

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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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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## NOTICES OF PROPOSED RULES

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between February 02, 2022, 12:00 a.m., and February 15, 2022, 11:59 p.m. are included in this, the March 01, 2022, 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 March 31, 2022. 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 June 29, 2022, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

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

**NOTICE OF PROPOSED RULE****TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R313-28-140</b>	<b>Filing ID 54370</b>
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**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Waste Management and Radiation Control, Radiation	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144880	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4880	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Tom Ball	801-536-02451	tball@utah.gov

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

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

R313-28-140. Qualifications of Mammography Imaging Medical Physicist

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

Recently a member of the Waste Management and Radiation Control Board (Board) questioned why mammography imaging medical physicists must re-certify every year. The Division of Waste Management and Radiation Control, Radiation (Division) staff reviewed the current state rule in Section R313-28-140 and looked for supporting documentation regarding the creation of the current state rule. No supporting documentation was found. Based on the review, it was determined that the only basis for the annual recertification was that Subsection R313-28-140(2)(b) required each to perform at least two mammography surveys during the 12-month period from June 1 and May 31 to remain certified by the Board. Division staff then reviewed the federal regulations for mammography imaging medical physicists overseen by the Food and Drug Administration and determined that there was no requirement in the federal regulations for annual recertification. Division staff also noted some inconsistencies between the federal regulations and the state rules. Based on the reviews, it was determined that a three-year recertification period was a better fit for the recertification requirements and that there would not be any negative impact to human health by requiring each

mammography imaging medical physicist to recertify every three years instead of annually.

**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 change updates the Initial Qualifications found in Subsection R313-28-140(1) so that they are consistent with the federal regulations. This change added the requirement to have 20 contact hours of documented specialized training in conducting surveys of mammography facilities to the state rules but because this is a requirement of the federal regulations it is believed that any person wanting to be certified as a mammography imaging medical physicist in Utah will already meet this requirement. The change also updated the language regarding the number of surveys that must be completed but did not change the number of surveys from the ten required.

The change updates the Continuing Qualifications to clearly state that mammography imaging medical physicists must recertify every three years. The change updates the number of surveys that must be done for continuing qualifications from two per year to three facilities and nine units in a three-year period. The Division does not believe that this increase will be an issue for any practicing mammography imaging medical physicist.

Based on the changes for continuing qualifications the language regarding mammography imaging medical physicists who fail to maintain the required continuing qualifications and need to re-establish their qualifications was amended to be consistent.

In addition to the changes discussed here, the Division has made corrections to formatting and other minor errors that exist in the current rule.

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

Any impact to the state budget would be a savings due to only having to review and process recertifications every three years instead of annually. It costs the state approximately \$400 in wages paid to an employee who reviews the renewal applications each year. Changing the renewal period from annual to every three years will save the state approximately \$400 for each year that renewals are not reviewed and processed. If this amended rule becomes effective in fiscal year 2022, the savings would be \$400 for fiscal year 2022 and \$400 for fiscal year 2023. Renewal applications would be due in fiscal year 2024.

**B) Local governments:**

It is not anticipated that there will be any cost or savings to local governments because this rule change does not affect local governments.

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

It is anticipated that any fiscal impact to small businesses would be a potential savings because they will only have to submit recertification applications every three years instead of annually. However, because the Division does not charge a fee for processing applications and the Division does not have any information on any costs that a small business might incur for submitting an application, these savings are not measurable.

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

It is anticipated that any fiscal impact to non-small businesses would be a potential savings because they will only have to submit recertification applications every three years instead of annually. However, because the Division does not charge a fee for processing applications and the Division does not have any information on any costs that a non-small business might incur for submitting an application, these savings are not measurable.

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

It is anticipated that any fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities would be a potential savings because they will only have to submit recertification applications every three years instead of annually. However, because the Division does not charge a fee for processing applications and the Division does not have any information on any costs that persons other than small businesses, non-small businesses, state, or local government might incur for submitting an application, these savings are not measurable.

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

Because the change did not create any new requirements for any persons who must comply with the current rule, it is not anticipated that there will be any change to compliance costs for persons who must 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):

It is not anticipated that this rule change will have any additional fiscal impact on any businesses that are currently complying with the rule beyond the current costs of compliance. The changes being made will reduce the regulatory burden on mammography imaging medical physicists by increasing the amount of time between recertifications. The change also keeps the qualifications for mammography imaging medical physicists in the state of Utah consistent with the federal regulations overseen by the Food and Drug Administration. Kimberly D. Shelley, 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**

<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$400	\$400	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$400</b>	<b>\$400</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$400</b>	<b>\$400</b>	<b>\$0</b>

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

The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, 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 19-3-104	Section 19-6-107
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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.)

<b>A) Comments will be accepted until:</b>	03/31/2022
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<b>10. This rule change MAY become effective on:</b>	04/18/2022
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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

<b>Agency head or designee, and title:</b>	Douglas J. Hansen, Director	<b>Date:</b>	02/10/2022
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### R313. Environmental Quality, Waste Management and Radiation Control, Radiation.

#### R313-28. Use of X-Rays in the Healing Arts.

#### R313-28-140. Qualifications of Mammography Imaging Medical Physicist.

An individual seeking certification by the Board for approval as a mammography imaging medical physicist shall file an application for certification on forms furnished by the Division. The Board may certify individuals who meet the requirements for initial qualifications. To remain certified by the Board as a mammography imaging medical physicist, an individual shall satisfy the requirements for continuing qualifications.

(1) Initial qualifications.

(a) Be certified by the American Board of Radiology in Radiological Physics or Diagnostic Radiological Physics, or the American Board of Medical Physicists in Diagnostic Imaging Physics[~~or~~].

(b) Satisfy the following educational and experience requirements:

(i) ~~Have~~ have a master's or higher degree from an accredited university or college in physical sciences;~~and~~

(ii) have 20 contact hours of documented specialized training in conducting surveys of mammography facilities; and

(iii) have conducted surveys of at least one mammography facility and a total of at least ten mammography units under the direct supervision of a mammography imaging medical physicist approved by the Board. No more than one survey of a specific unit within a period of 60 days can be counted toward the total mammography unit survey requirement.

~~(ii) Have two years full time experience conducting mammography surveys. Five mammography surveys shall be equal to one year full time experience.]~~

(2) Continuing qualifications.

(a) To remain certified by the Board, a certified mammography imaging medical physicist shall submit an application for recertification every three years. During the three-year period [after initial certification and for each subsequent three year period,] the individual shall:

(i) earn 15 hours of continuing educational credits in mammography imaging; and

(ii) perform at least three mammography facility surveys and a total of at least nine mammography unit surveys. No more than one survey of a specific facility within a ten-month period or a specific unit within a period of 60 days can be counted toward this requirement.~~[earn 15 hours of continuing educational credits in mammography imaging; and~~

~~(b) Perform at least two mammography surveys during the 12 month period from June 1 and May 31 to remain certified by the Board.]~~

(3) Mammography imaging medical physicists who fail to maintain the required continuing qualifications stated in Subsection R313-28-140(2) shall re-establish their qualifications before independently surveying another mammography facility. To re-establish their qualifications, mammography imaging physicists who fail to meet:

(a) ~~[F]the continuing education requirements of Subsection R313-28-140(2)(a)(i) [must]shall obtain [a sufficient number of]enough continuing educational credits to bring their total credits up to the required 15 in the previous three years[~~or~~]; or~~

(b) ~~[F]the continuing experience requirement of Subsection R313-28-140(2)(b)(a)(ii) [must]shall obtain experience by performing enough surveys to bring their total surveys up to at least three mammography facility surveys and a total of at least nine mammography unit surveys under the direct supervision of a mammography imaging medical physicist approved by the Board. No more than one survey of a specific facility within a ten-month period or a specific unit within a period of 60 days can be counted toward this requirement.[by surveying two mammography facilities for each year of not meeting the continuing experience requirements under the supervision of a mammography imaging medical physicist approved by the Board.]~~

**KEY:** dental, X-rays, mammography, beam limitation

**Date of Last Change:** 2022~~[March 1, 2019]~~

**Notice of Continuation:** April 8, 2021

**Authorizing, and Implemented or Interpreted Law:** 19-3-104; 19-6-107

## NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R357-3</b>
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<b>Filing ID</b>	<b>54378</b>
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## Agency Information

<b>1. Department:</b>	Governor
<b>Agency:</b>	Economic Opportunity
<b>Building:</b>	World Trade Center



<b>Street address:</b>	60 E South Temple	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dane Ishihara	801-538-8864	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R357-3. Economic Development Tax Increment Financing Rule
<b>3. Purpose of the new rule or reason for the change</b> (Why is the agency submitting this filing?):
The purpose of this rule filing is to amend program participation requirements to better match the current practices of administering the program and to make technical changes.
<b>4. Summary of the new rule or change</b> (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
Section R357-3-102 deletes an obsolete definition, moves the definition of Leisure and Hospitality Industry so that it is in alphabetic order, and amends retail business to retail operations. Sections R357-3-104, R357-3-105, R357-3-106, and R357-3-107 are amended to more clearly match the current practices for administering the program.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no new aggregate anticipated cost or savings to the state budget. This rule is amending program participation requirements to match the current practices of administering the program.
<b>B) Local governments:</b>
There is no aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There is no new aggregate anticipated cost or savings to small businesses because this proposed rule does not

create new obligations for small businesses, nor does it increase the costs associated with any existing obligation.

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

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

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

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

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

There are no compliance costs for affected persons because participation in the program 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):

This rule will have no negative impact on businesses. Participation in the program is optional. 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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

The Executive Director of the Governor's Office of Economic Opportunity, 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-2-104		
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	03/31/2022
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<b>10. This rule change MAY become effective on:</b>	04/07/2022
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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**

<b>Agency head or designee, and title:</b>	Dan Hemmert, Executive Director	<b>Date:</b>	02/15/2022
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**R357. Governor, Economic Opportunity.**

**R357-3. Economic Development Tax Increment Financing Rule.**

**R357-3-101. Title.**

This rule is known as the "Economic Development Tax Increment Financing Rule."

**R357-3-102. Definitions.**

In addition to the definitions in Sections 63N-1a-102 and 63N-2-103 the following terms are defined:

(1) "Apportionment" means a reduction in new state revenues in the period being assessed by the percentage of project employee wages against total employee wages.

~~[(2) "Direct investment within the geographic boundaries", as used in Subsection 63N-2-104(2)(b)(ii), means that the applicant for the tax credit will invest in a new commercial project in the economic development zones.]~~

~~[(3)]~~(2) "High paying job" includes adjusted wage percentages in counties experiencing economic distress as outlined in Section R357-3-108.

(3) "Leisure and Hospitality Industry" means businesses, as determined by the office, that relate to service-providing industries consisting of:

(a) arts, entertainment, and recreation under NAICS code 71;

(b) accommodation and food services under NAICS code 72; and

(c) resort, resort building, or resort boundary as defined in Section 32B-8-102.

(4) "New commercial project" does not include retail operations.

~~[(4)]~~(5) "Retail [~~Business~~]operations" [~~as used in Subsection 63N-2-103(6)(b),~~] means a project with a [~~the~~] physical location from which the general public may directly purchase merchandise or direct services and does not include distribution centers, the corporate functions associated with retailing, or other activities associated with retailing that may be accomplished from any physical location or that are not dependent on proximity to end consumers for retail sales.

~~[(5) "Leisure and Hospitality Industry" means businesses, as determined by the office, that relate to service-providing industries consisting of:~~

~~[(a) arts, entertainment, and recreation under NAICS code 71;~~

~~[(b) accommodation and food services under NAICS code 72; and~~

~~[(c) resort, resort building, or resort boundary as defined in Section 32B-8-102.]~~

**R357-3-103. Authority.**

This rule is adopted by the office under the authority of Subsection 63N-2-104(2).

