will be recorded in a student's record of credit and course completion for grade 9 to allow recognition toward grades 9-12, high school graduation requirements, and post-secondary requirements.

(b) A primary LEA of enrollment accepting credit toward high school requirements is not required to independently verify:

- (i) early graduation status; or
- (ii) the non-supplanting nature of SOEP courses.

(11) When a student satisfactorily completes an online semester or quarter course, in accordance with the LEA's procedures, a designated counselor or registrar at the primary school of enrollment shall forward records of grades and high school graduation credit for students participating prior to grade 9 to the student's grade 9 primary school of enrollment for recording grades and credit per Subsection (10) once a student completes grade 8.

R277-726-[6]7. Superintendent Requirements and Responsibilities.

(1) The Superintendent shall provide a website for the program, including information required under Section 53F-4-512 and other information as determined by the Board.

(2) The Superintendent shall direct a provider to administer the ~~[high school]~~applicable statewide assessment consistent with Section 53F-4-514 and Rule R277-404.

(3)(a) The Board may determine space availability standards and appropriate course load standards for online courses consistent with Subsection 53F-4-512(3)(d).

(b) Course load standards may differ based on subject matter.

(4) The Board shall withhold funds from a primary LEA of enrollment and make payments to a provider consistent with Sections 53F-4-505 through 53F-4-507.

(5) The Board may refuse to provide funds under a CCA if the Board finds that information has been submitted fraudulently or in violation of the law or Board rule by any of the parties to a CCA.

(6) The Superintendent shall receive and investigate complaints, and impose sanctions, if appropriate, regarding course integrity, financial mismanagement, enrollment fraud or inaccuracy, or violations of the law or this rule specific to the requirements and provisions of the program.

(7) If a Board investigation finds that a provider has violated the IDEA or Section 504 provisions for a student taking online courses, the provider shall compensate the student's primary LEA of enrollment for ~~all~~ costs related to compliance.

(8)(a) The Superintendent may audit, at the Board's sole discretion, an LEA's or program participant's compliance with any requirement of state or federal law or Board rule under the program.

(b) ~~All~~ A participant[s] shall provide timely access to ~~all~~ records, student information, financial data or other information requested by the Board, the Board's auditors, or the Superintendent upon request.

(9) The Board may withhold funds from a program participant for the participant's failure to comply with a reasonable request for records or information.

(10) Program records are available to the public subject to Title 63G, Chapter 2, Government Records Access and Management Act.

(11) The Superintendent shall withhold online course payment from a primary LEA of enrollment and payments to an eligible provider at the nearest monthly transfer of funds, subject to verification of information, in an amount consistent with, and at the time a provider qualifies to receive payment, under Subsection 53F-4-505(4).

(12) The Superintendent shall pay a provider consistent with Minimum School Program funding transfer schedules.

(13)(a) The Superintendent may make decisions on questions or issues unresolved by Title 53F, Chapter 4, Part 5, Statewide Online Program Act or this rule on a case-by-case basis.

(b) The Superintendent shall report decisions described in Subsection (13)(a) to the Board consistent with the purposes of the law and this rule.

R277-726-~~7~~8. Provider Requirements and Responsibilities.

(1)(a) A provider shall administer the ~~high school~~ applicable statewide assessments to a participating private or home school student as directed by the Superintendent, including proctoring the ~~high school~~ applicable statewide assessments, consistent with Section 53F-4-510 and Rule R277-404.

(b) A provider shall pay administrative and proctoring costs for the ~~high school~~ applicable statewide assessments described in Subsection (1)(a).

(2) A provider shall provide a parent or a student with email and telephone contacts for the provider during regular business hours to facilitate parent contact.

(3) A provider and any third party working with a provider shall, for all eligible students, satisfy ~~all~~ Board requirements for:

- (a) consistency with course standards;
- (b) criminal background checks for provider employees;
- (c) documentation of student enrollment and participation;

and

- (d) compliance with:

(i) the IDEA;

(ii) Section 504; and

(iii) requirements for ~~ELL~~ multilingual students.

(4) A provider shall receive payments for a student properly enrolled in the program from the Superintendent consistent with:

(a) Board procedures;

(b) Board timelines; and

(c) Sections 53F-4-505 through 53F-4-508.

(5)(a) A provider may charge a fee consistent with other secondary schools.

(b) If a provider intends to charge a fee of any kind, the provider:

(i) shall notify the primary school of enrollment with whom the provider has the CCA of the purpose for fees and amounts of fees;

(ii) shall provide timely notice to a parent of required fees and fee waiver opportunities;

(iii) shall post fees on the provider website;

(iv) shall be responsible for fee waivers for an eligible student, including ~~all~~ materials for a student designated fee waiver eligible by a student's primary school of enrollment;

(v) shall satisfy ~~all~~ the requirements of Rule R277-407, as applicable; and

(vi) shall provide fee waivers to home school or private school students who meet fee waiver eligibility at the provider's expense.

(6) A provider shall maintain a student's records and comply with the federal Family Educational Rights and Privacy Act, Title 53E, Chapter 9, Part 3, Utah Family Educational Rights and Privacy Act, and Rule R277-487, including:

(a) protecting the confidentiality of a student's records and providing a parent and an eligible student access to records; and

(b) providing a parent or student documentation of educational performance, including:

(i) test scores;

(ii) grades;

(iii) progress and performance measures; and

(iv) completion of credit.

(7) Except as otherwise provided in this Rule R277-726, a provider shall submit a student's credit and grade to the Superintendent, using processes and applications provided by the Superintendent for this purpose, to a designated counselor or registrar at the primary school of enrollment, and the student's parent no later than:

(a) 30 days after a student satisfactorily completes an online semester or quarter course; or

(b) June 30 of the school year.

(8) A provider may not withhold a student's credits, grades, or transcripts from the student, parent, or the student's school of enrollment for any reason.

(9)(a) If a provider suspends or expels a student from an online course for disciplinary reasons, the provider shall notify the student's primary LEA of enrollment by placing the student on disciplinary withdrawal.

(b) A provider is responsible for ~~all~~ due process procedures for student disciplinary actions in the provider's online program.

(c)(i) A provider shall notify the Superintendent of a student's administrative withdrawal, if the student is inactive in a course for more than ten days, using forms and processes developed by the Superintendent for this purpose.

(ii) If a student, parent, or counselor fails to request reinstatement following notification under Subsection (c)(i), the provider shall formally withdraw the student within 72 hours and notify the student, parent, and primary LEA of the action.

NOTICES OF PROPOSED RULES

(10) If a student entitled to services under the IDEA is removed from an online program, the primary LEA shall work with the student and the student's parents to identify alternatives to provide a free and appropriate public education.

(11)(a) A provider shall provide to the Superintendent a list of course options using USBE-provided course codes.

(b) ~~All~~ program courses shall be coded as semester or quarter courses.

(c) A provider shall update the provider's course offerings annually.

(12) A provider shall serve a student on a first-come-first-served basis who desires to take courses and who is designated eligible by a primary school of enrollment if desired courses have space available.

(13) A provider shall provide ~~all~~ records maintained as part of a public online school or program, including:

(a) financial and enrollment records; and

(b) information for accountability and audit purposes upon request by the Superintendent and the provider's external auditors.

(14) A provider shall maintain the following for at least five calendar years after the student exits the provider's or third party's program:

(a) test scores;

(b) student grades;

(c) completion of credit; and

(d) other progress and performance measures.

(15)(a) A provider is responsible for complete and timely submissions of record changes to executed CCAs and submission of other reports and records as required by the Superintendent.

(b) A provider shall update CCAs to the nearest credit value earned by June 30 annually.

(c) A provider may only maintain an CCA open after June 30 if a student remains actively engaged in coursework, meeting the provider's standard of active participation.

(16) A provider shall inform a student and the student's parent of expectations for active participation prior to the inception of course work, including informing the student and the student's parent of travel expectations to fulfill course requirements.

(17)(a) An LEA may participate in the program as a provider by offering a school or program consistent with ~~the provisions of~~ Rule R277-115 to a Utah secondary student in grades 6-12 who is not a resident student of the LEA and a regularly-enrolled student of the LEA consistent with Sections 53F-4-501 and 53F-4-503.

(b) An LEA program created in accordance with Subsection (17)(8)(a) for serving students in grades 9-12 online must partner with an accredited school and shall:

(i) report grades and credit earned by a student to the Superintendent; and

(ii) record educator assignments consistent with Rule R277-484.

(18) A program school or program shall:

(a) be accredited by the accrediting entity adopted by the Board consistent with Rule R277-~~440~~305;

(b) have a designated administrator who meets the requirements of Rule R277-520;

(c) ensure that a student who qualifies for a fee waiver ~~shall~~ receives ~~all~~ services offered by and through the public schools consistent with Section 53G-7-504 and Rule R277-407;

(d) maintain student records consistent with:

(i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. Sec 1232g and 34 CFR Part 99;

(ii) Rule R277-487;~~and~~

(iii) this Rule R277-726; and

(e) shall offer course work:

(i) aligned with Utah Core standards;

(ii) in accordance with program requirements; and

(iii) in accordance with ~~the provisions of~~ Rules R277-700 and R277-404;

(f) shall not issue transcripts under the name of a third~~-~~party provider; and

(g) shall record teaching assignments by November 15 annually consistent with Rule R277-484 and Section R277-512-7, either directly or through a partner school in accordance with Subsection (17)(8)(b).

(19) An LEA that offers an online program or school as a provider under the program:

(a) shall employ only educators licensed in Utah as teachers;

(b) may not employ an individual whose educator license has been suspended or revoked;

(c) shall require ~~all~~ employees to meet requirements of Title 53G, Chapter 11, Part 4, Background Checks, prior to the provider offering services to a student;

(d) may only employ teachers who meet the requirements of Rule R277-~~(f)~~301~~(j)~~, Educator Licensing - Highly Qualified Assignment;

(e) for a provider that provides an online course to a private or home school student, shall agree to administer and have the capacity to proctor and carry out the ~~high school~~ applicable statewide assessments, consistent with Sections 53E-4-302, 53F-2-103, and Rule R277-404;

(f) in accordance with Section R277-726-8, shall provide services to a student consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights Act of 1964 for ~~English Language Learners (ELL)~~ multilingual students;

(g) shall maintain copies of ~~all~~ CCAs for audit purposes; and

(h) shall agree that funds shall be withheld by the Superintendent consistent with Sections 53F-4-505, 53F-4-506, and 53F-4-508.

(20) A provider shall cooperate with the Superintendent in providing timely documentation of student participation, enrollment, educator credentials, and other additional data consistent with Board directives and procedures and as requested.

(21) A provider shall post required information online on the provider's individual website including required assessment and accountability information.

(22)(a) A provider contracting with a third~~-~~party to provide educational services to students participating with the provider through the Statewide Online Education Program shall:

(b) develop a written monitoring plan to supervise the activities and services provided by the third~~-~~party provider to ensure:

(i) a third~~-~~party provider is complying with:

(A) federal law;

(B) state law; and

(C) Board rules;

(ii) curriculum provided by a third~~-~~party provider is aligned with the Board's core standards and rules;

(iii) a third~~-~~party provider has access to curriculum for alignment and adjustment to ensure the curriculum is consistent with the Utah core standards in Rule R277-700 and a Board approved core code;

(iv) supervision of third~~-~~party facilitation and instruction by an educator licensed in Utah:

(A) employed by the provider, and

(B) reported as teacher of record per Section R277-484-3 and Subsection R277-726-2(3); and

(iv) consistent with the LEA's administrative records retention schedule, maintenance of documentation of the LEA's supervisory activities.

(23) A provider shall offer courses consistent with standards outlined in an applicable Statewide Services Agreement, which may be updated or amended to reflect changes in law, rule or recommended practice.