**R357-3-104. Application Content.**

(1) To determine a company's eligibility for an Economic Development Tax Increment Financing Incentive the company shall submit [~~may be required to supply additional information to GO Utah, which may include:~~

- (a) balance sheets;
- (b) income statements;
- (c) cash flow statements;

~~[(d) tax filings;~~  
~~[(e) market analyses;~~  
~~[(f) competing states' incentive offers;]~~  
~~[(g) corporate structure;~~  
~~[(h) workforce data;~~  
~~[(i) corporate citizenry plan;~~  
~~[(j) plan to hire Utah employees;~~  
~~[(k) forecasted new state revenue associated with the new commercial project;~~  
~~[(l) forecasted incremental job creation associated with the new commercial project; and]~~  
~~[(m) forecasted wages associated with the new commercial project; and]~~  
~~[(n) other information as determined by GO Utah.]~~  
(2) To determine a company's eligibility for an Economic Development Tax Increment Financing Incentive the office may review the company's:  
(a) incentive offers from other states;  
(b) remote work options for the project;  
(c) market analysis;  
(d) proof of fundraising;  
(e) tax filings;  
(f) reshoring plans; and  
(g) other information as determined by GO Utah.  
~~[(2) If a company fails to provide any requested information GO Utah may deny the application.]GO Utah may deny an application for any reason.~~

(3) Information provided by the business entity is subject to the Government Records Access and Management Act. The business entity has the option to designate what information provided is private or protected subject to Sections 63G-2-302 and 63G-2-305.

### **R357-3-105. Factors to Be Considered in Authorizing an Economic Development Tax Credit Award.**

(1) The amount and duration of a tax credit award shall be determined on a case-by-case basis. The factors that may be considered include:

~~[(a) forecasted new state revenue associated with the new commercial project;~~  
~~[(b) forecasted new incremental jobs associated with the new commercial project;~~  
~~[(c) forecasted wages associated with the new commercial project;~~  
~~[(d) the demonstrated support of the local community for the project;~~  
~~[(e) the competitive nature of the project, to what extent other states have available incentives for the new commercial project, and the competitiveness of the other incentives;]~~  
~~[(f) whether the company is projecting positive long term growth;~~  
~~[(g) whether the company is part of a targeted industry;~~  
~~[(h) the overall benefit to the state from the new commercial project;~~  
~~[(i) the uniqueness of the economic opportunity;~~  
~~[(j) how the tax credit would mitigate the loss or potential loss of new state and local revenues in the state, high paying jobs, new economic growth, or that address the factors set forth in Sections 63N-2-102 and 63N-2-104;~~  
~~[(k) whether the company's industry has been determined by the GO Utah Board as a targeted industry, as defined in Subsection 63N-2-102 (9);]~~

~~[(k) the economic environment, including the unemployment rate and the underemployment rate,]~~ at the time of the new commercial project or company applies including:

(i) the job leakage to other counties;  
(ii) the relative value of a job; and  
(iii) the underemployment rate;  
~~[(l) the location of the new commercial project;~~  
~~[(m) the quality of financing the company has received;~~  
~~[(n) comparison to previously incented projects in size, scope, and industry; and~~  
~~[(o) other factors as reasonably determined by the administrator.~~

(2) The factors for an award higher than 30% of new state revenues for a project located in a county of the third-class, or a municipality with a population of 10,000 or less located within a county of the second class and that is experiencing economic hardship are:

(a) factors in Subsection R357-3-105 (1);  
(b) evidence of significant financial support of the local community for the project;  
(c)(i) capital expenditures of at least \$500,000,000 for the new commercial project;  
(ii) the new capital project is in targeted industry as defined by the office; or  
(iii) local taxing entities are offering a tax increment agreement of at least 75% and 25 years of property tax rebates;  
(d)(i) the new capital project creates at least 2,000 new high-wage jobs;  
(ii) the new capital project is in targeted industry as defined by the office;  
(iii) the average wages for the new high paying jobs are at least 300% of the average county wage; or  
(iv) local taxing entities are offering a tax increment deal [in excess of] over 75% and 25 years for property tax rebates;  
(3) A new commercial project within the leisure and hospitality industry sector, located in a county of the fifth or sixth class may receive an award up to 50% of new state revenues over 20 years if the project:

(a) has capital expenditure of at least \$10,000,000;  
(b) creates a significant number of new high paying jobs;  
(c) is of strategic importance to the state, county and city;  
(d) is adjacent to a unique, high visitation tourist area; and  
(e) location would otherwise be underserved in leisure and hospitality without being provided an incentive.

(4) If a project has not been approved by the Go Utah Board within six months of submission they company must submit an updated application.

(5) The Executive Director after consultation with the Go Utah Board may:

(a) approve or deny an application; and  
(b) determine terms and conditions of an approved application.

### **R357-3-106. Economic Development Tax Credit Process.**

(1) Annual tax credits shall be based on actual incremental taxes paid by the business entity or withheld on behalf of employees of a new commercial project.

(2) GO Utah shall propose a tax credit structure based on the factors set forth in this rule in a combination GO Utah deems the most effective and beneficial in weighing the benefits of the State, local community, and company.

(a) GO Utah shall propose the tax credit terms and structure to the Board ~~[prior to]~~before making a final offer to the business entity.

(3) If the Executive Director approves an Economic Development Tax Credit, GO Utah shall provide a tax credit offer letter to a business entity that includes:

(a) the proposed terms of the Economic Development Tax Credit, including the maximum amount of aggregate annual tax credits and the time period over which the tax credits may be claimed;

(b) a statement that the company must demonstrate sufficient growth and supply; and

(c) documentation that will be required each incentive year to claim a tax credit for the following tax year.

(4) If the applicant intends to accept the incentive offer, it shall counter-execute the tax credit offer letter.

(5) If the Executive Director denies an application for an Economic Development Tax Credit, GO Utah shall provide a letter to the business entity that includes:

(a) notice of the application denial;

(b) reason for denial; and

(c) notice that the business entity can reapply for a tax credit if changes to the proposed new commercial project are made.

(6) GO Utah will establish a baseline with the company that consists of the count of full-time employees and state revenue reflective of presence in the state ~~[prior to]~~before Board approval date. Baseline must be established ~~[prior to]~~before awarding a tax credit.

(7) A company with an active contract, who desires a tax credit, must provide an annual report for the incentive year in the format and method as directed by GO Utah, with a level of accuracy comparable with information GO Utah obtains from the Department of Workforces Services and the Tax Commission, that at a minimum must contain:

(a) a list of individuals in Utah that received compensation at the company or project with their position, start date, termination date, hours paid, wages paid, benefits paid and employer withholding taxes paid or an aggregate list that provides qualification and legislative reporting required for Section 63N-2-106, as determined GO Utah.

(b) the requested amount of tax revenue to be rebated from withholding, sales and use, vendor paid sales tax and income tax verified as paid, remitted and receipted to the state.

(c) maintains a current authorization to disclose from the Utah State Tax Commission from the baseline period to three years after the end date of the contract.

(8) The office may cause an apportionment for the following reasons:

(a) a business entity's project scope is to create or develop a new good or service that is co-located within a current location that is not transparent with other operations, employees and revenue, which would not be included in the calculation of new state revenue;

(b) a business entity has a material amount of employees operating the company's retail business; or

(c) a company adjusts operations that create operations outside the scope of the agreement or boundaries of the economic development zone.

(9) The office may consider sales and use tax paid for capital asset purchases of a business entity within the scope of the agreement up to 50% of the total amount of state tax.

(10) A company who hires employees for the new commercial project through a professional employment organization

shall require the professional employment organization to provide the office an employee report under attestation.

(11) The projected employment and salary growth from the latest annual report period may be carried forward to additional periods when the Fiscal Impact Questionnaire omits this information.

### **R357-3-107. Modification of Agreement.**

(1) GO Utah may ~~[modify]~~change, or a business entity may request to ~~[modify]~~change, the terms of a tax credit offer or contract as set forth in this section:

(a) Substantive Modifications: under extraordinary circumstances, a business entity may request to ~~[modify]~~change the terms of the tax credit agreement if:

(i) there is a substantial change to new commercial project plan; and

(ii) ~~[modifying]~~changing the terms of the tax credit would benefit the state.

(b) Nonsubstantive Modifications: GO Utah and the business entity may make nonsubstantive modifications to the tax credit contract to:

(i) correct clerical errors made in the initial application, the offer, the contract, or the tax credit;

(ii) make technical changes that do not alter the tax incentive amount or violate any state or federal law; or

(iii) adjust the timeline less than 24 months.

(2) Substantive modifications require Board consultation ~~[prior to]~~before the Executive Director's approval or denial.

(3) Requests and modifications shall be documented and maintained by GO Utah.

(4) When a business entity acquires another company with employees in Utah or if another Utah company acquires a business entity and the office can distinguish between both entities' employees and separate how much new state revenue is generated from the acquiree and acquirer, no changes to the baseline employees or new state revenues will be made.

(5) When a business entity acquires another company with employees in Utah or if another Utah company acquires a business entity and the office cannot separate the acquiree's and acquirer's employees or new state revenue the office shall:

(a) increase the baseline to the lesser of the acquiree's number of full-time positions as determined by the office:

(i) on the GO Utah Board approval date; or

(ii) at the time of acquisition; and

(b) increase baseline state revenue to the same time period as chosen for baseline jobs.

(6) A company may request to exclude the 2020 EDTIF period. If a request is granted the contract must be amended that:

(a) establishes a one year gap where no incentive is awarded;

(b) delays annual job projections by one year moving forward, and

(c) extends the contract by one year.

(7) The office may deny a request to exclude the 2020 EDTIF period for any reason.

### **R357-3-108. High Paying Jobs and Economic Distress.**

(1) To establish that a county is experiencing economic distress a business entity or county shall submit to the office:

(a) evidence that the county's unemployment rate was at least 5% for the six consecutive months ~~[prior to]~~before the application date;

- (b) evidence that the county experienced year over year economic decline; and
- (c) other evidence as requested by the office.

**KEY:** economic development, jobs, tax credit

**Date of Last Change:** 2022|~~October 19, 2021~~|

**Authorizing, and Implemented or Interpreted Law:** 63N-2-104

#### NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R357-22</b>	<b>Filing ID</b> <b>54377</b>
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#### Agency Information

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

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

#### General Information

<b>2. Rule or section catchline:</b>
R357-22. Rural Employment Expansion Program
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The purpose of this rule filing is to amend the definition of "new full-time employee position" and makes technical changes.
<b>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):</b>
This rule filing amends the definition of new full-time employee position to include positions located in a county of the third, fourth, fifth, or sixth class or a municipality that has a population of 10,000 or less and the municipality is located within a county of the second class and makes technical changes.

#### 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 amending a term used to administer the program.

#### B) Local governments:

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

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

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

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

There are no compliance costs for affected persons because participation in the program 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):

This rule will have no negative impact on businesses. Participation in the program is optional. 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>B) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Governor's Office of Economic Opportunity, Dan Hemmert, has reviewed and approved this fiscal analysis.			

#### Citation Information

<b>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:</b>		
Section 63N-4-403		

#### Public Notice Information

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	03/31/2022

<b>10. This rule change MAY become effective on:</b>	04/07/2022
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

<b>Agency head or designee, and title:</b>	Dan Hemmert, Executive Director	<b>Date:</b>	02/15/2022
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#### R357. Governor, Economic Opportunity.

##### R357-22. Rural Employment Expansion Program.

##### R357-22-101. Title.

This rule is known as the "Rural Employment Expansion Program Rule."

##### R357-22-102. Definitions.

In addition to the terms defined in Section 63N-4-402, the following terms are defined:

(1) "Employee report" means a list of employees in a format approved by the office that includes:

- (a) time-period of report;
- (b) employee:
  - (i) names or ID numbers;
  - (ii) position titles;
  - (iii) hire dates;
  - (iv) termination dates;
  - (v) hours paid;
  - (vi) wages paid.; and
  - (vii) benefits paid, if applicable.
- (2) "New full-time employee position" means a position

that:

(a) has been newly created in addition to the number of baseline jobs as defined in Subsection 63N-1-102(1);

(b) is a newly created full-time employee position where the annual gross wage or annualized wage of the employment position, not including health care or other paid or unpaid benefits, is at least 110% of the average wage of the county in which the employment position exists; and

(c) is filled;

(i) by a full-time employee as defined in subsection 63N-1-102(6) who is not a spouse, child, parent, sibling, grandparent, or grandchild of an owner or officer of the business entity; and

(ii) [in any county in the state except Salt Lake, Utah, Davis, Weber, Washington, Cache, Tooele, and Summit counties.]is located within a:

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

(B) municipality that has a population of 10,000 or less and the municipality is located within a county of the second class.

(3) "REDI,"[s] Rural Economic Development Incentives, means the same as the Rural Employment Expansion Program.

##### R357-22-103. Authority.

This rule is adopted by the office under the authority of Subsection 63N-4-403(2)(c).



**R357-22-104. Form and Content of Application for Rural Employment Expansion Program Participation.**

(1) The content of the application for a rural employment expansion grant shall, at minimum, include the business entity's:

- (a) name;
- (b) physical operating address;
- (c) telephone number;
- (d) email address;
- (e) Federal EIN number;
- (f) primary NAICS code;
- (g) vendor number, if the applicant is a registered vendor with the state;

and

- (h) requested rural employment expansion grant amount;

- (i) forecasted:
- (i) number of new full-time positions; and
- (ii) wage of new full-time employee positions ~~[+and~~
- ~~\_\_\_\_\_ (iii) hire date of new full-time employee positions].~~

(2) The following documents shall, at minimum, be included in each application for participation in the program:

- (a) copy of current W-9 form;
- (b)(i) two most recent Form 33H - Utah Employer Quarterly Wage List and Contribution Reports; or
- (ii) a copy of an executed professional employee agreement, as defined in Subsection 31A-40-102(15); and
- (c) employee report covering the 12 months before application.

**R357-22-105. Documentation Required to Demonstrate the Creation of New Full-Time Positions.**

(1) The following documents shall, at minimum, be included when a business entity demonstrates the creation of new full-time employee positions after the position has been filled for 12 months:

- (a) number of new full-time employee positions created;
- (b) address of work location if different from the address ~~[supplied]~~ provided in the business entity's application for REDI Participation;
- (c) employee report for the 12 months before grant funds disbursement request; and
- (d)(i) two most recent Form 33H - Utah Employer Quarterly Wage List and Contribution Reports; or
- (ii) a copy of an executed professional employee agreement, as defined in Subsection 31A-40-102(15).

(2) A business entity may apply for grant funds after the new employee position has been filled for a minimum of six months and the annualized wage is at least 110% of the county's annual wage by submitting:

- (a) number of new full-time employee positions created;
- (b) address of work if different from the address ~~[supplied]~~ provided in the business entity's application for REDI Participation;
- (c) employee report covering the 12 months before grant disbursement request;
- (d)(i) two most recent Form 33H - Utah Employer Quarterly Wage List and Contribution Reports; or
- (ii) a copy of an executed professional employee agreement, as defined in Subsection 31A-40-102(15); and
- (e) new full-time employee positions pay stubs at the second, fourth and sixth months.

(3) The office may request additional information to verify the creation and wage of new full-time employee positions.

**R357-22-106. Documentation Required to Demonstrate the Creation of New Full-Time Positions -- Appeal Process.**

(1) If, after a review of the documentation required to demonstrate the creation of a new full-time employee positions is inadequate the office shall:

- (a) deny the request for a rural employment expansion grant; or
- (b) inform the business entity that the documentation is inadequate and ask the business entity to submit additional documentation.

(2) If the office denies the request for a rural employment expansion grant the business entity may appeal the denial to the office, in writing, within 20 business days of the denial notice date.

(3) The office shall review any appeal within 20 business days and make a final determination of the business entity's request for a rural employment expansion grant.

**R357-22-107. Administration of the Rural Employment Expansion Grant.**

(1) From the date of entering a written agreement, as described in Subsection 63N-4-404(3), the business entity shall have six months to hire an employee to fill any new full-time employee positions.

(2) The business entity shall provide the documentation required to demonstrate the creation of new full-time employee positions within 90-days of the completion of all eligible employment periods for the new full-time positions.

(3) The business entity shall verify that newly hired employees are legal U[.]S[.] Citizens or meet eligible non-citizen requirements ~~[, employer must use the E-Verify and keep a record of citizen documentation on hand].~~ A business entity must use the E-Verify system and maintain a record of citizenship documentation.

(4) If the office finds a material change in the baseline number of jobs after established in the contract, the administrator may cause the contract to be amended to reflect the correct number before issuance or denial of an incentive.

(5) The written agreement, as described in Subsection 63N-4-404(3), will establish the average county wage terms and requirements.

(6) New full-time employee positions that qualify for a Rural Employment Expansion Grant are not eligible to be considered as new full-time employee positions for other grant or incentive programs administered by the office.

(7) Business entities that would like to apply for or receive another grant or incentive administered by the office must submit a separate application for each grant or incentive program.

**KEY: rural employment expansion, economic development**

**Date of Last Change: ~~[January 21,] 2022~~**

**Authorizing, and Implemented or Interpreted Law: 63N-4-403(2)(c)**

**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

**Utah Admin. Code Ref (R no.):** R436-4

**Filing ID**  
54371

**Agency Information**

**1. Department:** Health

<b>Agency:</b>	Center for Health Data, Vital Records and Statistics	
<b>Room no.:</b>	140	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 142012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Wininger	801-538-6262	lindaw@utah.gov
Please address questions regarding information on this notice to the agency.		

## General Information

<b>2. Rule or section catchline:</b>
R436-4. Delayed Registration of Birth
<b>3. Purpose of the new rule or reason for the change</b> (Why is the agency submitting this filing?):
This filing is to bring this rule into compliance with the Rulewriting Manual, make formatting changes, and to make minor changes to wording for clarification.
<b>4. Summary of the new rule or change</b> (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 adds the purpose and authority, creates a list from a narrative to increase readability, and clarifies the documents required to establish the birth.

## Fiscal Information

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This proposed rule change is not expected to have any fiscal impact on the state budget because there are no significant changes to current business processes.
<b>B) Local governments:</b>
This proposed rule change is not expected to have any fiscal impact on the local government because local governments are not involved in the delayed registration of birth process.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):

This proposed rule change is not expected to have any fiscal impact on small businesses because they are not involved in this process.

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

This proposed rule change is not expected to have any fiscal impact on non-small businesses because they are not involved in this process.

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

This proposed rule change is not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because these changes update wording to make it more understandable and to better define the documents needed to complete a delayed registration of birth.

**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 affected persons because these changes only clarify the requirements and make the language more understandable.

**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 is no fiscal impact on business because the amendment does not include additional requirements for business. Nate Checketts, 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>B) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Health, Nate Checketts, has reviewed and approved this fiscal analysis.			

**Citation Information**

<b>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:</b>		
Section 26-2-8	Section 26-2-14.2	Section 26-2-14.1
Section 26-2-19		

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)</b>	
<b>A) Comments will be accepted until:</b>	03/31/2022

<b>10. This rule change MAY become effective on:</b>	04/07/2022
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**

<b>Agency head or designee, and title:</b>	Linda S. Winger, Director	<b>Date:</b>	02/03/2022
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**R436. Health, Center for Health Data, Vital Records and Statistics.**

**R436-4. Delayed Registration of Birth.**

**R436-4-1. Purpose and Authority.**

(1) This rule sets forth procedures for the delayed registration of birth.

(2) Authority for this rule is found in Sections 26-2-8, 26-2-14, 16-2-14.1, 26-2-14.2, and 26-2-14.3.

**R436-4-[4]2. Registration - Ten Days to One Year.**

(1) [By authority of Subsection 26-2-8(1), e] Certificates of birth filed after ten days, but within one year from the date of birth, shall be registered on the standard birth certificate in the manner prescribed in Section 26-2-5. [Such] These certificates shall not be marked "Delayed."

(2) The State Registrar may require additional evidence in support of the facts of birth and an explanation of why the birth certificate was not filed within the required ten days.

**R436-4-[2]3. Delayed Birth Certificate Form.**

[All e] Certificates registered one year or more after the date of birth are to be registered on a delayed birth certificate form prescribed by the State Registrar.

**R436-4-[3]4. Who May Request the Registration of and Sign a Delayed Birth Certificate.**

(1) If the birth of any person born in this state is not recorded in this state[,], the following may request registration of a delayed birth certificate subject to these rules and any instructions issued by the State Registrar:

- (a) the registrant, [if 18 or older];
- (b) the registrant's parent[es] or guardian;
- (c) next of kin; or
- (d) person older than the registrant having personal knowledge of the facts of birth[, may request the registration of a delayed birth certificate subject to these rules and instructions issued by the State Registrar].

(2) Each delayed birth certificate shall be signed and sworn to [before an official authorized to administer oaths] by the person whose birth is to be registered before a notary public. The registrant must be 18 years of age or older[er] and competent to swear to the accuracy of the facts stated therein.

(3) If not, the certificate shall be signed and sworn to by one of the following in the indicated order of priority:

- (a) [O]ne of the parents of the registrant;
- (b) [F]the guardian of the registrant;
- (c) [A]a relative who is older than the registrant;
- (d) [A]any person older than the registrant having personal knowledge of the facts of birth.

[—] (3) A delayed birth certificate shall not be filed for deceased individuals when application is made more than seven years after the birth is alleged to have occurred.]

**R436-4-[4]5. Facts to be Established for a Delayed Registration of Birth.**

(1) The minimum facts which must be established by documentary evidence shall be the following:

- (a) [F]the full name of the person at the time of birth;
- (b) [F]the date and place of birth;
- (c) [F]the full maiden name of the mother;
- (d) [F]the full name of the father; [except that]

(2) [I]f the mother was not married either at the time of conception or at any time during pregnancy, the name of the father shall not be entered on the delayed certificate except as provided in R436-3-[4]6(11).

#### **R436-4-[5]6. Documentary Evidence - Requirements.**

(1) ~~[To be acceptable for filing,]~~ Documentary evidence that includes the name of the registrant, ~~[and]~~ the date of birth, and place of birth entered on a delayed birth certificate shall be presented. ~~[supported by at least:]~~

(a) ~~If the record is filed less than seven years after the date of birth, [T]wo pieces of documentary evidence[.] are required, only one of which may be an affidavit of personal knowledge[.] if the record is filed in less than seven years after the date of birth[.]~~

(b) ~~If the record is filed seven years or more after the date of birth[.] three pieces of documentary evidence are required, only one of which may be an affidavit of personal knowledge[.] if the record is filed seven years or more after the date of birth[.]~~

(2) ~~[Facts of parentage shall be supported by at least one of the above documents, which is not an affidavit of personal knowledge.] At least one of the documents required in R436-4-5(1), that is not an affidavit of personal knowledge, must include the names of the parents of the registrant.~~

#### **R436-4-[6]7. Documentary Evidence - Acceptability.**

(1) Documents presented, such as census, hospital, church, and school records, must be from independent sources and ~~[shall be in the form of]~~ the original record, or a ~~[duly-]~~certified copy, ~~[thereof]~~ or include a signed statement from the custodian of the record or document. ~~Any[.] such documents submitted [into] as evidence, [other than an affidavit of personal knowledge,] must have been established at least ten years [prior to] before the date of application or must have been established [prior to] before the applicant's [tenth] 10th birthday.~~

(2) Applications for delayed registration more than seven years after the birth must have at least one document that was established within 15 years of the date of birth.