~~[(24) A provider utilizing a third party shall establish contractual and procedural safeguards:~~

~~(a) retaining legal and procedural authority to open coursework to a participating student only upon issuance of a Notice of Enrollment regarding a particular course and credit;~~

~~(b) signifying the provider's authority to interact instructionally with a student not regularly enrolled in the LEA but participating in SOEP courses with approval of the student's primary LEA of enrollment; and~~

~~(c) including acceptance of financial responsibility by a primary LEA of enrollment.~~

~~(25) A provider is not required to independently verify:~~

~~(a) early graduation status; or~~

~~(b) the non-supplanting nature of SOEP courses.]~~

(24) A provider shall maintain a course completion rate of at least 80% annually to remain in good standing with the program.

(25) A provider is subject to the same approval and annual performance review as described for a certified online course provider in Subsections R277-726-12(1)-(10) while utilizing the applicable applications for a provider described in Subsections R277-726-3(1)(a) and (b).

R277-726-[8]9. Services to Students with Disabilities Participating in the Program.

(1)(a) If a student wishes to receive services under Section 504 of the Rehabilitation Act of 1973, the student shall make a request with the student's primary school of enrollment.

(b) The primary school of enrollment shall evaluate a student's request under Subsection (1)(a) and determine if a student is eligible for Section 504 accommodations.

(c) If the primary school of enrollment determines the student is eligible, the school shall prepare a Section 504 plan and implement the plan in accordance with Subsection (2)(b).

(2)(a) If a student requests services related to an existing Section 504 accommodation, a provider shall:

(i) except as provided in Subsection (2)(b), review and implement the plan for the student; and

(ii) provide the services or accommodations to the student in accordance with the student's Section 504 plan.

(b) An LEA of enrollment shall provide a Section 504 plan of a student to a provider within 72 business hours if:

(i) the student is enrolled in a primary LEA of enrollment; and

(ii) the primary LEA of enrollment has a current Section 504 plan for the student.

([2]3) For a student enrolled in a primary LEA of enrollment, if a student participating in the program qualifies to receive services under the IDEA:

(a) the student's primary LEA of enrollment shall:

(i) working with a provider LEA representative, review or develop an IEP for the student within ten days of enrollment;

(ii) working with a provider LEA representative, update an existing IEP with necessary accommodations and services, considering the courses selected by the student;

(iii) provide the IEP described in Subsection ([2]3)(a)(i) to the provider within 72 business hours of completion of the student's IEP; and

(iv) continue to claim the student in the primary LEA of enrollment's membership; and

(b) the provider shall provide special education services and accommodations to the student in accordance with the student's IEP described in Subsection ([2]3)(a)(i).

([3]4) If a home or private school student requests an evaluation for eligibility to receive special education services:

(a) the home or private school student's resident school shall:

(i) evaluate the student's eligibility for services under the IDEA;

(ii) if eligible, the student may enroll in the LEA that will prepare an IEP for the student, with input from the provider LEA, in accordance with the timelines required by the IDEA;

(iii) provide the IEP described in Subsection (4)(a)(ii) to the provider within 72 business hours of completion of the student's IEP; and

~~[(iv) claim the student in the resident school's membership; and]~~

(b) the provider shall provide special education services and accommodations to the student in accordance with the student's IEP described in Subsection (4)(a)(i) including in cases where the provider utilizes a third party provider for delivery of educational or other services.

R277-726-[9]10. Home and Private School Appropriation.

(1) The Superintendent shall allocate the annual appropriation for home and private school tuition, along with any carryover or unobligated funds, as follows:

(a) Prior to December 1 annually, the Superintendent shall accommodate home school students with at least 50% of the total appropriation for home and private school students, unless the home school demand is less.

(b) After December 1 annually, until available funds are obligated, the Superintendent shall:

(i) receive and accept enrollment requests on a first come, first served basis; and

(ii) offer preference to home school students in the event demand exceeds available funding.

(3) If home school or private school student funds remain by December 1, the Superintendent may release the funds for any pending enrollment requests.

R277-726-1[0]1. Other Information.

(1) A primary school of enrollment shall set reasonable timelines and standards.

(2) A provider shall adhere to timelines and standards described in Subsection (1) for student grades and enrollment in online courses for purposes of:

(a) school awards and honors;

(b) Utah High School Activities Association participation; and

(c) high school graduation.

R277-726-12. Certified Online Course Provider Application Approval, Program Requirements, and Fees.

(1) An entity other than an online course provider may become a certified online course provider if the entity submits an application described in Subsection R277-726-3(1)(c).

(2) An entity other than an online course provider shall submit the application described in Subsection R277-726-3(1)(c) on or before the annual deadline established by the Superintendent.

(3) The Superintendent shall review each application within a reasonable amount of time.

(4) If the Superintendent finds the application submitted is satisfactory, including a demonstration of the entity's ability to adhere to requirements within the application, this Rule R277-726, and state law, the Superintendent shall forward the application to the Board for final approval.

(5) Once approved by the Board, an entity shall become a certified online course provider.

(6) A certified online course provider shall adhere to requirements to remain certified and in good standing within the program including:

(a) requirements applicable to an online course provider described in this Rule R277-726, including the requirement to maintain a course completion rate of at least 80%;

(b) additional requirements prescribed in the application described in Subsection R277-726-3(1)(c); and

(c) state laws applicable to an online course provider including Subsections 53F-4-501 et. seq.

(7) A certified online course provider shall be subject to an annual performance review by the Superintendent.

(8) If the Superintendent finds the certified online course provider is not in compliance with any requirement as outlined in subsection (6) of this part, the Superintendent shall provide the certified online course provider with a list of non-compliance issues and a reasonable timeline for the certified online course provider to cure the instances of non-compliance.

(9) If the certified online course provider fails to correct instances of non-compliance within the allotted timeline, the certified online course provider shall be removed from the program.

(10) A certified online course provider that has been removed from the program may apply in the application round following removal from the program for readmission to the program using the application described in Subsection R277-726-3(1)(d).

(11) A certified online course provider shall remit fees to the Superintendent for participation in the program as follows:

(a) 5% of revenue collected for the first \$200,000 received pursuant to Section 53F-4-505; and

(b) 1% of revenue collected after the first \$200,000 received pursuant to Section 53F-4-505.

KEY: statewide online education program

Date of Enactment or Last Substantive Amendment: ~~January 8,~~ 2021

Notice of Continuation: November 9, 2020

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-4-510; 53F-4-514; 53E-3-401

NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R357-40	Filing ID 53767
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Agency Information

1. Department:	Governor	
Agency:	Economic Opportunity	
Building:	World Trade Center	
Street address:	60 E South Temple	
City, state and zip:	Salt Lake City, UT 84111	
Contact person(s):		
Name:	Phone:	Email:
Dane Ishihara	801-538-8864	dishihara@utah.gov

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

General Information

2. Rule or section catchline:
R357-40. Broadband Access Grant Program Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
H.B. 348 passed during the 2021 General Session and established the broadband access grant program administered by the Governor's Office of Economic Opportunity. The purpose of this rule is to establish the criteria to receive broadband access grant funds.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule will codify definitions, authority, eligibility criteria, contract requirements, contract modification process, funding distribution, and reporting requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no new aggregate anticipated cost or savings to the state budget. This rule is merely establishing the process to receive broadband access grant funds.
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 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 (How much will it cost an impacted entity to adhere to this rule or its changes?):

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

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

The purpose of this rule filing is to establish the standards and review process for broadband access grants. This rule will have no negative impact on businesses. Dan Hemmert, Executive Director.

6. A) 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	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

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

B) 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.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 63N-17-302		
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 09/14/2021

10. This rule change MAY become effective on: 09/21/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Dan Hemmert, Executive Director	Date:	07/30/2021
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R357. Governor, Economic Opportunity.

R357-40. Broadband Access Grant Program Rule.

R357-40-101. Title.

This rule is known as the "Broadband Access Grant Program Rule".

R357-40-102. Definitions.

In addition to the terms defined under Section 63N-17-102 the following terms are defined:

(1) "Higher speed" means the speed is greater than 100 Mbps download and 20 Mbps upload.

(2) "Publicly Accessible" means the public is able to access an affordable broadband network as an ongoing benefit to the community through connecting households, businesses, and public networks within reasonable scope of the project.

(3) "Rural" means a:

(a) county of the third, fourth, fifth, or sixth class; or

(b) municipality in a county of the second class that has a population of 10,000 or less.

(4) "Unserved area" includes a designated geographic area in which households or businesses are without a fixed, terrestrial connection supporting at least 25 Mbps download and 3 Mbps upload speeds.

(5) "Underserved area" includes a designated geographic area in which households or businesses are without a fixed, terrestrial connection supporting at least 100 Mbps download and 20 Mbps upload speeds.

R357-40-103. Authority.

This rule is adopted by the office under the authority of Section 63N-17-302.

R357-40-104. Application.

(1) The application shall at a minimum require:

(a) a file map showing proposed service area in .shp, .kml, or .kmz format;

(b) project scope of work;

(c) project budget;

(d) number of users and current speeds available in the proposed area;

(e) resolution from the local governing body in support of the project and the minutes that support the resolution ;

(f) show how the project is scalable and makes the greatest investment in last-mile connections;

(g) proof of applicant's ability to fund the match and the project prior to reimbursement; and

(h) projected;

(i) download speed of not less than 100 megabits per second;

(ii) upload speed of not less than 20 megabits per second;

(iii) low latency of less than 100 ms; and

(iv) packet loss of less than 2%

(2) The application process shall include a timeframe to challenge the proposed service area.

R357-40-105. Grant Amount, Award, and Required Contract.

(1) The office reserves the right to award funding for any proposal in full or in part, to request additional information, or to reject any proposals.

(2) The office shall create an application scoring matrix based on the priorities outlined in Section 63N-17-301 and the matrix will be made available on the office's website.

(3) Grant funds are not eligible to fund:

(a) projects in areas receiving support from the Universal Public Telecommunications Service Support Fund; or

(b) any residential, commercial, or institutional user that is not unserved or underserved.

(4) Higher speed broadband access will give priority to gig speed and low latency.

(5) Upon award of a grant, and prior to disbursement of funds, awardee shall enter into a contract with the office governing the use of grant funding.

(6) Unless addressed in the terms and conditions of the contract between awardee and the office the following provisions shall apply:

(a) grant funding may not be used to provide a primary benefit to any state other than Utah; and

(b) for other eligibility requirements, awardees must maintain eligibility status until the collaboration is complete, scope of work requirements have been met, final disbursement of funding has been made, and reporting has been completed.

R357-40-106. Contract Modifications.

(1) Awardee may request a modification to the terms of a contract.

(2) The office may deny a modification request for any reason.

(3) The office shall have discretion to agree to reasonable, nonsubstantive changes.

(a) Non-substantive changes may include:

(i) changes to timelines within the scope of work;

(ii) corrections to clerical errors in the proposal materials; and

(iii) technical changes to conditions that do not alter the budget, business's eligibility status, or violate any state or federal law.

(4) Substantive changes shall be approved by the office in consultation with the broadband advisory subcommittee.

(5) Approved changes shall be made in writing and through an amendment modifying the terms of the contract.

(6) Awardees refusal or failure to sign the contract within 90 days of receipt of the contract constitutes a rejection of the broadband access grant and a waiver of any rights and benefits.

R357-40-107. Funding Distribution.

(1) The office shall reimburse the awardee for no more than the total amount specified in the contract.

(2) Payment will only be made for those costs authorized and approved by the office after sufficient documentation is provided in accordance with the terms and conditions provided in the contract.

(3) Misrepresentation to the office or violations of the agreement may result in forfeiture of broadband access grant funding, repayment of the funding received, or disqualification from continued funding.

(4) The office reserves the right to audit the use of grant funding.

R357-40-108. Reporting and Cooperation Requirements.

(1) The awardee shall report to the office and provide documentation evidencing the following metrics for inclusion in the annual report described in section 63N-1a-306:

(a) the number of participants in the program; and

(b) any additional data needed as required and outlined in the terms of the contract.