(2) To be acceptable, an affidavit of personal knowledge must be prepared by one or both parents, other relative, or any person older than the registrant who has knowledge of the facts of birth, and must be signed before a notary public ~~[a official authorized to administer oaths.]~~

#### **R436-4-[7]8. ~~[Abstraction]~~Record of Documentary Evidence.**

(1) The State Registrar ~~[shall abstract on the delayed birth certificate]~~ or designee will include, on the face of the delayed birth certificate, a description of each document submitted to support the facts ~~[shown on] of the delayed birth [certificate]~~. The ~~[is]~~ description shall include:

(a) ~~[T]he title or description of the document;~~

(b) ~~[T]he name and relationship of the affiant, if the document is an affidavit of personal knowledge[.] if not~~

(c) the custodian, if the document is an original or certified copy of a record or a signed statement from the custodian;

(d) ~~[T]he date the document [being abstracted] was originally filed; and~~

(e) ~~[The] information regarding the birth facts contained in the document.~~

(2) ~~[All] Documents submitted in support of the delayed birth registration [shall] may be returned to the applicant after review.~~

#### **R436-4-[8]9. Certification by the State Registrar.**

The State Registrar shall, by signature, certify:

(1) ~~[That]~~ no prior birth certificate is on file for the person whose birth is to be recorded;

(2) ~~[That]~~ the evidence submitted to establish the facts of birth has been reviewed;

(3) ~~[That]~~ the ~~[abstract]~~description of the evidence appearing on the delayed birth certificate accurately reflects the ~~[nature and content of the]~~ documents submitted to establish the facts of the birth.

#### **R436-4-[9]10. Dismissal After One Year.**

Applications for delayed certificates which are inactive for one year may be dismissed at the discretion of the State Registrar.

#### **R436-4-[10]11. Delayed Registration of Birth Resulting in Stillbirth.**

(1) If the parent ~~[or parents]~~ of a stillborn child requests a certificate of birth resulting in stillbirth for the stillborn child that has not been registered within one year after the date of delivery, the ~~[s]State [R]Registrar~~ shall search for the certificate of fetal death required under Section 26-2-14.

(2) If a certificate of fetal death for the stillborn was registered in ~~[the state of] Utah~~, no additional documentary evidence is required for the [s]State [R]Registrar [shall] to provide the parent [or parents] with a certificate of birth resulting in stillbirth based on the facts on the certificate of fetal death[.] with no additional documentary evidence required[.]

(3) Correction of errors or omissions on the original certificate of fetal death will be made in accordance with R436-3, except that an affidavit from one parent is sufficient to establish the name of the stillborn child.

(3) If a certificate of fetal death was not registered for the stillborn, the minimum facts that the applicant must establish by documentary evidence to register the birth resulting in stillbirth are:

(a) date of delivery[.]

(b) place of delivery[.]

(c) full maiden name of the mother[.]

(d) full name of the father, ~~[except that if]~~ unless the mother was not married either at the time of conception or at any time during the pregnancy. If so, the name of the father shall not be entered on the certificate except as provided in R436-3-5[.]

(e) gestation of 20 weeks or more, as reported by the physician in attendance[.] and

(f) name of delivery attendant.

#### **KEY: vital statistics, evidence**

**Date of Last Change:** ~~2022~~December 19, 2002

**Notice of Continuation:** March 20, 2018

**Authorizing, and Implemented or Interpreted Law:** 26-2-8; 26-2-19; 26-2-14.1; 26-2-14.2

#### **NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

**Utah Admin. Code Ref (R no.):** R436-7

**Filing ID**  
54372

#### **Agency Information**

<b>1. Department:</b>	Health
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics
<b>Room no.:</b>	140
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W

<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 142012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Wininger	801-538-6262	lindaw@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R436-7. Death Registration
<b>3. Purpose of the new rule or reason for the change</b> (Why is the agency submitting this filing?):
This filing is to bring this rule into compliance with the Rulewriting Manual, add information to clarify law, and remove wording that is no longer relevant.
<b>4. Summary of the new rule or change</b> (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 adds the purpose and authority to this rule, adds information on measuring the five days that are in law, and removes wording that is inaccurate.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This proposed rule change is not expected to have any fiscal impact on the state budget because there are no substantial changes to practice.
<b>B) Local governments:</b>
This proposed rule change is not expected to have any fiscal impact on local governments because there are no substantial changes to practice.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This proposed rule change is not expected to have any fiscal impact on small businesses because there is no substantial change in practice.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):

This proposed rule change is not expected to have any fiscal impact on non-small businesses because there is no substantial change in practice.

**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 proposed rule change is not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because there is no substantial change in practice.

**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 affected persons because there is no substantial change in practice.

**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 is no fiscal impact because the amendment does not include additional requirements for business. Nate Checketts, 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>B) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Health, Nate Checketts, has reviewed and approved this fiscal analysis.			

#### Citation Information

<b>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:</b>		
Section 26-2-13		

#### Public Notice Information

<b>9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)</b>	
<b>A) Comments will be accepted until:</b>	03/31/2022

<b>10. This rule change MAY become effective on:</b>	04/07/2022
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

<b>Agency head or designee, and title:</b>	Linda S. Wininger, Director	<b>Date:</b>	01/08/2022
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**R436. Health, Center for Health Data, Vital Records and Statistics.**

**R436-7. Death Registration.**

**R436-7-1. Purpose and Authority.**

(1) This rule sets forth procedures for the registration of death.

(2) Authority for this rule is found in Section 26-2-13.

**R436-7-2. Death Registration.**

(1) Deaths will be registered within five days measured as 120 hours from the time of death.

(2) If ~~all~~ the information necessary to complete a death certificate is not available within the time prescribed for filing of the

certificate, the funeral director shall file the certificate completed with ~~all~~ the information that is available.

(3) In ~~all~~ each case[s], the medical certification must be signed by the person responsible for such certification.

(4) If the cause of death is unknown, undetermined or pending investigation, the cause of death shall be shown as such on the certificate.

(5) Final disposition of the deceased shall not be made until the death certificate is registered or is authorized by ~~the attending physician or~~ the medical examiner.

(6) An amendment providing the information missing from the original certificate shall be filed with the State Registrar ~~as soon as possible, but in all cases within 30 days after the date of the death~~.

**KEY: vital statistics, death, funeral industries**

**Date of Last Change: 2022~~1989~~**

**Notice of Continuation: March 21, 2018**

**Authorizing, and Implemented or Interpreted Law: 26-2-13**

#### NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R436-14</b>	<b>Filing ID</b>
		<b>54373</b>

#### Agency Information

<b>1. Department:</b>	Health	
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics	
<b>Room no.:</b>	140	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 142012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Wininger	801-538-6262	lindaw@utah.gov

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

#### General Information

<b>2. Rule or section catchline:</b>
R436-14. Copies of Data From Vital Records
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This filing is to bring this rule into compliance with the Rulewriting Manual and make minor changes to wording.

**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 include formatting changes, deletion of a phrase that is not needed, and add the seal of the issuing office.

#### Fiscal Information

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

**A) State budget:**

This proposed rule change is not expected to have any fiscal impact on the state budget because it does not change current business practices.

**B) Local governments:**

This proposed rule change is not expected to have any fiscal impact on local governments because it does not change current business practices.

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

This proposed rule change is not expected to have any fiscal impact on small businesses because they are not involved in copies of data from Vital Records.

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

This proposed rule change is not expected to have any fiscal impact on non-small businesses because they are not involved in copies of data from Vital Records.

**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 proposed rule change is not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because they are not involved in copies of data from Vital Records.

**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 affected persons because there are no changes to costs.

**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 is no fiscal impact because the amendment does not include additional requirements for business. Nate Checketts, 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

#### B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Nate Checketts, 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 26-2-26		
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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:** 03/31/2022

**10. This rule change MAY become effective on:** 04/07/2022

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

<b>Agency head or designee, and title:</b>	Linda S. Winger, Director	<b>Date:</b>	02/13/2022
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### R436. Health, Center for Health Data, Vital Records and Statistics.

#### R436-14. Copies of Data From Vital Records.

##### R436-14-1. ~~[Copies of Data From Vital Records.]~~Purpose and Authority.

(1) This rule sets forth standards and requirements for copies of data from Vital Records.

(2) Authority for this rule is found in Section 26-2-4.

##### R436-14-2. Copies of Data From Vital Records.

(~~[a]~~1) Full or short form certified copies of vital records may be made by mechanical, electronic, or other duplicative processes.

(~~[b]~~2) Each certified copy issued shall be certified as a true copy by the officer in whose custody the record is entrusted and shall include:

(a) the date issued~~[;]~~;

(b) the name of the issuing officer~~[;]~~;

(c) the registrar's signature, or an authorized facsimile ~~[thereof]~~ of the registrar's signature; and

(d) the seal of the ~~[issuing office]~~ State of Utah.

(3) Local registrars shall issue certified copies only on forms approved by the State Registrar.

(4) Local registrars may issue certified copies using the seal of the issuing office and the seal of the State of Utah when authorized by the State Registrar.

(~~[e]~~5) Verification of the facts contained in a vital record may be furnished by the State Registrar to any federal, state, county, or municipal government agency or to any other agency representing the interest of the registrant~~[, subject to the limitations as indicated in (a) above]~~. Such verifications shall be on forms prescribed and furnished by the State Registrar or on forms furnished by the requesting agency and acceptable to the State Registrar; or, the State Registrar may authorize the verification in other ways when it shall prove in the best interests of the State. Such verifications may only be used for the official purposes of the requesting agency.

(~~[d]~~6) When the State Registrar finds evidence that a certificate was registered through misrepresentation or fraud, the State Registrar ~~[shall have]~~ has the authority to withhold the issuance of a certified copy of such certificate until a court determination of the facts has been made.

**KEY: vital statistics, copy process**

**Date of Last Change: 2022[1989]**

**Notice of Continuation: March 21, 2018**

**Authorizing, and Implemented or Interpreted Law: 26-2-26**

## NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

**Utah Admin. Code Ref (R no.):** R455-12

**Filing ID**  
54376

## Agency Information

**1. Department:** Cultural and Community Engagement

**Agency:** History

**Street address:** 3760 S Highland Drive

**City, state and zip:** Salt Lake City, UT 84106

### Contact person(s):

Name:	Phone:	Email:
Kristin Mead	218-393-2995	kristinmead@utah.gov

Alycia Rowley	801-245-7226	aaldrich@utah.gov
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Please address questions regarding information on this notice to the agency.

## General Information

### 2. Rule or section catchline:

R455-12. Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds

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

This filing will update the Department name and language describing the current granting procedure.

### 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 will change the name of the Department from Heritage and Arts to the current name of Cultural and Community Engagement. This filing will also allow for the update of language describing the granting procedure to align with current practices.

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

None--The purpose of this amendment is to update language to provide clarification and bring this rule up to date to align with current administrative procedures. The state budget will not be affected by this amendment.

**B) Local governments:**

None--The purpose of this amendment is to provide clarification and bring this rule up to date to align with current administrative procedures, so there will be no costs or savings to local governments.

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

None--The purpose of this amendment is to provide clarification and bring this rule up to date to align with current administrative procedures, so there will be no costs or savings to small businesses.

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

None--The purpose of this amendment is to provide clarification and bring this rule up to date to align with current administrative procedures, so there will be no costs 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**):

None--The purpose of this amendment is to provide clarification and bring this rule up to date to align with current administrative procedures, so there will be no costs or savings to persons other than small businesses, non-small businesses, state or local government entities.

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

None--This amendment is purely administrative and will not change any compliance costs for impacted entities. This rule describes a granting process where impacted entities receive money from the Division of History.

**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 comments on the fiscal impact on businesses, as the amendment is purely administrative. Jill Love, 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**

<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Executive Director of the Cultural and Community Engagement, Jill Love, 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 9-8-203(3)(c)		
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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.)

<b>A) Comments will be accepted until:</b>	03/31/2022
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<b>10. This rule change MAY become effective on:</b>	04/15/2022
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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

<b>Agency head or designee, and title:</b>	Jill Love, Executive Director	<b>Date:</b>	02/15/2022
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#### **R455. ~~[Heritage and Arts]~~Cultural and Community Engagement, History.**

#### **R455-12. Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds.**

##### **R455-12-1. Scope and Applicability.**

To provide grants to assist cemeteries~~[, computerize their records, and to develop a centralized database of names, dates of death, burial locations, and other information. This data base will include data on individuals interred in cemeteries and burial locations where a previous record exists regarding the burial] with digitizing their records, creating GIS maps and to help maintain, repair, and landscape cemeteries, grave sites and tombstones. Create and maintain a state-coordinated database of burial plots and burial locations and cemeteries throughout the state~~ in accordance with [UCA] Subsection 9-8-203(3)(c).

##### **R455-12-2. Definitions.**

1. "Board" means the Board of State History.
2. "Burial locations" means locations of human burials outside of established cemeteries where written records exist on the deceased.
3. "Burial Plot" means the burial location of an individual within a cemetery.
4. "Cemeteries" means formal groupings of burial locations, including public and private facilities, whether abandoned or currently used and maintained.
5. "Director" means the Director of the Division of State History.
6. "Division" means the Division of State History.
7. "Eligible Organizations" means cemeteries, genealogical associations, and other nonprofit groups interested in cemeteries and burial locations.
8. "GIS" means Geographic Information System. A system that links information to geographic locations.
9. "In kind" ~~matches include~~ means volunteer hours, labor, ~~or equipment[, etc.,]~~ to match grant contributed.
10. "Matching grants" means grants made to eligible organizations that are matched, ~~[ordinarily on a fifty/fifty basis,] using a county classification tier that allows matches with [through]~~ cash or in kind.

11. "Record" means existing record of name and other available information on the interred individual.

12. "Computerized record" means an electronic version of a record meeting the standards established by the Division.

##### **R455-12-3. Application and Distribution of Funds.**

(1) Eligible organizations may apply for matching grants on a form approved by the Division. Matching grants shall be provided to the extent that funding is available. No grant will be awarded to any single cemetery for more than \$10,000. ~~[Larger cemeteries needing more than \$10,000 may reapply in phases. Successful applicants may request fifty percent of the funds at the time of approval of the contract. The second fifty percent will be distributed upon receipt of acceptable final report and computerized records in the format agreed upon.] Funds will be distributed to grant recipients after the contract is signed. Final reports are required to successfully complete the grant.~~

(2) ~~[Grants will be allocated to applying eligible organizations on a first come, first served basis.] Grants will be awarded at the beginning of the fiscal year. The Division will award the grants and provide a list of successful applicants to the Board.~~

##### **R455-12-4. Reports and Deliverables.**

~~[The grantee must submit complete computer files for the project in a format approved by the Division. The Division may verify the accuracy of the information prior to making final payment. In addition,] A [a] final report shall be completed by the grantee in a format designated by the Division. The report shall include a summary of the project, an accounting of matching share contributions, and [a request for final payment] when applicable a digital file of burial plots or photos of completed preservation projects.~~

**KEY: burial, cemetery, plots**

**Date of Last Change: 2022[November 4, 2002]**

**Notice of Continuation: January 10, 2022**

**Authorizing, and Implemented or Interpreted Law: 9-8-203(3)(c)**

#### **NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

**Utah Admin. Code Ref (R no.):** R527-5

**Filing ID**  
**54368**

#### **Agency Information**

<b>1. Department:</b>	Human Services
<b>Agency:</b>	Recovery Services
<b>Street address:</b>	515 E 100 S
<b>City, state and zip:</b>	Salt Lake City, UT 84102-4211
<b>Mailing address:</b>	PO Box 45033
<b>City, state and zip:</b>	Salt Lake City, UT 84145-0033



Contact person(s):		
Name:	Phone:	Email:
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	801-538-4225	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R527-5. Release of Information
<b>3. Purpose of the new rule or reason for the change</b> (Why is the agency submitting this filing?):
Pursuant to Executive Order No. 2021-12, this rule is being amended to become consistent with the Administrative Rules' Rulewriting Manual.
<b>4. Summary of the new rule or change</b> (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 being amended to meet the standards found in the Administrative Rules' Rulewriting Manual, pursuant to Executive Order No. 2021-12.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The amendment to this rule is due to Executive Order No. 2021-12. Therefore, there are no anticipated costs or savings to the state budget due to this amendment.
<b>B) Local governments:</b>
The amendment to this rule is due to Executive Order No. 2021-12. Therefore, there are no anticipated costs or savings for local governments due to this amendment.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
The amendment to this rule is due to Executive Order No. 2021-12. Therefore, there are no anticipated costs or savings to small businesses due to this amendment.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
The amendment to this rule is due to Executive Order No. 2021-12. Therefore, there are no anticipated costs or savings to non-small businesses due to this amendment.

**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 amendment to this rule is due to Executive Order No. 2021-12. Therefore, there are no anticipated costs or savings to other persons due to this amendment.

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

The amendment to this rule is due to Executive Order No. 2021-12. Therefore, there are no compliance costs due to this amendment.

**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 amendment will not result in a fiscal impact to businesses. Tracy Gruber, 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

<b>Total Fiscal Benefits</b>	\$0	\$0	\$0
<b>Net Fiscal Benefits</b>	\$0	\$0	\$0
<b>B) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Human Services, Tracy Gruber, has reviewed and approved this fiscal analysis.			

#### Citation Information

<b>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:</b>		
Section 62A-11-107	Title 63G, Chapter 2	Subsection 62A-11-304.4(4)
Section 62A-1-111	42 U.S.C. 654(26)	

#### Public Notice Information

<b>9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)</b>	
<b>A) Comments will be accepted until:</b>	03/31/2022

<b>10. This rule change MAY become effective on:</b>	04/07/2022
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

<b>Agency head or designee, and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	12/22/2021
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#### R527. Human Services, Recovery Services.

##### R527-5. Release of Information.

##### R527-5-1. ~~[Statutory]~~ Authority and Purpose.

(1) The Department of Human Services is authorized to create rules necessary for social services pursuant to Section 62A-1-111. The Office of Recovery Services (ORS) is authorized to adopt, amend, and enforce rules [by Title 62A, Chapter 11,] pursuant to Section 62A-11-107[(8)].

(2) The purpose of [F]this rule is to establish[es] how ORS records may be accessed [under]pursuant to Title 63G, Chapter 2, the Government Records Access and Management Act (GRAMA).

##### R527-5-2. Definitions.

(1) Terms used in this rule are defined either explicitly in ~~[s]Section 63G-2-103 or implicitly in the text of [subs]Section 63G-2-201.~~

(2) "Restricted", as used in ~~[s]Subsection 63G-2-201(3)(b),~~ refers to records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation. These records are not subject to the procedures for access and disclosure outlined in GRAMA.

##### R527-5-3. Request for Release of Information.

~~[(1)]A [W]ritten request[s-for] to release information governed by GRAMA may be submitted [in accordance with]pursuant to [s]Section 63G-2-204 to:~~

~~[(a)](1) Office of Recovery Services  
ATTN: ORS Records  
[ ] 515 East 100 South  
P.O. Box 45033  
Salt Lake City, UT 84145-0033[-]; or  
(2) orswebcss@utah.gov.~~

~~[(2)]Written requests for expedited release of information in accordance with section 63G-2-204 may be submitted to:~~

~~(a) Office of Recovery Services  
ATTN: ORS Records  
515 East 100 South  
P.O. Box 45033  
Salt Lake City, UT 84145-0033.]~~

##### R527-5-4. Appeal of Denial of Request for Release of Information.

A request to appeal the denial ~~[to]of~~ access to an ORS record governed by GRAMA shall be submitted [in accordance with]to the ORS director pursuant to Section 63G-2-401[-to:

~~(1) the Director of the Office of Recovery Services for records maintained by ORS.]~~

##### R527-5-5. Public Information.

(1) ~~[In accordance with]Pursuant to [Utah Code]Subsection[s] 63G-2-103[-](21) and Section 63G-2-201 a record is public unless classified as private, controlled, protected, or exempt from disclosure.~~

(2) ~~[In accordance with]Pursuant to [Utah Code]Section 63G-2-307, a record may be classified or reclassified at any time, including after the record has been requested.~~

##### R527-5-6. Private Information.

(1) ~~A [Private] record[s] is private if it meets the requirements provided in Section 63G-2-302, includ[e]ing[the following]:~~

(a) the address, date of birth, and Social Security number (SSN) of ORS case participants; and

(b) information about state employees, former employees and applicants, unless designated public pursuant to Subsection 63G-2-301(2)(b) or (3)(o)[-except as provided in 63G-2-302].

(2) A [Private]private record[s] may be disclosed when:

(a) disclosure is required by other statutes;

(b) disclosure is for a purpose[s] directly connected with any investigation, prosecution, or criminal or civil proceeding conducted in connection with Utah's child support enforcement plan and [all]other programs administered by [the Office of Recovery Services]ORS;

(c) a parent who has physical custody of the child, a parent without physical custody of the child, a relative to whom physical custody of the child has been voluntarily ~~been~~ given, or a parent's attorney[;];

~~(i) demonstrates that the other party's address is required [in order] to serve legal process as the result of a judicial action to establish or modify an order or judgment for [bona fide] child support, spousal support, medical support, or child care. [This information may not be disclosed if] so long as the person whose address is being sought has not requested that case information be safeguarded; or~~

~~[(d) a parent who has physical custody of the child, a parent without physical custody of the child, a relative to whom physical custody of the child has been voluntarily given, or a parent's attorney, (ii) requests the other party's address related to parent-time [based on Title] pursuant to Section 62A[Section] 11[Subsection] 304.4;~~

~~[(e)(d) income information is needed to establish a support order or review a support order for possible modification. This information may only be released to:~~

~~(i) the court or administrative Presiding Officer[;];~~

~~(ii) the other party; or~~

~~(iii) the other party's authorized representative;~~

~~[(4)(c) a case participant's [Social Security number] SSN, address or employment information is needed by authorized governmental entities, including law enforcement agencies and[;];~~

~~(i) the requesting entity enforces, litigates or investigates civil, criminal or administrative law and the record is necessary to a proceeding or investigation; or~~

~~(ii) the requesting entity is one that collects information for pre-sentence, probationary or parole purposes[;]; or~~

~~[(g)(f) a governmental agency provides written assurance that the record is necessary to the governmental entity's duties and functions and will be used for a purpose similar to the purposes for which ORS collected or obtained the information and that the record use produces a public benefit outweighing the individual privacy right protecting the record[;];~~

~~(3) A private record shall be disclosed [in accordance with] pursuant to the provisions in [the requirements of Utah Code] Section 63G-2-202.~~

~~(4) A [P]private record[s] may not be released when a protective order has been issued in violation of 42 U.S.C. 654(26), or if there is reason to believe the release of information may result in physical or emotional harm to the person.~~

#### **R527-5-7. Controlled Information.**

~~(1) A record is controlled if it meets the requirements [of Utah Code] provided in Section 63G-2-304.~~

~~(2) A [C]controlled record[s can only] shall be [released]disclosed [under the provisions of]pursuant to the provisions in [Utah Code]Sub[S]section 63G-2-202(2).~~

#### **R527-5-8. Protected Information.**

~~(1) A record is protected if it meets the requirements [of Utah Code] provided in Section 63G-2-305.~~

~~(2) A [P]protected record[s can only] shall be [released]disclosed [under the provisions of]pursuant to the provisions in [Utah Code]Sub[S]section 63G-2-202(4).~~

#### **R527-5-9. Restricted Records Exempt from Release Under GRAMA.**

~~[(1)]A record is restricted from release by ORS if it meets the requirements of [Utah Code]Sub[S]section 63G-2-201(3)(b).~~

#### **[R527-5-10. Fees.**

~~(1) ORS may provide requested records without a charge unless:~~

~~(a) The request is for records which require programmer assistance.~~

~~(b) The request is a repeat request by the same requester for information already provided within the last three months.~~

~~(2) Contact ORS Records for specific fee amounts.]~~

**KEY: accessing records, record requests, GRAMA compliance[ records fees]**

**Date of Last Change: 2022[July 22, 2013]**

**Notice of Continuation: March 9, 2021**

**Authorizing, and Implemented or Interpreted Law: 62A-1-111; 62A-11-107; 62A-11-304.4[(4)]; 63G-2; 42 U.S.C. 654(26)**

#### **NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

**Utah Admin. Code Ref (R no.):** R527-200

**Filing ID**  
54369

#### **Agency Information**

<b>1. Department:</b>	Human Services	
<b>Agency:</b>	Recovery Services	
<b>Street address:</b>	515 E100 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84102-4211	
<b>Mailing address:</b>	PO Box 45033	
<b>City, state and zip:</b>	Salt Lake City, UT 84145-0033	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	801-538-4225	jshaw@utah.gov

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

#### **General Information**

##### **2. Rule or section catchline:**

R527-200. Administrative Procedures

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

Pursuant to Executive Order No. 2021-12, this rule is being amended to become consistent with the current edition of the Office of Administrative Rules' Rulewriting Manual.