KEY: economic development, broadband

Date of Enactment or Last Substantive Amendment: 2021

Authorizing, and Implemented or Interpreted Law: 63N-17-302

NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R357-41	Filing ID 53759
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Agency Information

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

General Information

2. Rule or section catchline:
R357-41. Utah Main Street Program Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
S.B.194 passed during the 2021 General Session and established the Utah Main Street Program administered by the Governor's Office of Economic Opportunity. The purpose of this rule is to establish the criteria to participate in the program.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule will codify definitions, authority, eligibility criteria, contract requirements, contract modification process, funding distribution, and reporting requirements.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

There is no new aggregate anticipated cost or savings to the state budget. This rule is merely establishing the process to receive broadband access grant funds.

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 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 (How much will it cost an impacted entity to adhere to this rule or its changes?):

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

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

The purpose of this rule filing is to establish the standards and review process for broadband access grants. This rule will have no negative impact on businesses. Dan Hemmert, Executive Director

6. A) 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	FY2022	FY2023	FY2024
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Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) 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.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 63N-3-702		
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 09/14/2021

10. This rule change MAY become effective on: 09/21/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Dan Hemmert, Executive Director	Date:	7/30/2021
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R357. Governor, Economic Opportunity.

R357-41. Utah Main Street Program Rule.

R357-41-101. Title.

This rule is known as the "Utah Main Street Program Rule".

R357-41-102. Definitions.

In addition to the terms defined under Section 63N-3-701 the following terms are defined:

(1) "UMSP" means the Utah Main Street Program.

R357-41-103. Authority.

This rule is adopted by the office under the authority of Section 63N-3-702.

R357-41-107. Award and Required Contract.

(1) The office reserves the right to award funding for any proposal in full or in part, to request additional information, or to reject any proposals.

(2) Upon award, and prior to disbursement of funds, awardee shall enter into a contract with the office governing the use of funding.

(3) Unless addressed in the terms and conditions of the contract between awardee and the office the following provisions shall apply:

(a) funding may not be used to provide a primary benefit to any state other than Utah; and

(b) for any other eligibility requirements, awardees must maintain eligibility status until the collaboration is complete, scope of work requirements have been met, final disbursement of funding has been made, and reporting has been completed.

R357-41-108. Contract Modifications.

(1) Awardee may request a modification to the terms of a contract.

(2) The office may deny a modification request for any reason.

(3) The office shall have discretion to agree to:

(a) changes to timelines within the scope of work;

(b) corrections to clerical errors in the proposal materials;

and

- (c) technical changes to conditions that do not alter the budget, business's eligibility status, or violate any state or federal law.
- (4) Substantive changes shall be approved by the office in consultation with the main street program advisory committee.
- (5) Approved changes shall be made in writing and through an amendment modifying the terms of the contract.
- (6) Awardees refusal or failure to sign the contract within 90 days of receipt of the contract constitutes a rejection of participation in UMSP and a waiver of any rights and benefits.

R357-41-109. Funding Distribution.

- (1) The office shall reimburse the awardee for no more than the total amount specified in the contract.
- (2) Payment will only be made for those costs authorized and approved by the office after sufficient documentation is provided in accordance with the terms and conditions provided in the contract.
- (3) Misrepresentation to the office or violations of the agreement may result in forfeiture of UMSP participation, repayment of the funding received, or disqualification from continued funding.
- (4) The office reserves the right to audit the use of funding.

R357-41-110. Reporting and Cooperation Requirements.

- (1) At a minimum the awardee shall report to the office and provide documentation evidencing the following:
- (a) number of:
- (i) buildings rehabilitated;
- (ii) main street jobs created; and
- (iii) businesses created; and
- (b) amount of:
- (i) private investment; and
- (iii) public investment.

KEY: economic opportunity, main street**Date of Enactment or Last Substantive Amendment: 2021****Authorizing, and Implemented or Interpreted Law: 63N-3-702****NOTICE OF PROPOSED RULE****TYPE OF RULE:** Amendment

Utah Admin. Code Ref (R no.):	R590-94	Filing ID 53752
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Agency Information

1. Department:	Insurance
Agency:	Administration
Room no.:	Suite 2300
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W
City, state and zip:	Taylorsville, UT 84129
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901
Contact person(s):	

Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

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

General Information**2. Rule or section catchline:**

R590-94. Rule Permitting Smoker/Nonsmoker Mortality Tables For Use In Determining Minimum Reserve Liabilities and Nonforfeiture Benefits

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is being changed as a result of Executive Order 2021-12. During the review of this rule, the Department of Insurance (Department) discovered that the rule language was too broadly applied, and also found numerous items that need to be fixed due to changes in language and rulewriting standards.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This filing restricts the applicability of this rule to apply only to life insurers. The language as currently written applies to all insurers; however, the Department has only applied this rule to life insurers due to the content of this rule. The filing also fixes a number of style issues to bring this rule text more in line with current rulewriting standards and updates Section R590-94-6 to use the Department's current language.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

There is no anticipated cost or savings to the state budget. This rule is being changed to make it clear that this rule only applies to life insurers and will require no more and no less work or cost on the state's part.

B) Local governments:

There is no anticipated cost or savings to local governments. This rule is being changed to make it clear that this rule only applies to life insurers.

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

There is no anticipated cost or savings to small businesses. This rule is being changed to make it clear that this rule only applies to life insurers.

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

There is no anticipated cost or savings to non-small businesses. This rule is being changed to make it clear that this rule only applies to life insurers. Life insurers to which this rule applies are already regulated according to this rule; any other insurer that would have been formerly regulated according to this rule have not been and will continue to not be.

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

There is no anticipated cost or savings to any other persons. This rule is being changed to make it clear that this rule only applies to life insurers.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There is no anticipated compliance cost for any affected persons. This rule is being changed to make it clear that this rule only applies to life insurers. Insurers affected by this rule are already required to comply with this rule.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. Jonathan T. Pike, Commissioner

6. A) 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	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			

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

B) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 31A-2-201	Section 31A-22-408	
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 09/14/2021

10. This rule change MAY become effective on: 09/21/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	07/22/2021
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R590. Insurance, Administration.

R590-94. ~~[Rule Permitting]~~ ~~[Smoker]~~ ~~[and]~~ ~~[Nonsmoker Mortality Tables]~~ ~~[for]~~ ~~[Use In]~~ ~~[Determining Minimum Reserve Liabilities and Nonforfeiture Benefits.]~~

R590-94-1. Authority.

This rule is promulgated by the ~~[Insurance C]~~ commissioner pursuant to Sections 31A-2-201~~[7]~~ and 31A-22-408.

R590-94-2. Purpose and Scope.

(1) The purpose of this rule is to permit the use of mortality tables that reflect differences in mortality between smokers and nonsmokers in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits for ~~[plans of insurance]~~ life insurance policy forms with separate premium rates for smokers and nonsmokers.

(2) This rule applies to an insurer offering a life insurance policy.

R590-94-3. Definitions.

~~[A. As used in this rule,]~~ Terms used in this rule are defined in Section 31A-1-301. Additional terms are defined as follows:

(1) "1980 CSO Table, with or without Ten-Year Select Mortality Factor" means ~~[that]~~ the mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Valuation Law and Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioner's 1980 Standard Ordinary Mortality table, with or without Ten-Year Select Mortality Factors. The same select factors will be used for both smokers and nonsmokers tables.

~~[B. As used in this rule,]~~ (2) "1980 CET Table" means ~~[that]~~ the mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioner's 1980 Extended Term Insurance Table.

~~[C. As used in this rule,]~~ (3) "1958 CSO Table" means ~~[that]~~ the mortality table developed by the Society of Actuaries Special Committee on New Mortality ~~[t]~~ Tables, incorporated in the NAIC Model Standard Nonforfeiture Law for Life Insurance, and referred to in that model as the Commissioners 1958 Standard Ordinary Mortality Table.

~~[D. As used in this rule,]~~ (4) "1958 CET Table" means ~~[that]~~ the mortality table developed by the Society of Actuaries Special Committee on New Mortality Tables, incorporated in the NAIC Model Standard Nonforfeiture Law for Life Insurance, and referred to in that model as the Commissioners 1958 Extended Term Insurance Table.

~~[E. As used in this rule, the phrase]~~ (5) "Composite mortality tables" refers to the mortality tables defined in Subsections (1) through (4) as they were originally published with rates of mortality that do not distinguish between smokers and nonsmokers.

(6) "NAIC" means the National Association of Insurance Commissioners.

(7) "[s]Smoker and nonsmoker mortality tables" refers to the mortality tables with separate rates of mortality for smokers and nonsmokers derived from the tables defined in Subsections (1) through (4) ~~[A through D]~~ of this section which were developed by the Society of Actuaries Task Force on Smoker/Nonsmoker Mortality and the California Insurance Department staff and recommended by the NAIC Technical Staff Actuarial Group. ~~These tables are available from the Insurance Department.~~

~~F. As used in this rule, the phrase "composite mortality tables" refers to the mortality tables defined in A through D of this section as~~

~~they were originally published with rates of mortality that do not distinguish between smokers and nonsmokers].~~

R590-94-4. Alternate Tables.

~~[A.](1)~~ For any life insurance policy ~~[of insurance]~~ delivered or issued for delivery in this state after July 1, 1985, and before January 1, 1989, at the option of the company and subject to the conditions stated in ~~[sections 5 of this rule]~~ Section R590-94-5:

(1)a) the 1958 CSO Smoker and Nonsmoker Mortality Tables may be substituted for the 1980 CSO Table, with or without Ten-Year Select Mortality Factors~~[7]~~; and

(2)b) the 1958 CET Smoker and Nonsmoker Mortality Tables may be substituted for the 1980 CET Table for use in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits~~[7]~~.

~~Provided that for any category of insurance issued on female lives with minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits determined using the 1958 CSO or 1958 CET Smoker and Nonsmoker Mortality Tables, these minimum values may be calculated according to an age not more than six years younger than the actual age of the insured.~~

~~Provided further that the substitution of the 1958 CSO or 1958 CET Smoker and Nonsmoker Mortality Tables is available only if made for each policy of insurance on a policy form delivered or issued for delivery on or after the operative date for that policy form and before a date not later than January 1, 1989].~~

~~[B.](2)~~ For any life insurance policy ~~[of insurance]~~ delivered or issued for delivery in this state after July 1, 1985, at the option of the company and subject to the conditions stated in ~~[section 5 of this rule]~~ Section R590-94-5:

(1)a) the 1980 CSO Smoker and Nonsmoker Mortality Tables, with or without Ten-Year Select Mortality Factors, may be substituted for the 1980 CSO Table, with or ~~[with our]~~ without Ten-Year Select Mortality Factors~~[7]~~; and

(2)b) the 1980 CET Smoker and Nonsmoker Mortality tables may be substituted for the 1980 CET Table for use in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

R590-94-5. Conditions.

(1) For each life insurance policy form ~~[plan of insurance]~~ with separate rates for smokers and nonsmokers an insurer may:

~~[A.](a)~~ use composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits;

~~[B.](b)~~ use smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by Section 31A-17-511~~[7]~~ ~~[U.C.A.]~~, and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values and amounts of paid-up nonforfeiture benefits; or

~~[C.](c)~~ use smoker and nonsmoker mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

(2) For life insurance issued on female lives with minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits determined using the 1958 CSO or 1958 CET Smoker and Nonsmoker Mortality Tables, these minimum values may be calculated according to an age not more than six years younger than the actual age of the insured.

(3) The substitution of the 1958 CSO or 1958 CET Smoker and Nonsmoker Mortality Tables is available only if made for each life

NOTICES OF PROPOSED RULES

insurance policy on a policy form delivered or issued for delivery on or after the operative date for that policy form and before a date not later than January 1, 1989.

R590-94-6. [Separability]Severability.