**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 being amended to meet the standards found in the Administrative Rules' Rulewriting Manual, pursuant to Executive Order No. 2021-12.

**Fiscal Information**

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

**A) State budget:**

The amendment of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this amendment would create a fiscal cost or savings to the state budget.

**B) Local governments:**

The amendment of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this amendment would create a fiscal cost or savings to local governments.

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

The amendment of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this amendment would create a fiscal cost or savings to small businesses.

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

The amendment of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this amendment would create a fiscal 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 amendment of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It

is not anticipated that this amendment would create a fiscal cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.

**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 associated with the amendment of this rule, it is technical in nature and does not reflect substantive changes to current practices or procedures.

**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 proposal will not result in a fiscal impact to businesses. Tracy Gruber, 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>B) Department head approval of regulatory impact analysis:</b>				
The Executive Director of the Department of Human Services, Tracy Gruber, 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:**

Sections 30-3-32 through 30-3-38	Title 63G, Chapter 4	Section 62A-11-303
Section 62A-11-107	Section 62A-11-304.1	Section 62A-11-304.4
Section 62A-11-304.2	Section 62A-1-111	

**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:** 03/31/2022

**10. This rule change MAY become effective on:** 04/07/2022

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**

<b>Agency head or designee, and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	12/14/2021
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**R527. Human Services, Recovery Services.****R527-200. Administrative Procedures.****R527-200-1. Authority and Purpose.**

(1) The Department of Human Services is authorized to create rules necessary for social services pursuant to Section 62A-1-111. The Office of Recovery Services (ORS) is authorized to adopt, amend, and enforce rules pursuant to Section 62A-11-107.

(2) The purpose of this [This] rule [establishes] is to establish procedures for informal adjudicative proceedings [as required by] pursuant to Section 63G-4-203 [of the Administrative Procedures Act]. This rule:

- (a) establishes the form of proceedings;
- (b) provides procedures for requesting and obtaining a hearing when a proceeding is initiated by a notice of agency action;

(c) provides procedures and standards for orders resulting from the administrative process;

(d) provides procedures for informal proceedings;

(e) provides procedures for the conduct of hearings and other informal adjudicative proceedings;

(f) provides procedures for requesting reconsideration;

(g) provides procedures for a motion to set aside a default order;

(h) provides procedures for amending an administrative order;

(i) provides procedures for setting aside an administrative order; and

(j) Provides procedures for requesting a judicial review.

**R527-200-2. Definitions.**

[4-](1) Terms used in this rule are defined in Sections 62A-11-303 and 63G-4-103.

[2-](2) In addition: [7]

[a-] "office" means the Office of Recovery Services;

[b-](a) "[p]Participate" means:

(i) [in a proceeding that was initiated by a notice of agency action,] to present relevant information to the presiding officer within the time period described by statute or rule for requesting a hearing in a proceeding that was initiated by a notice of agency action; and

(ii) attend the hearing if a hearing is scheduled [participate means attend the hearing];

[e-](b) "[p]Party" means the Office of Recovery Services and the respondent.

[d- in-](c) "Respondent" means a person against whom an adjudicative proceeding is initiated, whether by an agency or any other person, [a proceeding to determine the noncooperation of a IV-A or Non IV-A Medicaid recipient or applicant, the recipient or applicant is the respondent and is therefore a "party".]

[e-](d) "[f]Location information" means:

(i) the current, verified residential address of a custodial or noncustodial parent and, if different and known to [the office] ORS, the current, verified residence of any child named in a parent-time order that specifies time periods [during which] when the child shall be with the noncustodial parent [as provided in] pursuant to Sections 30-3-32 through 30-3-38; or [If a current, verified residential address is not available, "location information" means:]

(ii) an employment address if known, if a current, verified residential address is not available.

[f-](e) "[o]Other location information" means a verified, non-residential mailing address such as a [Post Office Box or Rural Route, at which] post office box or rural route where a party whose location information is being sought receives mail.

[g-](f) "[f]Files" [on custodial and noncustodial parents] means records about custodial and noncustodial parents contained in open child support services cases [in which] where both paper and electronic case information may be stored.

**[R527-200-3. Purpose.**

The purpose of this rule is to:

- 1. establish the form of proceedings;
- 2. provide procedures for requesting and obtaining a hearing when a proceeding is initiated by a notice of agency action;
- 3. provide procedures and standards for orders resulting from the administrative process;
- 4. provide procedures for informal proceedings;
- 5. provide procedures for the conduct of hearings and other informal adjudicative proceedings;



- ~~6. provide procedures for requesting reconsideration;~~
- ~~7. provide procedures for a motion to set aside a default order;~~
- ~~8. provide procedures for amending an administrative order;~~
- ~~9. provide procedures for setting aside an administrative order; and~~
- ~~10. provide procedures for requesting judicial review.]~~

#### **R527-200-[4]3. Designation of Presiding Officers.**

The following persons are designated presiding officers in adjudicative proceedings:

- [1-](1) agents;
- [2-](2) senior agents;
- [3-](3) team managers;
- [4-](4) quality assurance specialists;
- [5-](5) associate regional directors;
- [6-](6) regional directors;
- [7-](7) directors; and
- [8-](8) other persons designated by the director of ~~the~~ Office of Recovery Services ORS.

#### **R527-200-[5]4. Form of Proceeding.**

~~All~~ a adjudicative proceedings commenced by ~~the~~ office ORS through a notice of agency action, or commenced by other persons affected by ~~the office's~~ ORS's actions through a request for agency action, shall be informal adjudicative proceedings.

#### **R527-200-[6]5. Informal Adjudicative Proceedings.**

~~The following~~ Matters that are designated as informal adjudicative proceedings are ~~considered to be informal~~ proceedings to:

- [1-](1) ~~proceedings to~~ establish or modify child support orders;
- [2-](2) ~~proceedings to~~ determine paternity;
- [3-](3) ~~proceedings to~~ establish a judgment for genetic testing costs;
- [4-](4) ~~proceedings to~~ establish a judgment for birth expenses;
- [5-](5) ~~proceedings to~~ establish or modify an order regarding liability for medical and dental expenses of a dependent child;
- [6-](6) ~~proceedings to~~ establish an order when a notice to enroll a child in a medical insurance plan is contested;
- [7-](7) ~~proceedings to~~ establish an order against a garnishee enforcing an administrative garnishment;
- [8-](8) ~~proceedings to~~ determine whether the information concerning a support debt ~~which~~ that will be reported to consumer reporting agencies is accurate;
- [9-](9) ~~proceedings to~~ establish a retained support obligation;
- [10-](10) ~~proceedings to~~ amend an administrative order;
- [11-](11) ~~proceedings to~~ set aside an administrative order;
- [12-](12) ~~proceedings to~~ establish an order ~~which~~ that determines past-due support following a request for agency action;
- [13-](13) ~~proceedings to~~ establish an order when an office ORS determination of noncooperation is contested by IV-A or ~~Non~~ non-IV-A Medicaid recipients;
- [14-](14) ~~proceedings to~~ establish a judgment against a responsible party for costs and ~~for~~ fees, and to impose penalties associated with legal action taken by ~~the office~~ ORS;

[15-](15) ~~proceedings to~~ establish an order of non-disclosure when a determination is made not to disclose a parent's identifying information to another state in an interstate case action;

[16-](16) ~~proceedings to~~ approve or deny requests for waiver or deferral of estate recovery for reimbursement of Medicaid;

[17-](17) ~~proceedings to~~ determine whether location information or other location information available in files on custodial or noncustodial parents may be released to the requesting party or to the requesting party's legal counsel ~~in accordance with the provisions of Utah Code~~ pursuant to Title 62A, Chapter 11, Recovery Services;

[18-](18) ~~proceedings to~~ establish an order when a payment schedule is contested;

[19-](19) ~~proceedings to~~ establish an order when a lien-levy action is contested; and

[20-](20) ~~proceedings to~~ establish an order when the obligation based on a change in the physical custody of a child is contested.

#### **R527-200-[7]6. Service of Notices and Orders.**

Notices, orders, written decisions, or any other documents ~~for which~~ that service is required or permitted to be made ~~by~~ pursuant to Section 63G-4 Title 63G, Chapter 4, Administrative Procedures Act may be served using methods ~~provided by~~ as described in Title 63G, Chapter 4 Section 63G-4 or the Utah Rules of Civil Procedure.

#### **R527-200-[8]7. Procedures for Informal Adjudicative Proceedings.**

~~The procedures for informal adjudicative proceedings are as follows:~~

~~1-~~ (1) In proceedings initiated by a notice of agency action, the presiding officer will issue an order of default unless the respondent does one of the following within 30 days in response to service of the notice:

[a-](a) pays the entire amount in full; or

[b-](b) participates ~~as provided in~~ pursuant to Section R527-200-[13]12;

[2-](2) In proceedings initiated by a notice of agency action, the presiding officer shall schedule a hearing if available ~~under~~ pursuant to Section R527-200-[10]9 and ~~the office~~ ORS receives the respondent's written request:

[a-](a) within 30 days of service of notice of agency action; or

[b-](b) before an order is issued by the presiding officer.

[3-](3) Within a reasonable time after the close of an informal adjudicative proceeding, the presiding officer shall issue a signed order in writing ~~which~~ that states the following:

[a-](a) the decision;

[b-](b) the reason for the decision;

[c-](c) a notice of the right to request reconsideration and the right to petition for judicial review; and

[d-](d) the time limits for requesting reconsideration or filing a petition for judicial review.

[4-](4) The presiding officer's order shall be based on the facts appearing in the agency's case record[s] and on the facts presented in evidence at any hearing[s] or other adjudicative proceeding[s].

[5-](5) A copy of the presiding officer's order shall be promptly mailed to each of the parties.

**R527-200-[9]8. Response time for Proceedings Initiated by a Request for Agency Action.**

The respondent may request an informal adjudicative proceeding within the following timeframes:

[1-](1) within 30 calendar days of the date of the notice when contesting the amount of past-due support in the Annual Notice of Past-due Support;

[2-](2) within 15 calendar days of the date of ~~[this]~~the notice, or within 30 calendar days of the date of ~~[this]~~the notice if the non-requesting party resides outside of Utah and intervention is required from another IV-D agency to facilitate communication with the non-requesting party, when contesting whether location information or other location information may be released; ~~[and]~~or

[3-](3) within 15 calendar days of the date of the notice when contesting the obligation based on a change in physical custody of the child.

**R527-200-[10]9. Availability of a Hearing in Informal Adjudicative Proceedings.**

[1-](1) A hearing before a presiding officer in the Office of Administrative Hearings~~[-, Department of Human Services]~~ is permitted in an informal adjudicative proceeding if:

[a-](a) the proceeding was initiated by a notice of agency action; ~~[and]~~

[b-](b) the respondent in a properly filed request for hearing or in the course of participation raises a genuine issue as to a material fact ~~[as provided in]~~pursuant to Section R527-200-[11]10; and

[e-](c) the respondent participates in a preliminary agency conference.

[2-](2) A proceeding before a presiding officer in ~~[the Office of Recovery Services, Department of Human Services]~~ORS is permitted if an informal adjudicative proceeding is initiated by a request for agency action.