[If any provision of this rule or the application of any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of the provision to other persons or circumstances may not be affected.]If any provision of this rule, Rule R590-94, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: insurance law

Date of Enactment or Last Substantive Amendment: 2021~~1988~~

Notice of Continuation: March 14, 2018

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-22-408

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R590-95	Filing ID 53753
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Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

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

General Information

2. Rule or section catchline:

R590-95. Rule to Permit the Same Minimum Nonforfeiture Standards for Men and Women Insureds Under the 1980 CSO and 1980 CET Mortality Tables

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is being changed as a result of Executive Order 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Others are changes to make the language of this rule more clear. It also removes a section that is essentially an editorial aside that has no bearing on the application of this rule and updates the proposed Section R590-95-7 to use the Department's current language. It does not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature and will not change how the Department functions.

B) Local governments:

There is no anticipated cost or savings to local governments. The changes are largely clerical in nature and will not affect local governments.

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

There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature and will not affect small businesses.

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

There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature and will not affect non-small businesses.

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

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. Jonathan T. Pike, Commissioner

6. A) 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	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 31A-2-201	Section 31A-22-408	
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 09/14/2021

10. This rule change MAY become effective on: 09/21/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	07/22/2021
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R590. Insurance, Administration.

R590-95. ~~[Rule to Permit the Same]~~ Minimum Nonforfeiture Standards for Men and Women Insureds Under the 1980 CSO and 1980 CET Mortality Tables.

R590-95-1. Authority.

This rule is promulgated by the ~~[Insurance C]~~ commissioner pursuant to ~~[Subs]~~ Sections 31A-2-201 and 31A-22-408 ~~[Utah Code Annotated]~~.

R590-95-2. Purpose and Scope.

(1) The purpose of this rule is to permit an individual life insurance policy~~ies~~ to provide the same cash surrender values and paid-up nonforfeiture benefits to both a man and a woman~~men and women~~. ~~No change in minimum valuation standards is implied by this rule.~~

(2) This rule applies to an insurer offering a life insurance policy.

R590-95-3. Definitions.

~~[A. As used in this rule,]~~ Terms used in this rule are defined in Section 31A-1-301. Additional terms are defined as follows:

(1) "1980 CSO Table, with or without Ten-Year Select Mortality Factors" means ~~that~~ the mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Valuation Law and Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioners 1980 Standard

Ordinary Mortality Table, with or without Ten-Year Select Mortality Factors.

~~[B. As used in this rule, (2) "1980 CSO Table (M), with or without Ten-Year Select Mortality Factors" means [that] the mortality table consisting of the rates of mortality for male lives from the 1980 CSO Table, with or without Ten-Year Select Mortality Factors.~~

~~[C. As used in this rule, (3) "1980 CSO Table (F), with or without Ten-Year Select Mortality Factors means [that] the mortality table consisting of the rates of mortality for female lives from the 1980 CSO Table with or without Ten-Year Select Mortality Factors.~~

~~[D. As used in this rule, (4) "1980 CET Table" means [that] the mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in 1980 NAIC Amendments to the Model Standard Valuation Law and Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioners 1980 Extended Term Insurance Table.~~

~~[E. As used in this rule, (5) "1980 CET Table (M)" means [that] the mortality table consisting of the rates of mortality for male lives from the 1980 CET Table.~~

~~[F. As used in this rule, (6) "1980 CET Table (F)" means [that] the mortality table consisting of the rates of mortality for female lives from the 1980 CET Table.~~

~~[G. As used in this rule, (7) "1980 CSO and 1980 CET Smoker and Nonsmoker Mortality Tables" mean the mortality tables with separate rates of mortality for smokers and nonsmokers derived from the 1980 CSO and 1980 CET Mortality Tables by the Society of Actuaries Task Force on Smoker/Nonsmoker Mortality and adopted by the NAIC in December 1983.~~

~~(8) "NAIC" means the National Association of Insurance Commissioners.~~

R590-95-4. Rule A.

For any ~~[policy of]~~ life insurance policy on ~~[the life of]~~ either a male or female ~~[insured]~~ delivered or issued for delivery in this state after the operative date ~~[of]~~ under Subsection 31A-22-408(6)(d); ~~U.C.A.]~~ for that policy form, at the option of the company, the following substitutions are allowed:

~~(i)1. a mortality table [which] that is a blend of the 1980 CSO Table (M) and the 1980 CSO Table (F) with or without Ten-Year Select Mortality Factors may [at the option of the company] be substituted for the 1980 CSO Table, with or without Ten-Year Select Mortality Factors[;]; and~~

~~(ii)2. a mortality table [which] that is of the same blend as used in Subsection (1)(i) but applied to form a blend of the 1980 CET Table (M) and the 1980 CET Table (F) may [at the option of the company] be substituted for the 1980 CET Table for use in determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits.~~

~~(3) The following tables [will be considered as the basis for acceptable tables] are acceptable:~~

~~[A.](a) 100% Male 0% Female for tables to be designated as "the 1980 CSO-A" and "1980 CET-A" tables.~~

~~[B.](b) 80% Male 20% Female for tables to be designated as the "1980 CSO-B" and "1980 CET-B" tables.~~

~~[C.](c) 60% Male 40% Female for tables to be designated as the "1980 CSO-C" and "1980 CET-C" tables.~~

~~[D.](d) 50% Male 50% Female for tables to be designated as the "1980 CSO-D" and "1980 CET-D" tables.~~

~~[E.](e) 40% Male 60% Female for tables to be designated as the "1980 CSO-E" and "1980 CET-E" tables.~~

~~[F.](f) 20% Male 80% Female for tables to be designated as the "1980 CSO-F" and "1980 CET-F" tables.~~

~~[G.](g) 0% Male 100% Female for tables to be designated as the "1980 CSO-G" and "1980 CET-G" tables.~~

~~(4) Tables [A and G are not to] (a) and (g) may not be used with [respect to] policies issued on or after January 1, 1985 except where the proportion of persons insured is anticipated to be 90% or more of one sex[;] or the other or except for certain policies converted from group insurance. Such group conversions issued on or after January 1, 1986 must use mortality tables based on the blend of lives by sex expected for such policies if such group conversions are considered as extensions of the Norris decision[. This consideration has not been clearly defined by court or legislative action in all jurisdictions. The values of 1000qx for blended Tables B, C, D, E and F are shown in Appendix I. The letter in Appendix II states the method by which selection factors may be obtained. Table A is the same as 1980 CSO Table (M) and 1980 CET Table (M) and Table G is the same as 1980 CSO Table (F) and 1980 CET Table (F). Appendices I and II are available from the Insurance Department].~~

R590-95-[4A]5. Rule B.

In determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits for any ~~[policy of]~~ life insurance policy on ~~[the life of]~~ either a male or female ~~[insured]~~ on a policy form ~~[of insurance]~~ with separate rates for smokers and nonsmokers delivered or issued for delivery in this state after the operative date ~~[of]~~ under Subsection 31A-22-408(6)(d) for that policy form, at the option of the company, in addition to substitutions allowed under Section R590-95-4, the following substitutions are allowed:~~[the mortality tables that may be used according to Section 4,]~~

~~(i)1. a mortality table [which] that is a blend of the male and female rates of mortality according to the 1980 CSO Smoker Mortality Table, in the case of lives classified as smokers, or the 1980 CSO Nonsmoker Mortality Table, in the case of lives classified as nonsmokers, with or without Ten-Year Select Mortality Factors, may [at the option of the company] be substituted for the 1980 CSO Table, with or without Ten-Year Select Mortality Factors[;]; and~~

~~(ii)2. a mortality table [which] that is of the same blend as used in Subsection (1)(i) but applied to form a blend of the male and female rates of mortality according to the corresponding 1980 CET Smoker Mortality Table or 1980 CET Nonsmoker Mortality Table may [at the option of the company] be substituted for the 1980 CET Table.~~

~~(3) The following blended mortality tables [will be considered] are acceptable:~~

~~(a) SA: 100% Male 0% Female smoker tables designated as "1980 CSO-SA" and "1980 CET-SA" [F]tables.~~

~~(b) SB: 80% Male 20% Female smoker tables designated as "1980 CSO-SB" and "1980 CET-SB" [F]tables.~~

~~(c) SC: 60% Male 40% Female smoker tables designated as "1980 CSO-SC" and "1980 CET-SC" [F]tables.~~

~~(d) SD: 50% Male 50% Female smoker tables designated as "1980 CSO-SD" and "1980 CET-SD" [F]tables.~~

~~(e) SE: 40% Male 60% Female smoker tables designated as "1980 CSO-SE" and "1980 CET-SE" [F]tables.~~

~~(f) SF: 20% Male 80% Female smoker tables designated as "1980 CSO-SF" and "1980 CET-SF" [F]tables.~~

~~(g) SG: 0% Male 100% Female smoker tables designated as "1980 CSO-SG" and "1980 CET-SG" [F]tables.~~

~~(h) NA: 100% Male 0% Female nonsmoker tables designated as "1980 CSO-NA" and "1980 CET-NA" [F]tables.~~

~~(i) NB: 80% Male 20% Female nonsmoker tables designated as "1980 CSO-NB" and "1980 CET-NB" [F]tables.~~

(j) NC: 60% Male 40% Female nonsmoker tables designated as "1980 CSO-NC" and "1980 CET-NC" [F]tables.

(k) ND: 50% Male 50% Female nonsmoker tables designated as "1980 CSO-ND" and "1980 CET-ND" [F]tables.

(l) NE: 40% Male 60% Female nonsmoker tables designated as "1980 CSO-NE" and "1980 CET-NE" [F]tables.

(m) NF: 20% Male 80% Female nonsmoker tables designated as "1980 CSO-NF" and "1980 CET-NF" [F]tables.

(n) NG: 0% Male 100% Female nonsmoker tables designated as "1980 CSO-NG" and "1980 CET-NG" [F]tables.

(4) Tables [SA, SG, NA and NG](a), (g), (h), and (n) are not acceptable as blended tables unless the proportion of persons insured is anticipated to be 90% or more of one sex or the other.

R590-95-[5]6. Unfair Discrimination.

It ~~shall not be~~ is not a violation of Subsection 31A-23a-~~3~~402(3) ~~of Utah Code~~ for an insurer to issue ~~the same kind of~~ a life insurance policy ~~of life insurance on both~~ on a sex distinct ~~and~~ or a sex neutral basis.

R590-95-[6]7. ~~Separability~~ Severability.

~~If any provision of this rule or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of such provision to other persons or circumstances shall not be affected thereby.~~ If any provision of this rule, Rule R590-95, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: insurance law

Date of Enactment or Last Substantive Amendment: ~~2021~~1993

Notice of Continuation: January 9, 2017

Authorizing, and Implemented or Interpreted Law: 31A-2-101; 31A-2-201; 31A-22-408

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R590-96	Filing ID 53754
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Agency Information

1. Department:	Insurance
Agency:	Administration
Room no.:	Suite 2300
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state and zip:	Taylorville, UT 84129
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901
Contact person(s):	

Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

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

General Information

2. Rule or section catchline:

R590-96. Rule to Recognize New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is being changed as a result of Executive Order 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Others are changes to make the language of this rule more clear. It also rearranges Section R590-96-3 and updates Section R590-96-8 to use the Department's current language. It does not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature and will not change how the Department functions.

B) Local governments:

There is no anticipated cost or savings to local governments. The changes are largely clerical in nature and will not affect local governments.

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

There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature and will not affect small businesses.

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

NOTICES OF PROPOSED RULES

There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature and will not affect non-small businesses.

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

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. Jonathan T. Pike, Commissioner

6. A) 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	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 31A-2-201	Section 31A-17-505	
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 09/14/2021

10. This rule change MAY become effective on: 09/21/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	07/22/2021
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R590. Insurance, Administration.

R590-96. [Rule to Recognize New Annuity]-Mortality Tables for [Use in]Determining Reserve Liabilities for Annuities.

R590-96-1. Authority.

This rule is promulgated by the [Insurance C]commissioner pursuant to Sections 31A-2-201[s] and 31A-17-505.

R590-96-2. Purpose.

The purpose of this rule is to recognize [the following] certain mortality tables for [use in]determining the minimum standard of valuation for an annuity and a pure endowment contract[s: the 1983 Table (a), the 1983 Group Annuity Mortality (1983 GAM) Table, the Annuity 2000 Mortality Table, the 2012 Individual Annuity Reserving

(2012 IAR) Table, and the 1994 Group Annuity Reserving (1994 GAR) Table].

R590-96-3. Definitions.

Terms used in this rule are defined in Section 31A-1-301. Additional terms are defined as follows:

~~[A. As used in this rule "Period Table" means a table of mortality rates applicable to a given calendar year.~~

~~B. As used in this rule "Generational Mortality Table" means a mortality table containing a set of mortality rates that decrease for a given age from one year to the next based on a combination of a period table and a projection scale containing mortality improvement factors.~~

~~C. As used in this rule (1) "1983 Table (a)" means [that] the mortality table developed by the Society of Actuaries Committee to Recommend a New Mortality Basis for Individual Annuity Valuation, adopted by the NAIC in June 1982 as a recognized mortality table for annuities, and published in the 1982 Proceedings of the NAIC II, page 454.~~

~~[D. As used in this rule (2) "1983 GAM Table" means [that] the mortality table developed by the Society of Actuaries Committee on Annuities, adopted by the NAIC in December 1983 as a recognized mortality table for annuities, and published in 1984 Proceedings of the NAIC I, pages 414-415.~~

~~[E. As used in this rule (3) "1994 GAM Table" means the 1994 Group Annuity Mortality Static Table, a period table containing loaded mortality rates for calendar year 1994, developed by the Society of Actuaries Group Annuity Valuation Table Task Force, and published in the Transactions of the Society of Actuaries, Vol. XLVII (1995), pages 898-899.~~

~~[F. As used in this rule "Projection Scale AA" means that table of annual mortality improvement factors for projecting future mortality rates beyond calendar year 1994, developed by the Society of Actuaries Group Annuity Valuation Table Task Force, and published in the Transactions of the Society of Actuaries, Vol. XLVII (1995), 824-826.~~

~~G. As used in this rule (4) "1994 GAR Table" means the 1994 Group Annuity Reserving Table, a generational mortality table developed by the Society of Actuaries Group Annuity Valuation Table Task Force, derived from a combination of 1994 GAM Table and the Projection Scale AA as described in Subsection R590-96-7, adopted by the NAIC in December 1996 as a recognized mortality table for annuities, and published in the Transactions of the Society of Actuaries, Vol. XLVII (1995), pages 866-867.~~

~~[H. As used in this rule (5) "Annuity 2000 Mortality Table" means [that] the mortality table developed by the Society of Actuaries Committee on Life Insurance Research adopted by the NAIC in December 1996 as a recognized mortality table for annuities, and published in the Transactions of the Society of Actuaries, Vol. XLVII (1995), page 240.~~

~~[I. As used in this rule (6) "2012 IAM Period Table" means [that] the period table containing loaded mortality rates for calendar year 2012, developed by the Society of Actuaries Committee on Life Insurance Research, and published in the 2012 Proceedings of the NAIC, Fall Volume I, pages 149-150.~~

~~[J. As used in this rule "Projection Scale G2" means that table of annuity mortality improvement factors for projecting future mortality rates beyond calendar year 2012, developed by the Society of Actuaries Committee on Life Insurance Research, and published in the 2012 Proceedings of the NAIC, Fall Volume I, pages 151-152.~~

~~K. As used in this rule (7) "2012 IAR Table" means [that] the generational mortality table developed by Society of Actuaries Committee on Life Insurance Research, derived from a combination of~~

the 2012 IAM Period Table and the Projection Scale G2 as described in Subsection R590-96-5, adopted by the NAIC in December 2012, and published in the 2012 Proceedings of the NAIC, Fall Volume I, pages 149-152.

~~(8) "Generational Mortality Table" means a mortality table containing a set of mortality rates that decrease for a given age from one year to the next based on a combination of a period table and a projection scale containing mortality improvement factors.~~

~~(9) "Period Table" means a table of mortality rates applicable to a given calendar year.~~

~~(10) "Projection Scale AA" means the table of annual mortality improvement factors for projecting future mortality rates beyond calendar year 1994, developed by the Society of Actuaries Group Annuity Valuation Table Task Force, and published in the Transactions of the Society of Actuaries, Vol. XLVII (1995), pages 824-826.~~

~~(11) "Projection Scale G2" means the table of annuity mortality improvement factors for projecting future mortality rates beyond calendar year 2012, developed by the Society of Actuaries Committee on Life Insurance Research, and published in the 2012 Proceedings of the NAIC, Fall Volume I, pages 151-152 [L. The tables identified in R590-96-3.C through K, are hereby incorporated by reference within this rule and are available at the department's website <https://insurance.utah.gov/legal-resources/rules/current-rules.php>].~~

R590-96-4. Individual Annuity or Pure Endowment Contracts.

~~[A. Except as provided in Subsections R590-96-4.B through E, the 1983 Table (a) is recognized and approved as an individual annuity mortality table for valuation and, at the option of the company, may be used for purposes of determining the minimum standard of valuation for any individual annuity or pure endowment.] (1) An individual annuity or a pure endowment contract issued on or after April 2, 1980, and before July 1, 1985, at the option of the company, may be valued using the 1983 Table (a).~~

~~[B. Except as provided in Subsections R590-96-4.C through E, either:] (2) An individual annuity or a pure endowment contract issued on or after July 1, 1985, and before July 1, 1999, shall be valued using the following tables:~~

~~(a) the 1983 Table (a); or~~

~~(b) the Annuity 2000 Mortality Table [shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after July 1, 1985].~~

~~[C.] (3) Except as provided in Subsection [s R590-96-4.D and E, the Annuity 2000 Mortality Table shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract.] (5), an individual annuity or a pure endowment contract issued on or after July 1, 1999, and before January 1, 2015, shall be valued using the Annuity 2000 Mortality Table.~~

~~[D.] (4) Except as provided in Subsection [R590-96-4.E, the 2012 IAR Table shall be used for determining the minimum standard of valuation for any.] (5) an individual annuity or a pure endowment contract issued on or after January 1, 2015, shall be valued using the 2012 IAR Table.~~

~~[E.] (5) The 1983 Table (a) [without projection is to] shall be used for determining the minimum standards of valuation for an individual annuity or a pure endowment contract issued on or after July 1, 1999, [solely] when the contract is based on life contingencies and is issued to fund periodic benefits arising from settlement of:~~

~~(1)a [Settlements of various forms of] claims pertaining to court settlements or out of court settlements from tort actions;~~

~~(2)b [Settlements involving] similar actions such as worker's compensation claims; or~~

NOTICES OF PROPOSED RULES

(13)(c) [Settlements of] long term disability claims where a temporary or life annuity has been used in lieu of continuing disability payments.

R590-96-5. Application of the 2012 IAR Table.

[A.](1) In using the 2012 IAR Table, the mortality rate for a person age x in year $(2012 + n)$ is calculated as follows: $q_x^{2012+n} = q_x^{2012} (1 - G2_x)^n$, where q_x^{2012} is a mortality rate applicable to a person age x in the 2012 IAM Period Table and $G2_x$ is an annual mortality improvement factor applicable to a person age x in the Projection Scale $G2$.

[B.](2) The [resulting] mortality rate q_x^{2012+n} shall be rounded to six decimal places.

R590-96-6. Group Annuity or Pure Endowment Contracts.

[A. Except as provided in Subsections R590-96-6.B and C, the 1983 GAM Table, the 1983 Table (a) and the 1994 GAR Table are recognized and approved as group annuity mortality tables for valuation and, at the option of the company, any one of these tables may be used for purposes of valuation for an annuity or pure endowment purchased on or after April 2, 1980 under a group annuity or pure endowment contract.](1) A group annuity or a pure endowment contract issued on or after April 2, 1980, and before July 1, 1985, at the option of the company, may be valued using the following tables:

- (a) the 1983 GAM Table;
- (b) the 1983 Table (a); or
- (c) the 1994 GAR Table.

[B. Except as provided in Subsection R590-96-6.C, either the 1983 GAM Table or the 1994 GAR Table shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after July 1, 1985 under a group annuity or pure endowment contract.](2) A group annuity or a pure endowment contract issued on or after July 1, 1985, and before July 1, 1999, shall be valued using the following tables:

- (a) the 1983 GAM Table; or
- (b) the 1994 GAR Table.

[C. The 1994 GAR Table shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after July 1, 1999 under a group annuity or pure endowment contract.](3) A group annuity or a pure endowment contract issued on or after July 1, 1999, shall be valued using the 1994 GAR Table.

R590-96-7. Application of the 1994 GAR Table.

In using the 1994 GAR Table, the mortality rate for a person age x in year $(1994 + n)$ is calculated as follows: $q_x^{1994+n} = q_x^{1994} (1 - AA_x)^n$, where the q_x^{1994} is a mortality rate applicable to a person age x in the 1994 GAM Table and $AA_x[s]$ is an annual mortality improvement factor applicable to a person age x in the Projection scale AA .

R590-96-8. [Separability] Severability.

[If any provision of this rule or its application to any person or circumstances is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances may not be affected by it.] If any provision of this rule, Rule R590-96, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: insurance law

Date of Enactment or Last Substantive Amendment: 2021 [January 21, 2014]

Notice of Continuation: August 18, 2017

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-17-505

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.): R602-2-3

Filing ID
53751

Agency Information

1. Department:	Labor Commission	
Agency:	Adjudication	
Building:	Heber Wells	
Street address:	160 E 300 S, 3rd FL	
City, state and zip:	Salt Lake City, UT 84111-2305	
Mailing address:	PO Box 146615	
City, state and zip:	Salt Lake City, UT 84114-6615	
Contact person(s):		
Name:	Phone:	Email:
Aurora Holley	801-530-6865	auroraholley@utah.gov
Sara Danielson	801-530-6953	sdanielson@utah.gov
Chris Hill	801-362-3113	chill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

R602-2-3. Compensation for Medical Panel Services

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The purpose of this rule change is to modify the rate of compensation earned by medical panel members and chairs.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This change increases medical panel chair compensation from \$137.50 per half hour to \$167.50 per half hour and medical panel members' compensation from \$125 per half hour to \$155 per half hour.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The increase is not funded by the state budget, so no impact to the state budget.

B) Local governments:

Local governments will not be impacted by this change.

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

Small businesses will not be impacted by the medical panel compensation increasing. The medical panels incur no fees paid by small businesses.

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

Non-small businesses will not be impacted by this rule change. The medical panel process does not involve 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**):

There will be no anticipated costs to persons other than small businesses, non-small businesses, state or local government entities as a result of increasing the half hour rate for medical panelists. Payment for doctors who serve on medical panels comes from the Uninsured Employers Fund (UEF) which is statutorily funded from an assessment on workers' compensation insurance premiums. Based upon the current balance in the UEF and future projections provided by an actuary who is familiar with the UEF and provides an annual report to the Labor Commission, the UEF will be able to absorb the increase in payments to the medical panelists. This will not require an increase to the current premium assessment.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

No compliance costs will be accrued as a result of this change.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule change will not have an impact on businesses because businesses are not impacted by changing the medical panel compensation rate. Jaceson R. Maughan, Commissioner

6. A) 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	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

NOTICES OF PROPOSED RULES

Section 34A-1-301	Section 63G-4-102	
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	09/14/2021
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10. This rule change MAY become effective on:	09/21/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Jacson R. Maughan, Commissioner	Date:	07/21/2021
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R602. Labor Commission, Adjudication.**R602-2. Adjudication of Workers' Compensation and Occupational Disease Claims.****R602-2-3. Compensation for Medical Panel Services.**

Compensation for medical panel services, including records review, examination, report preparation and testimony, shall be \$[125]155 per half hour for medical panel members and \$[137.50]167.50 per half hour for the medical panel chair.