[a-](3) The presiding officer shall conduct a review of ~~[all]~~the documentation provided by the requesting party and in the agency files, and issue ~~[a Decision and Order]~~an order stating the decision and the reasons for the decision.

[b-](4) The requesting party shall not be required to appear~~[-, either]~~ in person or through representation when the proceeding is conducted, but the requesting party may choose to attend.

**R527-200-[11]10. Hearings in Informal Adjudicative Proceedings.**

[1-](1) In proceedings initiated by a notice of agency action, ~~[all]~~hearing requests shall be referred to the presiding officer appointed to conduct hearings.

[2-](2) The presiding officer shall give timely notice of the date and time of the hearing to ~~[all parties]~~the parties.

[3-](3) Before granting a hearing in a case referred, the presiding officer appointed to conduct the hearing may decide whether the respondent raises a genuine issue as to a material fact. Upon determining there is no genuine issue as to a material fact, the presiding officer may deny the request for hearing, and close the adjudicative proceeding.

[4-](4) The respondent may object to the denial of a hearing as grounds for relief in a request for reconsideration.

[5-](5) There is no genuine issue as to a material fact if:

[a-](a) the evidence gathered by ~~[the office]~~ORS and the evidence presented for acceptance by the respondent are sufficient to establish the obligation of the respondent under applicable law; and

[b-](b) no other evidence in the record or presented for acceptance by the respondent in the course of respondent's participation conflicts with the evidence to be relied upon by the presiding officer in issuing an order.

[6-](6) Evidence ~~[upon which]~~that a presiding officer may rely in issuing an order when there has been no hearing may include:

[a-](a) documented wage information from employers or governmental sources;

[b-](b) failure of the respondent to produce ~~[upon request of the presiding officer]~~canceled checks as evidence of payments made, as requested by the presiding officer;

[c-](c) failure of the respondent to produce a record kept by the clerk of court, a financial institution, or ~~[the office]~~ORS, showing payments made;

[d-](d) failure of the respondent to produce a written agreement in a ~~[Non]~~non-IV-A case ~~[which]~~that was signed by ~~[both]~~the ~~[absent]~~noncustodial parent and the custodial parent providing for an alternate means of satisfying a child support obligation;

[e-](e) birth certificates of the children whose support is sought from the respondent;

[f-](f) certified copies of the latest support orders; or

[g-](g) other applicable documentation.

**R527-200-[12]11. Telephonic Hearings.**

Telephonic hearings will be held at the discretion of the Office of Administrative Hearings~~[-, Department of Human Services]~~.

**R527-200-[13]12. Procedures and Standards for Orders Resulting from Service of a Notice of Agency Action.**

[1-](1) If the respondent agrees with the notice of agency action, ~~[he]~~the respondent may stipulate to the facts and to the amount of the debt and current obligation to be paid. A stipulation, and judgment and order based on that stipulation is prepared by ~~[the office]~~ORS for the respondent's signature. Orders based on stipulation are not subject to reconsideration or judicial review.

[2-](2) If the respondent participates by attending a preliminary conference or otherwise presents relevant information to the presiding officer~~[-]~~ but does not reach an agreement with ~~[the office]~~ORS or is unavailable to sign a stipulation, and does not request a hearing, the presiding officer shall issue a judgment and order based on that participation.

[3-](3) If the respondent participates in any way after receiving a notice of agency action to establish paternity and child support~~[-]~~ but fails to appear for genetic testing or respond to the notice of test results, the presiding officer shall issue an order of paternity and child support based on existing information and circumstances.

[4-](4) If the respondent requests a hearing and participates by attending a preliminary agency conference, ~~[and]~~then after that conference the respondent does not agree with the notice of agency action~~[-]~~ and participates by attending the requested hearing, the presiding officer who conducts the hearing shall issue an order based upon the hearing.

[5-](5) If the respondent fails to participate as follows, the appropriate presiding officer may issue an order of default and default judgment:

[a-](a) the respondent fails to respond to the notice of agency action and does not request a hearing;

[b-](b) after proper notice the respondent fails to attend a preliminary conference scheduled by the presiding officer to consider matters ~~[which]~~that may aid in the disposition of the action; or

~~[-]~~(c) after proper notice the respondent fails to attend a hearing scheduled by the presiding officer pursuant to a written request for a hearing.

~~[-]~~(6) The default judgment;

(a) must be ~~[-]~~ taken for the same amount and for the same ~~months~~ time periods specified in the notice of agency action ~~which~~ that was served on the respondent~~[-]~~;

(b) ~~The judgment~~ cannot be taken for more than the amount or time periods specified in the notice of agency action~~[-]~~; and

(c) ~~If there is no previous court order and the best available information supports the amount, the judgment~~ may be taken for less than the amount specified in the notice of agency action, if there is no previous court order and the best available information supports the lower amount.

(7) The respondent may seek to have the default order set aside, ~~in accordance with~~ pursuant to Section 63G-4-209.

~~[-]~~(8) If a respondent's request for a hearing is denied ~~under~~ pursuant to Section R527-200-~~[-]~~10, the presiding officer ~~issues~~ may issue a judgment and order based upon the information in the case record.

~~[-]~~(9) Notwithstanding any order ~~which~~ that sets payments on arrearages, ~~the office~~ ORS reserves the right to:

(a) periodically report the total past-due support amount to consumer reporting agencies~~[-]~~;

(b) intercept state and federal tax refunds~~[-]~~;

(c) submit cases to the federal administrative offset program where permitted by federal regulation~~[-]~~;

(d) levy upon real and personal property~~[-]~~; and

(e) ~~to~~ reassess payments on arrearages.

### **R527-200-~~[-]~~13. Conduct of Hearings and Other Informal Adjudicative Proceedings.**

~~[-]~~(1) The hearing~~[-]~~ or other proceeding shall be conducted by a ~~duly~~ qualified presiding officer. The presiding officer:

(a) shall not have been involved in preparing the information alleged in the notice ~~which~~ that is the basis of the adjudicative proceeding~~[-]~~; and

(b) ~~No presiding officer shall~~ shall not conduct a hearing or other adjudicative proceeding in a contested case if it is alleged and proved that good cause exists for the removal of the presiding officer assigned to the case.

(2) The party or representative requesting the change of the presiding officer shall make the request in writing~~[-]~~, and ~~the~~. The request shall be filed and called to the attention of the presiding officer not less than 24 hours in advance of the hearing.

~~[-]~~(3) ~~of the presiding officer when~~ When conducting a hearing~~[-]~~, the presiding officer shall determine the liability and responsibility, if any, of the respondent pursuant to Section 62A-11-304.2, based upon the notice of agency action, objections thereto, if any, and the evidence adduced at the hearing. ~~[-]~~

a. ~~Based upon the notice of agency action, objections thereto, if any, and the evidence adduced at the hearing, the presiding officer shall determine the liability and responsibility, if any, of the respondent under Section 62A-11-304.2.~~ Following determination of liability, the presiding officer shall refer the obligor to the team handling the case for determination of acceptable periodic payment or alternative means of satisfaction of any arrearage obligation.

~~[-]~~(4) ~~The~~ the presiding officer conducting the hearing may:

~~[-]~~(a) regulate the course of hearing on ~~all~~ issues designated for hearing;

~~[-]~~(b) receive and determine procedural requests, rule on offers of proof and evidentiary objections, receive relevant evidence, rule on the scope and extent of cross-examination, and hear argument and make determination of ~~all~~ questions of law necessary to the conduct of the hearing;

~~[-]~~(c) request testimony under oath or affirmation administered by the presiding officer; and

~~[-]~~(d) upon motion, amend the notice of agency action to conform to the evidence.

~~[-]~~(5) ~~Rules~~ The rules of ~~Evidence~~ evidence in hearings are as follows:

~~[-]~~(a) ~~Discovery~~ discovery is prohibited, but the office of the attorney general may issue subpoenas or other orders to compel production of necessary evidence~~[-]~~;

~~[-]~~(b) ~~Any~~ any person who is a party to the proceedings may call witnesses and present such oral, documentary, and other evidence and comment on the issues and conduct such cross-examination of any witness as may be required for a full and true disclosure of ~~all~~ facts relevant to any issue designated for fact hearing and as may affect the disposition of any interest ~~which~~ that permits the person participating to be a party~~[-]~~;

~~[-]~~(c) ~~Any~~ any evidence may be presented by affidavit rather than by oral testimony subject to the right of any party to call and examine or cross-examine the affiant~~[-]~~;

~~[-]~~(d) ~~All~~ relevant evidence shall be admitted~~[-]~~;

~~[-]~~(e) ~~Official~~ official notice may be taken of ~~all~~ facts ~~of which~~ that judicial notice may be taken in the courts of this state~~[-]~~;

~~[-]~~(f) ~~All~~ parties shall have access to information contained in ~~the office's~~ ORS's files and to ~~all~~ materials and information gathered in the investigation, to the extent permitted by law and ~~subject to~~ pursuant to Rule R527-5~~[-]~~;

~~[-]~~(g) ~~Intervention~~ intervention is prohibited~~[-]~~; and

~~[-]~~(h) ~~In~~ in child support cases the hearing shall be open to the ~~obligee and all~~ parties~~[-]~~ as defined in Section R527-200-2.

~~[-]~~(5) Rights of the parties in hearings:

(a) ~~A~~ a respondent appearing before the presiding officer for ~~the purpose of~~ a hearing may be represented by a licensed attorney, or, after leave of the presiding officer, any other person designated to act as the respondent's representative for ~~the purpose of~~ the hearing~~[-]~~; and

(b) ~~The office's~~ ORS's supporting evidence for ~~the office's~~ ORS's claim shall be presented at a hearing before a presiding officer by an agent or representative from ~~the office~~ ORS. At ORS's discretion, ~~the~~ The supporting evidence may ~~at the office's discretion~~ be presented by ~~a representative from the office of the Attorney General or by a staff attorney~~ an attorney representing ORS.

### **R527-200-~~[-]~~14. Agency Review.**

Agency review shall not be allowed. Nothing in this rule prohibits a party from filing a request for reconsideration or for judicial review ~~as provided in~~ pursuant to Sections 63G-4-302 and 63G-4-401.

### **R527-200-~~[-]~~15. Reconsideration.**

Either the respondent or ~~the office~~ ORS may request reconsideration once during an informal adjudicative proceeding ~~in accordance with~~ pursuant to Section 63G-4-302 ~~once during an informal adjudicative proceeding~~.



**R527-200-[17]16. Setting Aside Administrative Orders.**

[1-](1) ~~[The office]~~ORS may set aside an administrative order for reasons including the following:

~~[a-](a)~~ ~~[A]~~a rule or policy was not followed when the order was taken~~[-];~~

~~[b-](b)~~ ~~[F]~~the respondent was not properly served with a notice of agency action~~[-];~~

~~[c-](c)~~ ~~[F]~~the respondent was not given due process~~[-];~~ or

~~[d-](d)~~ ~~[F]~~the order has been replaced by a judicial order ~~[which]~~that covers the same time period.

[2-](2) ~~[The office]~~ORS shall notify the respondent of its intent to set the order aside by serving the respondent with a notice of agency action. The notice shall be signed by a presiding officer.

[3-](3) ~~[If a]~~After serving the respondent with a notice of agency action, if the presiding officer determines that the order shall be set aside, ~~[the office]~~ORS shall notify the respondent.

**R527-200-[18]17. Amending Administrative Orders.**

[1-](1) ~~[The office]~~ORS may amend an administrative order for reasons including ~~[the following]~~:

~~[a-](a)~~ if a~~[A]~~ clerical mistake was made in the preparation of the order~~[-];~~ or

~~[b-](b)~~ if the~~[The]~~ time periods covered in the order overlap the time periods in another order for the same participants.

[2-](2) ~~[The office]~~ORS shall notify the respondent of its intent to amend the order by serving the respondent with a notice of agency action. The notice shall be signed by a presiding officer.

[3-](3) If after serving the respondent with a notice of agency action~~[-]~~ the presiding officer determines that the order shall be amended, ~~[the office]~~ORS shall provide a copy of the amended order to the respondent.