KEY: workers' compensation, administrative procedures, hearings, abstract of judgment

Date of Enactment or Last Substantive Amendment: 2021~~October 22, 2020~~

Notice of Continuation: May 9, 2017

Authorizing, and Implemented or Interpreted Law: 34A-1-301 et seq.; 63G-4-102 et seq.; 34A-1-304(2); 34A-2-212

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R638-1	Filing ID 53634

Agency Information

1. Department:	Natural Resources
Agency:	Geological Survey
Room no.:	Suite 3110
Building:	Utah Department of Natural Resources
Street address:	1594 W North Temple

City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146100	
City, state and zip:	Salt Lake City, UT 84114-6100	
Contact person(s):		
Name:	Phone:	Email:
Michael Hylland	801-537-3382	mikehylland@utah.gov
Bill Keach	801-537-3301	billkeach@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R638-1. Acceptance and Maintenance of Confidential Information
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Reference to the Utah Code authorization was out of date, language related to electronic documents needed updating, and rule formatting was not consistent with the Office of Administrative Rules' "Rulewriting Manual for Utah".
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The changes update the reference to the Utah Code authorization, update language related to electronic documents, broaden the definition of geology/geoscience to more accurately represent the full scope of Utah Geological Survey work, and reformat lists to be consistent with the Office of Administrative Rules' "Rulewriting Manual for Utah".

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
None--Changes to this rule (updating, formatting, minor wording revision) have no effect on implementation of this rule.
B) Local governments:
None--Changes to this rule (updating, formatting, minor wording revision) have no effect on implementation of this rule.

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

None--Changes to this rule (updating, formatting, minor wording revision) have no effect on implementation of this rule.

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

None--Changes to this rule (updating, formatting, minor wording revision) have no effect on implementation of this 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**):

None--Changes to this rule (updating, formatting, minor wording revision) have no effect on implementation of this rule.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

None--As stated in Subsection R638-1-5(1), "this rule applies to geoscience information provided voluntarily by individuals or organizations to the Survey. Therefore, sources of information have no mandated costs in order to comply with these provisions." Also as stated in Subsection R638-1-5(2), "the Survey will allocate sufficient funds from its operating budget to accomplish the purposes and objectives of this rule."

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This proposed rule changes will have no fiscal impact on businesses. Brian Steed, Executive Director

6. A) 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	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

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

B) 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.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 79-3-202(2)	Subsection 79-3-303(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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 09/14/2021

10. This rule change MAY become effective on: 09/21/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Michael Hylland, UGS Deputy Director	Date:	07/26/2021
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R638. Natural Resources, Geological Survey.**R638-1. Acceptance and Maintenance of Confidential Information.****R638-1-1. Authority, Purpose, and Scope.**

[a-](1) Authority: This rule is authorized under Subsection ~~63-73-6(2) UCA~~ 79-3-202(2).

[b-](2) Purpose: This rule enables the Utah Geological Survey to have access to confidential information which it otherwise could not acquire, or which is beyond the financial capability of the Survey to acquire.

[e-](3) Scope: This rule provides:

~~[-](1)(a)~~ guidelines for determining whether ~~or not~~ to accept confidential information[-];

~~[-](2)(b)~~ the types of information that will be maintained as confidential[-]; and

~~[-](3)(c)~~ the process to be used for accepting and maintaining confidential information.

R638-1-2. Definitions.

[a-](1) "Information" as used in this rule refers to data, statistics, reports, samples and other facts, whether analyzed or processed or not, pertaining to ~~the geology of~~ Utah geoscience.

[b-](2) "Internal ~~R~~records" are preliminary documents and notes compiled or generated by employees of the Survey or its contractors in the process of ~~geologic~~ geoscience investigations.

[e-](3) "Confidential Information" as used in this rule refers to geologic information given to the Survey or purchased by the Survey with the stipulation that the information be held confidential.

[d-](4) "Board" is the Board of the Utah Geological Survey.

[e-](5) "Director" is the Director of the Utah Geological Survey~~, or State Geologist~~.

[f-](6) "Survey" is the Utah Geological Survey.

[g-](7) "~~Geology~~Geoscience" refers to the study of geology and related fields~~and the mineral occurrences of the State~~, including energy and mineral resources, geologic hazards, paleontology, groundwater hydrogeology, and wetlands ecology.

[h-](8) "Source" is the individual, agency, or organization who provides information to the Survey and stipulates that it is confidential information.

R638-1-3. General Provisions.

[a-](1) It is the policy of the Survey and the Board that unless otherwise specified ~~herein~~ in R638-1-4(1)(b) through R638-1-4(1)(c), this rule shall be interpreted liberally in favor of public disclosure of information maintained by the Survey. Further, all of the Survey's conclusions and recommendations on ~~geological~~ geoscience matters will be made available to the public in accordance with this rule and with Title 63G, Chapter 2, Government Records Access and Management Act.

[b-](2) The Director is the custodian of Survey records.

[e-](3) The Director will report regularly to the Board concerning the following: the types of information received by the Survey as confidential; the frequency and nature of requests for access~~[-]~~ to or usage of Survey information which has not yet been made public; and determinations including reasons for not accepting information. The Board will hear appeals of decisions made by the Director and may override the Director but no Board action shall in any way jeopardize the level of confidentiality assigned by the source.

[d-](4) The Director has the authority to refuse information that has been offered to the Survey if it appears to be not in the best

interest of the ~~State~~ state or the Survey. Without disclosing the confidentiality of the offered information, the Director may consult with the ~~Governor~~ governor ~~of the State of Utah~~ in exercising this authority.

[e-](5) Information will be maintained according to the source-designated level of Category B or C as defined in Section R638-1-4. The Director will sign all documents pertaining to confidentiality.

[f-](6) Information can be declassified only by written direction from the source or at the expiration period for confidentiality agreed upon by the source and the Survey.

[g-](7) Unless otherwise directed by the source, access to confidential information by Survey employees must be approved in writing by the Geologic Program Manager supervising the individual requesting access and by the Director.

[h-](8) Requests for information from outside the Survey must be in writing with a description of the records requested. The Survey will have ~~thirty~~ 30 days to respond. If the information requested is determined to be confidential, the Survey must state the reason for the determination. A denial of access to confidential information may be appealed to the Board.

[i-](9) ~~For the purpose of obtaining~~ To obtain information the Survey deems necessary or desirable from the ~~Federal Government~~ federal government concerning ~~the geology pertaining to the lands of Utah~~ Utah geoscience, the Director may establish procedures deemed necessary by the ~~Federal~~ federal source ~~in order~~ to maintain confidentiality consistent with relevant ~~Federal~~ federal and state law.

R638-1-4. Procedures.

[a-](1) ~~Geologic~~ Geoscience information will be categorized as follows:

[1-](a) Category A~~[- Information]~~ information ~~that~~ is public and not maintained as confidential~~[-]~~, including:

~~(a)~~ (i) Survey publications~~[-]~~;

~~(b)~~ (ii) Survey open-file reports~~[-]~~;

(iii) Survey web pages, databases, and online applications;

~~(c)~~ (iv) ~~S~~samples and core accepted for storage~~[-]~~; and

~~(d)~~ (v) ~~Inhouse generated files and computer information~~ unpublished hard-copy and electronic internal records unless otherwise covered in Category B.

[2-](b) Category B~~[- Information]~~ information ~~that~~ is temporarily withheld from the public until made available by open~~[-]~~ [-] filing or publication of the information.

(i) Information categorized as Category B includes:

~~(a)~~ (A) ~~P~~predecisional documents leading to a ~~geologic~~ geoscientific explanation or publication~~[-]~~;

~~(b)~~ (B) ~~M~~manuscripts received from non-Survey sources~~[-]~~; and

~~(c)~~ (C) ~~Geologic~~ geoscientific information and conclusions drawn by the Survey that have been contracted or legislatively mandated for other state agencies.

~~(d)~~ (ii) Determination for Category B information will be made by the Director based upon:

~~(1)~~ (A) a likelihood that premature release would result in a competitive advantage or disadvantage to an individual or organization;

~~(2)~~ (B) a likelihood that premature release would result in misuse or harm the public; or

~~(3)~~ (C) a judgement that premature release would compromise the Survey's ability to analyze data, or complete and make public the conclusions of a project in a timely manner.

~~[(e)](iii)~~ Category B information may be open-filed at any time by the Director.

~~[3-](c)~~ Category C~~[-Information]~~ information ~~[that]~~ is not to be made available to the public except under terms and conditions agreed upon at the time of its acceptance~~[-]~~, including:

~~[(a)](i)~~ ~~[F]~~information given to the Survey by other governmental agencies and classified as confidential by them~~[-]~~;

~~[(b)](ii)~~ ~~[F]~~information given to the Survey by private individuals or organizations and classified as confidential by them~~[-]~~; and

~~[(e)](iii)~~ ~~[F]~~information purchased by the Survey with the understanding that it will be maintained as confidential.

~~[b-](2)~~ ~~[Geologic]~~Geoscience information designated confidential will be recorded as received by the Survey at the requested level of confidentiality. ~~[and]~~Hard-copy documents will be [maintained]stored in locked files with controlled access. Electronic documents will be stored and accessed in accordance with electronic records management best practices.

R638-1-5. Anticipated Impacts Regarding Costs of Compliance.

~~[a-](1)~~ This rule applies to ~~[geologic]~~geoscience information provided voluntarily by individuals or organizations to the Survey. Therefore, sources of information have no mandated costs ~~[in order]~~to comply with these provisions.

~~[b-](2)~~ The Survey will ~~[budget]~~allocate sufficient funds from its ~~[current]~~operating budget to accomplish the purposes and objectives of this rule.

KEY: disclosure requirements

Date of Enactment or Last Substantive Amendment: ~~2021~~**[1993]**

Notice of Continuation: February 9, 2021

Authorizing, and Implemented or Interpreted Law: ~~[63-73-4(5)]~~**79-3-303(5)**

End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([~~example~~]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R990-200-5	Filing ID: 53766
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Agency Information

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

General Information

2. Rule or section catchline:

R990-200-5. Criteria for Allocating Volume Cap

3. Effective Date:

08/02/2021

4. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

Under the current rule, if a recipient of a volume cap allocation needs additional volume cap, it must first relinquish the volume cap it has already been awarded and submit a new application. At that point, the previously allocated volume cap goes back in the fund and the recipient will be graded as a new applicant. Depending on the number and score of the pending applications, there may not be enough available volume cap for the recipient to receive the additional volume cap needed, leaving the recipient not only without the additional volume cap, but without any volume cap at all. There is, therefore, a risk that compliance with the current rule will impair or prevent the completion of worthy projects in the public interest. This rule change allows the Private Activity Bond Review Board to award additional volume cap as appropriate.

5. Summary of the new rule or change (What does this filing do?):

This rule change eliminates the need for a recipient to relinquish a volume cap allocation before submitting an application for a larger allocation. This rule change allows

the Private Activity Bond Review Board to award additional volume cap as appropriate, without the need for the recipient to relinquish its initial allocation or complete a new application.

6. A) The agency finds that regular rulemaking would:

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

B) Specific reasons and justifications for this finding:

There are currently two projects that need to exchange bonds for funds in a short period of time. Those projects require additional volume cap to be completed. The additional volume cap will fund the construction of 218 apartment units, 100% of which will be set aside for affordable housing as defined in Subsection R990-200-3(1). However, due to the tight timeline, compliance with regular rulemaking procedures would render it impossible to award additional volume cap before the project's closing date. Failure to amend this rule on an emergency basis will therefore negatively affect the public welfare by resulting in the loss of a significant housing opportunity for our area's low-income residents. The Private Activity Bond Review Board plans to review this rule and submit changes through regular rulemaking once this emergency situation is addressed.

Fiscal Information

7. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This emergency rule change is not expected to have any fiscal impact on state revenues or expenditures. There are no additional state employees or resources needed to oversee this rule change. This rule change will not increase workload and can be carried out with existing budget. This rule change does not change the current available bond cap.

B) Local governments:

This emergency rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because the program does not rely on local governments for funding, administration, or enforcement.

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

This emergency rule change may have a positive fiscal impact for a project that is able to receive additional funding with this rule change. However, this rule change does not change the current available bond cap.

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

This emergency rule change may have a positive fiscal impact for a project that is able to receive additional funding with the rule change. However, this rule change does not change the current available bond cap.

E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

This emergency rule change is not expected to cause any compliance costs for affected persons because the change does not create any new administrative fees.

F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This emergency rule change will have a positive fiscal impact on businesses that qualify for additional funding but will not change the available bond cap. Casey R. Cameron, Executive Director

Citation Information

8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section		
35A-8-2104		

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron, Executive Director	Date:	08/02/2021
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R990. Workforce Services, Housing and Community Development.

R990-200. Private Activity Bonds.

R990-200-5. Criteria for Allocating Volume Cap.

(1) Private activity bond volume cap allocations are made each calendar year based upon available volume cap.

(a) The decision whether to allocate volume cap to an applicant shall be determined by the Board of Review, in its sole discretion.

(b) Allocations are not made on a first-come-first-served basis.

(c) Each complete application submitted before the deadline will be evaluated and scored in comparison with other applications for the same type of project use. The weight each evaluation criteria is given is as identified on the score sheet approved by the Board of Review.

(d) The Private Activity Bond program staff and consultants under contract with the Board of Review will evaluate and score each application. In the event demand for funding exceeds the available

volume cap, applications will be numerically ranked for the purpose of allocation.

(e) When considering multiple applications at a meeting, the Board of Review may choose to award each applicant an equal share, pro rata share, priority for multi-family housing or other classification, or other division of available volume cap.

(2) When deciding to allocate volume cap to an applicant, the Board of Review shall consider the criteria outlined in Section 35A-8-2105 and the following additional criteria:

- (a) timely submission of completed application;
- (b) timely payment of applicable fees;
- (c) applicant's experience in successfully completing projects utilizing private activity bonds;
- (d) project financing, including executed letters of intent for debt and equity funding;
- (e) project readiness, including required public entity approvals, site ownership, and architect and construction contracts;
- (f) timely response to any questions raised by the Board of Review and Private Activity Bond program staff;
- (g) status of project's financing at time of application;
- (h) appointment of bond counsel;
- (i) letter from bond counsel opining the project qualifies for private activity bonds;
- (j) appointment of investment banker or, if private placement, buyer of the bonds;
- (k) detailed commitment letters from financial entities involved;
- (l) ability to cause bonds to be issued within 12 months of allocation;
- (m) past history of forfeited allocation commitments;
- (n) length of tax-exempt bond amortization; and
- (o) other factors considered appropriate by the Board of Review.

(3) Multi-Family Housing applicants must meet the criteria of the Low-Income Housing Tax Credit Program administered by the Utah Housing Corporation. In addition to the criteria in R990-200-5(2), the Board of Review shall consider the following criteria when deciding to allocate volume cap to Multi-Family Housing applicants:

- (a) bond amount per unit;
- (b) bond amount per affordable unit;
- (c) the percentage, in relation to the group of applications currently being evaluated, of the private activity bond allocation being requested;
- (d) percentage of public financing, including the value of grants, loans, fee waivers, and concessions, but excluding housing tax credits;
- (e) total cost per unit and per unit square footage;
- (f) percentage of developer fee contributed to project;
- (g) percentage of affordable units;
- (h) percentage of special needs units;
- (i) cash flow per unit;
- (j) percentage of taxable bonds;
- (k) location, with preference for projects located in:
 - (i) underserved areas,
 - (ii) communities without the same type of projects, and
 - (iii) difficult to develop areas as defined by HUD;
- (l) project characteristics, including:
 - (i) day care,
 - (ii) education center,
 - (iii) mixed income projects, with both affordable and market rate units, and
- (iv) size of proposed project;

(m) mitigation of environmental issues, including installing radon gas extraction fans or removing the source of radon; and

(n) acquisition, rehabilitation, and remediation of buildings with Utah or federal historic designation, including removal of hazards and including appraisals and a relocation plan for current residents.

(4) In addition to the criteria in R990-200-5(2), the Board of Review shall consider the following criteria when deciding to allocate volume cap to Manufacturing Facility, Redevelopment and Exempt Facilities applicants:

(a) new full-time-equivalent job creation, including a list of new positions and wages, and excluding construction and other temporary jobs;

- (b) retention of jobs;
- (c) training and education of employees;
- (d) bond amount to permanent full-time-equivalent jobs ratio;

(e) permanent full-time-equivalent jobs created or retained that provide above average wages when compared to other applicants' average wages and the community average wage;

(f) demonstrated need for tax-exempt financing, including:

- (i) projected cash flow for the first three years of operation, including supporting documentation, and

- (ii) explanation for selecting variable or fixed rates;
- (g) community support, including:
 - (i) financial support,
 - (ii) zoning approval,
 - (iii) tax increment financing, and
 - (iv) deferral of fees;
- (h) competitive costs for construction and equipment related expenses; and

- (i) ready-to-go status, including:
 - (i) manufacturing facility zoned for use,
 - (ii) proximity of infrastructure to site,
 - (iii) need for special infrastructure,
 - (iv) environmental study, if required by lender,
 - (v) current title report and site plan of project, and
 - (vi) building description.

(5) Prior to considering an application, a Board of Review member shall disclose the substance of any communication the member has had outside of a public meeting with an applicant or other interested party regarding the project.

(6) The allocation certificate issued for Multi-Family Housing volume cap shall restrict the occupancy of market rate rental units to families whose incomes do not exceed 150% of Area Median Income (AMI), adjusted for family size, for at least 51 years from the date on which at least 50% of the residential units in the project are first occupied.

(a) Recipients and owners shall comply with any terms of the Certificate of Allocation, including any Additional Conditions approved by the Board of Review.

(b) Recipients and owners shall submit documentation to Private Activity Bond program staff within 15 days after the issuance of bonds, and at other times upon request, to verify compliance with the terms of the Certificate of Allocation. [

~~(7) A recipient may not be awarded additional volume cap for a previously funded project. A recipient may relinquish allocated volume cap and submit a new application for the total amount requested.]~~

NOTICES OF 120-DAY (EMERGENCY) RULES

KEY: allocation, private activity bond, volume cap

Date of Enactment or Last Substantive Amendment: August 2,
2021

Authorizing, and Implemented or Interpreted Law: 35A-8-2104

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.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.):	R25-14	Filing ID: 53490
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Agency Information

1. Department:	Government Operations	
Agency:	Finance	
Room no.:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141031	
City, state and zip:	Salt Lake City, UT 84114-1031	
Contact person(s):		
Name:	Phone:	Email:
Janica Gines	801-957-7727	jmgines@utah.gov

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

General Information

2. Rule catchline:	R25-14. Payment of Attorney's Fees in Death Penalty Cases
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 78B-9-202(3) directs the Division of Finance (Division) to establish rules governing the payment of attorney fees and litigation expenses for indigent post-conviction death penalty petitioners.

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.

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 78B-9-202(3) continues to require this rule. The Division continues to make payments under this program as required by the courts. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Janica Gines, Director	Date: 07/19/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R151-3	Filing ID: 50231
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Agency Information

1. Department:	Commerce
Agency:	Administration
Building:	Heber M Wells Bldg

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146701	
City, state and zip:	Salt Lake City, UT 84114-6701	
Contact person(s):		
Name:	Phone:	Email:
Masuda Medcalf	801-530-7663	mmedcalf@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R151-3. Americans With Disabilities Act Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is adopted under the authority of 28 CFR 35, Section 13-1-6, and Subsection 63G-3-201(3) and implements Title II of the Americans With Disabilities Act (ADA), which provides that no individual shall be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by the Department of Commerce, because of a disability.
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 should be continued as it is required by federal law, and it provides necessary procedures for the resolution of ADA complaints of noncompliance.

Agency Authorization Information

Agency head or designee, and title:	Margaret W. Busse, Executive Director	Date:	07/16/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R151-35	Filing ID: 50227
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Agency Information

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

General Information

2. Rule catchline:
R151-35. Powersport Vehicle Franchise Act Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 13-35-104 of the Powersport Vehicle Franchise Act (PVFA) authorizes the Utah Powersport Vehicle Franchise Advisory Board and the Department of Commerce to promulgate rules regarding the administration of the PVFA.
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 should be continued as it is necessary to administer the registration requirements for franchisees and franchisors of powersport vehicles and to conduct proceedings before the agency.

Agency Authorization Information

Agency head or designee, and title:	Margaret W. Busse, Executive Director	Date:	07/16/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R277-317	Filing ID: 53682
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Agency Information

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

General Information

2. Rule catchline:
R277-317. Incentives for National Board 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:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Utah State Board of Education (Board); 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; Section 53F-5-202, which requires the Board to make rules to specify procedures and timelines for reimbursing educators for the cost to attain or renew a National Board certification; and Section 53F-2-521, which requires the Board to implement a salary supplement for National Board-certified teachers.
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 specifies procedures and timelines for reimbursements to educators under Section 53F-5-202; and applications for the salary

supplement under Section 53F-2-521. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	07/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R277-404	Filing ID: 53546
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Agency Information

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

General Information

2. Rule catchline:
R277-404. Requirements for Assessments of Student Achievement
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 the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the State Board of Education (Board); 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; Section 53E-4-302, which directs the Board to adopt rules for the administration of statewide assessments; and Subsection 53G-6-803(9)(b), which requires the Board to adopt rules to establish a statewide procedure for exempting a student from taking certain assessments.

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 consistent definitions; and assign responsibilities and procedures for the administration of statewide assessments, as required by state and federal law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	07/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R277-477	Filing ID: 53547
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Agency Information

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

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

General Information**2. Rule catchline:**

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

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

This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the State Board of Education (Board); Subsection 53F-2-404(2)(d), which allows the Board to adopt rules regarding the time and manner in which a student count shall be made for allocation of funds; 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. In accordance with Section 53D-2-202, through representation on the Land Trusts Protection and Advocacy Committee, the Board exercises trust oversight of: the Common School Trust; the School for the Deaf Trust; and the School for the Blind Trust. The Board implements the School LAND Trust program and provides oversight, support, and training for school community councils and Charter Trust Land Councils consistent with Section 53G-7-1206, Rule R277-491, and this Rule R277-477.

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 financial resources to a public school to implement a component of a school's Teacher and Student Success Plan in order to enhance and improve student academic achievement; provides a means to involve a parent of a school's student in decision-making regarding the expenditure of School LAND Trust program funds allocated to the school; provides direction in the distribution of funds from the Trust Distribution Account, as funded in Section 53F-2-404; provides for appropriate and adequate oversight of the expenditure and use of funds by an approving entity, school administration, and the Board; provides for proper allocation of funds as stated in Section 53F-2-404, and the appropriate and timely distribution of the funds; enforces compliance with statutory and rule requirements, including the responsibility for a school community council to notify school community members regarding the use of funds; and defines the roles, duties, and responsibilities of the Superintendent with regards to the School Children's Trust. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	07/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R277-491	Filing ID: 53548
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Agency Information

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

Contact person(s):

Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information**2. Rule catchline:**

R277-491. School Community Councils

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 the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the State Board of Education (Board); 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 procedures and clarifying information to a school community council to assist the council in fulfilling school community council responsibilities consistent with Sections 53G-7-1202 through 53G-7-1203; provides direction to a local school board, school, and school district in establishing and maintaining a school community council; provides a framework and support for improved academic achievement of students that is locally driven from within an individual school; encourages increased

participation of a parent, school employee, and others to support the mission of a school community council; increases public awareness of: school trust lands; the permanent State School Fund; and educational excellence; and enforces compliance with the laws governing a school community council. Therefore, this rule should be continued.

This rule does not apply to charter schools.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	07/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R642-100	Filing ID: 51555
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Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining; Administration
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114
Mailing address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):

Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov

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

General Information**2. Rule catchline:**

R642-100. Records of the Division and Board of Oil, Gas and Mining

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-2-701(2) allows each political subdivision to adopt a policy applicable throughout its jurisdiction to information practices.

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 on 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:

While Rule R642-100 overlaps with Utah Code, there are sections specific to the Division of Gas and Mining (Division), such as Section R642-100-700, which states that transcripts of the Board and the Division proceedings prepared by a Certified Court Reporter will be considered to be the property of the Reporter. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	07/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R649-1	Filing ID:	53303
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Agency Information

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

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

General Information

2. Rule catchline:
R649-1. Oil and Gas Definitions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 40-6-5(2) states that the Board shall make rules and orders necessary to administer the Oil and Gas 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:

There has been one written comment in support 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:

There is ongoing operational activity, and this rule specifically sets up all the definitions used throughout the Title R649 rules. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	07/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R649-2	Filing ID:	52805
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Agency Information

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

General Information

2. Rule catchline:
R649-2. General Rules
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 40-6-5(2) states that the Board shall make rules and orders necessary to administer the Oil and Gas 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:

There has been one written comment in support 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:

There is ongoing operational activity, and this rule provides the general rules of the program, such as different applications, designation of operators, the Division of Oil and Gas' right to inspect sites, and how to measure production. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	07/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R649-3	Filing ID: 52806
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Agency Information

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

General Information

2. Rule catchline:
R649-3. Drilling and Operating Practices
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 40-6-5(2) states that the Board shall make rules and orders necessary to administer the Oil and Gas 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:

There has been one written comment in support 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:

There is ongoing operational activity, and this rule provides bonding requirements, permitting rules, and various drilling operations for vertical and horizontal drilling. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	07/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R649-5	Filing ID: 51598
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Agency Information

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

General Information

2. Rule catchline:
R649-5. Underground Injection Control of Recovery Operations and Class 11 Injection Wells
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 40-6-5(2) states that the Board shall make rules and orders necessary to administer the Oil and Gas program. There are also federal UIC Primacy regulations the Division of Oil and Gas must follow to administer Rule R649-5.

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

There has been one written comment in support 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:

There is ongoing operational activity, and this rule provides requirements for injection of fluids, water disposal, and storage, as well as approval, testing, and monitoring of injection wells. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	07/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R649-8	Filing ID:	51610
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Agency Information

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

General Information

2. Rule catchline:
R649-8. Reporting and Report Forms
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 40-6-5(2) states that the Board shall make rules and orders necessary to administer the Oil and Gas 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:

There has been one written comment in support 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:

There is ongoing operational activity, and this rule provides a comprehensive list and explanation for all the forms in the Oil and Gas program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	07/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R649-9	Filing ID:	51607
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Agency Information

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

General Information

2. Rule catchline:
R649-9. Waste Management and Disposal
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 40-6-5(2) states that the Board shall make rules and orders necessary to administer the Oil and Gas 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:

There has been one written comment in support 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:

There is ongoing operational activity, and this rule provides specific informational and procedural requirements for waste management and disposal, permitting of disposal facilities, and the cleanup required for such sites. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	07/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R652-140	Filing No. 51703
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Agency Information

1. Department:	Natural Resources	
Agency:	Forestry, Fire and State Lands	
Room no.:	352	
Building:	DNR	
Street address:	1594 W. North Temple	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 145703	
City, state, zip:	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:
R652-140. Utah Forest Practices 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-8a-101 et seq., to clarify the procedure through which operators must register with the Division and notify the Division of the intent to conduct forest practices.

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 allow the Division to promulgate rules related to forest practices and outline the procedures that operators must comply with when conducting forest practices. It also clarifies the procedures for the application, approval, implementation, and monitoring of Forest Stewardship Plans. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jamie Barnes, Acting Director	Date:	07/26/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R661-13	Filing ID: 52703
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Agency Information

1. Department:	Navajo Trust Fund	
Agency:	Trustees	
Street address:	151 E 500 N	
City, state and zip:	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

2. Rule catchline:
R661-13. Veterans' Housing Program Policy
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money.
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 since the last five-year review of this rule from interested persons.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule should be continued because it enables the Utah Navajo Trust Fund to fund housing for qualifying Utah Navajo Veterans. No comments in opposition to this rule have been received.

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	07/21/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code	R661-14	Filing ID: 51798
Ref (R no.):		

Agency Information

1. Department:	Navajo Trust Fund		
Agency:	Trustees		
Street address:	151 E 500 N		
City, state and zip:	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

2. Rule catchline:
R661-14. Heavy Equipment Purchase and Repair 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:
Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money.
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 since the last five-year review of this rule from interested persons.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule should be continued because it enables the Utah Navajo Trust Fund to fund heavy equipment and repairs for the Utah Navajo Chapters. No comments in opposition to this rule have been received.

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	07/21/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code	R661-15	Filing ID: 51799
Ref (R no.):		

Agency Information

1. Department:	Navajo Trust Fund		
Agency:	Trustees		
Street address:	151 E 500 N		
City, state and zip:	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

2. Rule catchline:

R661-15. Indemnification

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

Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money.

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 since the last five-year review of this rule from interested persons.

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

This rule should be continued because it protects the Utah Navajo Trust Fund (UNTF), the , and all their officers, agents, volunteers, and employees from loss, damages, injury, liability suits, and proceedings that arise out of the use of the UNTF funds.

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	07/27/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R661-16	Filing ID: 51800
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Agency Information

1. Department:	Navajo Trust Fund		
Agency:	Trustees		
Street address:	151 E 500 N		
City, state and zip:	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
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Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R661-16. Health Care Systems Improvement 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:

Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money.

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 since the last five-year review of this rule from interested persons.

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

This rule should be continued because it allows the Utah Navajo Trust Fund to provide funding to help improve health care systems in the Utah Navajo community.

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	07/27/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R661-17	Filing ID: 51803
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Agency Information

1. Department:	Navajo Trust Fund		
Agency:	Trustees		
Street address:	151 E 500 N		
City, state and zip:	Blanding, UT 84511		
Contact person(s):			
Name:	Phone:	Email:	
Maury Bergman	435-678-1461	mbergman@utah.gov	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Tony Dayish	435-678-1468	tdayish@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R661-17. Office Equipment Purchase 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:
Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money.
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 since the last five-year review of this rule from interested persons.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule should be continued because it allows the Utah Navajo Trust Fund to provide funding to Utah Navajo Chapters to purchase office equipment and software.

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	07/27/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code	R661-18	Filing ID: 51807
Ref (R no.):		

Agency Information

1. Department:	Navajo Trust Fund	
Agency:	Trustees	
Street address:	151 E 500 N	
City, state and zip:	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

2. Rule catchline:
R661-18. Outstanding Senior Award 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:
Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money.
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 since the last five-year review of this rule from interested persons.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule should be continued because it allows the Utah Navajo Trust Fund to identify, acknowledge and reward excellence exhibited by eligible Navajo high school seniors.

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	07/27/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code	R661-19	Filing ID: 51810
Ref (R no.):		

Agency Information

1. Department:	Navajo Trust Fund	
Agency:	Trustees	
Street address:	151 E 500 N	
City, state and zip:	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

2. Rule catchline:
R661-19. Student Educational Enrichment 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:
Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money.
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 since the last five-year review of this rule from interested persons.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule should be continued because it allows the Utah Navajo Trust Fund to augment student interests in academic and/or career endeavors funds are to be used for participation in education-related events or programs, and/or competitive educational exhibitions.

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	07/27/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R661-20	Filing ID: 51814
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Agency Information

1. Department:	Navajo Trust Fund
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Agency:	Trustees	
Street address:	151 E 500 N	
City, state and zip:	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

2. Rule catchline:
R661-20. Photovoltaic (Solar) Systems 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:
Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money.
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 since the last five-year review of this rule from interested persons.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule should be continued because it allows the Utah Navajo Trust Fund to fund solar systems for Utah Navajos

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	07/27/2021
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

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

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

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

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	R307-121	Filing ID: 50573

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-121. General Requirements: Clean Air and Efficient Vehicle Tax Credit
3. Reason for requesting the extension and the new deadline date:
During the five-year review analysis, the Division of Air Quality (DAQ) staff determined that this rule is no longer needed because the Utah State Legislature did not renew the sections of the Utah Code that govern and allow the Utah Clean Fuel Tax Credit. The Legislature allowed the Code to lapse as of December 31, 2016. This rule must remain active until January 1, 2022, because Utah law allows taxpayers up to five years to claim the credit. This extension will give the DAQ staff time to repeal this rule instead of allowing it to expire. The new deadline is 01/05/2022.

Agency Authorization Information

Agency head or designee, and title:	Bryce C. Bird, Director	Date:	07/20/2021
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Agriculture and Food

Plant Industry

No. 53550 (Amendment) R68-27: Cannabis Cultivation
Published: 06/15/2021
Effective: 08/09/2021

No. 53566 (Amendment) R68-28: Cannabis Processing
Published: 07/01/2021
Effective: 08/09/2021

No. 53565 (Amendment) R68-32: Sale and Transfer of Industrial Hemp Waste Material to Medical Cannabis Cultivators
Published: 07/01/2021
Effective: 08/09/2021

Capitol Preservation Board (State)

Administration

No. 53560 (Amendment) R131-3: Use of Magnetometers on Capitol Hill
Published: 06/15/2021
Effective: 08/04/2021

Education

Administration

No. 53545 (New Rule) R277-320: Grow Your Own Teacher and School Counselor Pipeline Program
Published: 06/01/2021
Effective: 07/20/2021

No. 53596 (New Rule) R277-328: Educational Equity in Schools
Published: 07/01/2021
Effective: 08/09/2021

No. 53546 (Amendment) R277-404: Requirements for Assessments of Student Achievement

Published: 06/01/2021
Effective: 07/20/2021

No. 53547 (Amendment) R277-477: Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program
Published: 06/01/2021
Effective: 07/20/2021

No. 53548 (Amendment) R277-491: School Community Councils
Published: 06/01/2021
Effective: 07/20/2021

Health

Disease Control and Prevention, Health Promotion

No. 53435 (Amendment) R384-100: Cancer Reporting Rule
Published: 06/01/2021
Effective: 08/02/2021

Center for Health Data, Vital Records and Statistics

No. 53434 (Repeal and Reenact) R436-18: Adoption Program Procedures, Form Content, and Donations
Published: 06/01/2021
Effective: 08/03/2021

Higher Education (Utah Board of)

Administration

No. 53422 (Amendment) R765-134: Informal Adjudicative Procedures Under the Utah Administrative Procedures Act
Published: 06/01/2021
Effective: 07/15/2021

NOTICES OF RULE EFFECTIVE DATES

No. 53423 (Amendment) R765-604: New Century Scholarship
Published: 06/01/2021
Effective: 07/15/2021

No. 53424 (Amendment) R765-621: Terrell H. Bell Education Scholarship Program
Published: 06/01/2021
Effective: 07/15/2021

No. 53425 (Amendment) R765-622: Career and Technical Education Scholarship Program
Published: 06/01/2021
Effective: 07/15/2021

Natural Resources

Wildlife Resources

No. 53588 (Amendment) R657-6: Taking Upland Game
Published: 07/01/2021
Effective: 08/09/2021

No. 53589 (Amendment) R657-39: Wildlife Board and Regional Advisory Councils
Published: 07/01/2021
Effective: 08/09/2021

Navajo Trust Fund

Trustees

No. 53472 (New Rule) R661-24: Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program

Published: 06/01/2021
Effective: 08/09/2021

No. 53473 (New Rule) R661-25: Utah Navajo Trust Fund Housing Projects Policy

Published: 06/01/2021
Effective: 08/09/2021

Public Safety

Administration

No. 53556 (Amendment) R698-8: Local Public Safety and Firefighter Surviving Spouse Trust Fund

Published: 06/15/2021
Effective: 08/04/2021

Highway Patrol

No. 53610 (New Rule) R714-560: Technology and Equipment for Officer-Involved Critical Incident Investigation

Published: 07/01/2021
Effective: 08/09/2021

End of the Notices of Rule Effective Dates Section