**R527-200-[19]18. Amending an Administrative Paternity Order.**

[1-](1) ~~[If an administrative paternity order has been entered and the individual determined to be the father requests that paternity be disestablished based on genetic test results from an accredited lab which appear to exclude him as the biological father~~

~~and genetic testing has not previously been completed, the]~~The presiding officer shall initiate an adjudicative proceeding to amend the paternity order prospectively if:

(a) an administrative paternity order has been entered;

(b) the individual determined to be the father requests that paternity be disestablished based on genetic test results from an accredited lab that appear to exclude him as the biological father; and

(c) genetic testing has not previously been completed.

[2-](2) The presiding officer shall notify the mother and the previously determined ~~[legal]~~adjudicated father of the intent to amend the order by sending notices of intent to amend based on the genetic test results.

[3-](3) If the mother or previously determined ~~[legal]~~adjudicated father do not present other evidence ~~[which]~~that calls into doubt the credibility of the genetic test results and the mother does not contest the administrative action, the presiding officer shall issue an order ~~[which]~~that amends the original order, finding the previously determined ~~[legal]~~adjudicated father to no longer be the ~~[legal]~~adjudicated father effective the date the amended order is issued. The presiding officer shall send a copy of the order to ~~[both]~~the mother and the former ~~[legal]~~adjudicated father.

[4-](4) If other evidence is presented ~~[which]~~that calls into doubt the credibility of the genetic test results or the mother contests the administrative action, the presiding officer shall not amend the original paternity order. The presiding officer shall send notice of the decision to the mother and the father~~[-, which]~~ that will inform the father of his right to administrative reconsideration of the decision and to appeal the decision to a court of competent jurisdiction.

**KEY: administrative law, child support**

**Date of Last Change: 2022[October 18, 2004]**

**Notice of Continuation: December 14, 2020**

**Authorizing, and Implemented or Interpreted Law: 30-3-32 through 30-3-38; 62A-1-111; 62A-11-107; 62A-11-303; 62A-11-304.1; 62A-11-304.2; 62A-11-304.4; ~~62A-11-307.2;~~ 63G-4**

**End of the Notices of Proposed Rules Section**



## NOTICES OF CHANGES IN PROPOSED RULES

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After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends March 31, 2022.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (. . . . .) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through June 29, 2022, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

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

NOTICE OF CHANGE IN PROPOSED RULE		
Utah Admin. Code Ref (R no.):	R527-305	Filing ID: 54172

#### Agency Information

<b>1. Department:</b>	Human Services	
<b>Agency:</b>	Recovery Services	
<b>Street address:</b>	515 E 100 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84102-4211	
<b>Mailing address:</b>	PO Box 45033	
<b>City, state and zip:</b>	Salt Lake City, UT 84145-0033	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jodi Witte	801-741-7417	jwitte@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	801-538-4225	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

#### General Information

<b>2. Rule or section catchline:</b>
R527-305. High-Volume, Automated Administrative Enforcement in Interstate Child Support Cases
<b>3. Publication date of previous proposed rule or change in proposed rule:</b>
12/15/2021 (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the December 15, 2021, issue of the Utah State Bulletin, on page 106. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)
<b>4. Reason for this change (Why is the agency submitting this filing?):</b>
This rule is being amended to remove the reference and definition of "Responding state".
<b>5. Summary of this change (What does this filing do?):</b>

This rule is being amended to remove the reference and definition of "Responding state".

#### Fiscal Information

<b>6. Aggregate anticipated cost or savings to:</b>			
<b>A) State budget:</b>			
There are no anticipated costs to the state budget as this amendment is to remove the reference and definition of a responding state.			
<b>B) Local government:</b>			
Administrative rules of the Office of Recovery Service do not apply to local governments.			
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>			
There are no anticipated costs for small businesses because this amendment is to remove the reference and definition of a responding state.			
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>			
There are no anticipated costs for non-small businesses because this amendment is to remove the reference and definition of responding state.			
<b>E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</b>			
There are no costs for any persons because this amendment is to remove the reference and definition of a responding state.			
<b>F) Compliance costs for affected persons:</b>			
There are no compliance costs because this amendment is to remove the reference and definition of a responding state.			
<b>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):</b>			
After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to businesses. Tracy Gruber, Executive Director			
<b>7. 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.)</b>			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>

State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>B) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Human Services, Tracy Gruber, has reviewed and approved this fiscal analysis.			

**Citation Information**

<b>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:</b>		
42 U.S.C. 666	Section 62A-1-111	Section 62A-11-107
Section 62A-11-305		

**Public Notice Information**

<b>10. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)</b>	
<b>A) Comments will be accepted until:</b>	03/31/2022

<b>11. This rule change MAY become effective on:</b>	04/07/2022
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**

<b>Agency head or designee, and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	02/08/2022
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**R527. Human Services, Recovery Services.****R527-305. High-Volume, Automated Administrative Enforcement in Interstate Child Support Cases.****R527-305-1. Authority and Purpose.**

(1) The Department of Human Services is authorized to create rules necessary for social services pursuant to Section 62A-1-111. The Office of Recovery Services (ORS) is authorized to adopt, amend, and enforce rules pursuant to Section 62A-11-107.

(2) The purpose of this rule is to establish procedures when a request is received from a IV-D child support agency of another state for high-volume, automated administrative enforcement of support orders pursuant to 42 U.S.C. 666(a)(14) and Section 62A-11-305.

**R527-305-2. Definitions.**

(1) "High-Volume, Automated Administrative Enforcement" means the use of automated data processing to search Utah databases to determine whether information is available regarding a parent who owes child support in the initiating state, and the seizure of identified assets, if appropriate, using the same techniques as used in intrastate cases.

(2) "Initiating state" means another state's Title IV-D agency that sends an administrative interstate enforcement request to [the responding state] ORS for assistance.

(3) "Responding state" means the state Title IV-D agency, or ORS, that matches the initiating state's obligors against databases and, if appropriate, seizing assets on behalf of the initiating state.

**R527-305-3. Procedures for High-Volume, Automated Administrative Enforcement of Interstate Referrals.**

(1) An initiating state may send a request for automated administrative enforcement of support orders to ORS by electronic or other means. The initiating state may send a single high-volume referral that includes multiple requests.

(2) A request for automated administrative interstate enforcement [shall not be] is not considered a transfer of the cases referred to the ORS caseload.

(3) ORS will conduct a match of the referral data against the Utah databases that ORS has access to, determine if information regarding the obligor is available, and notify the initiating state of the results of the search.

(4) ORS will give an automated administrative interstate enforcement request the same priority it gives to a regular interstate case referred by another state for collection services or establishment, modification, or registration of an order.

NOTICES OF CHANGES IN PROPOSED RULES

**KEY:** child support, interstate

**Date of Last Change:** 2022

**Notice of Continuation:** December 15, 2017

**Authorizing, and Implemented or Interpreted Law:** 42 U.S.C.  
666; 62A-1-111; 62A-11-107; 62A-11-305

**End of the Notices of Changes in Proposed Rules Section**

## NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

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.):	R432-35	Filing ID: 54367
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#### Agency Information

<b>1. Department:</b>	Health	
<b>Agency:</b>	Family Health and Preparedness, Licensing	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144103	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4103	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Carmen Richins	801-273-2802	carmenrichins@utah.gov
Joel Hoffman	801-273-3994	jhoffman@utah.gov

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

#### General Information

##### 2. Rule or section catchline:

R432-35. Background Screening -- Health Facilities

##### 3. Effective Date:

02/04/2022

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

The reason for this emergency amendment is due to the on-going pandemic causing a shortage of staff at Skilled Nursing Facilities. The National Guard has been asked to assist facilities with the staff shortages. The Department of Health is required to run background checks for any individual in a setting that has direct patient access under Rule R435-35. This emergency rule amendment allows National Guard personnel to be background screened while accomplishing the goal of getting immediate assistance to Skilled Nursing Facilities with staff shortages.

##### 5. Summary of the new rule or change (What does this filing do?):

This emergency amendment will modify this rule to allow a facility to immediately begin utilizing Activated National Guard personnel and grant them direct patient access for up to 90 days before the background clearance process has been completed.

**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:**

If the facilities are required to follow the current rule for the Activated National Guard personnel to have direct patient access, it would greatly slow down the process of getting assistance to the long-term care facilities which could cause imminent peril to the public health, safety, or welfare.

**Fiscal Information**

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

**A) State budget:**

The state health facility background screening process was thoroughly reviewed. This proposed rule amendment will have no cost or savings for the state budget since the amendment only changes the timeline for agencies to run background screening requirements on certain covered individuals.

**B) Local governments:**

Local government city business licensing requirements were considered. This proposed rule amendment should not affect local governments' revenues or expenditures.

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

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact for small businesses' revenues or expenditures as it only changes the timeline for background screening requirements on certain covered individuals.

**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*):**

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact for persons as it does not change their background screening requirements.

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

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact for persons as it does not change their background screening requirements.

**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):**

After conducting a thorough analysis, it was determined that there is no fiscal impact on businesses. Nate Checketts, 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:**

Title 26, Chapter 21, Part 2.		
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**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Nate Checketts, Executive Director	<b>Date:</b>	02/03/2022
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**R432. Health, Family Health and Preparedness, Licensing.**

**R432-35. Background Screening -- Health Facilities.**

**R432-35-10. Activated National Guard Personnel Background Clearance Process.**

(1) When a covered provider begins the application process for a covered individual who is an activated National Guard personnel, the application process for background clearance, according to 26-21-202(4)(a), shall include:

(a) Signed criminal background screening authorization form which must be available for review by the department; and

(b) Fingerprints submitted within 90 working days of engagement.

(2) The covered provider shall ensure that DACS reflects the current status of engagement or termination of the covered individual within 5 working days.

**R432-35-1[0]1. Penalties.**

The department may impose civil monetary penalties in accordance with Title 26, Chapter 23, Utah Health Code Enforcement Provisions and Penalties, if there has been a failure to comply with Section 26-21-2, or Rule R435-35, as follows:

(1) if significant problems exist that are likely to lead to the harm of an individual resident, the department may impose a civil penalty of \$50 to \$1,000 per day; and

(2) if significant problems exist that result in actual harm to a resident, the department may impose a civil penalty of \$1,050 to \$10,000 per day.



**KEY:** health care facilities, background screening

**Date of Last Change:** February 4, 2022

**Notice of Continuation:** January 29, 2018

**Authorizing, and Implemented or Interpreted Law:** 26-21-9.5

**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](http://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

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-916</b>	<b>Filing ID: 50559</b>
<b>Effective Date:</b>	<b>02/09/2022</b>	

### Agency Information

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

### General Information

<b>2. Rule catchline:</b>
R277-916. College and Career Awareness
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>

This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the 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-3-507 which allows the Board to establish minimum standards for career and technical education programs in the public education system; and Section 53F-2-311 which directs the Board to distribute specific funds to local education agencies (LEAs).

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

No written comments were received.

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

This rule is necessary because it establishes standards and procedures for LEAs seeking to qualify for College and Career Awareness Program funds administered by the Board. Therefore, this rule should be continued.

### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	02/09/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R432-152	Filing ID: 54175
Effective Date:	02/10/2022	

**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Family Health and Preparedness, Licensing	
<b>Room no.:</b>	4th Floor	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144103	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4103	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kristi Grimes	385-214-9187	kristigrimes@utah.gov
Joel Hoffman	801-273-2804	jhoffman@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R432-152. Intermediate Care Facility for Individuals with Intellectual Disabilities
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There have been no written comments from any party regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The purpose of this rule is to promote the public health and welfare through the establishment and enforcement of licensure standards. This rule sets standards for the operation of Intermediate Care Facilities for Individuals

with Intellectual Disabilities. There are facilities currently licensed in this category. The Department agrees the rule is necessary. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Nate Checketts, Executive Director	<b>Date:</b>	02/10/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R710-8	Filing ID: 51907
Effective Date:	02/09/2022	

**Agency Information**

<b>1. Department:</b>	Public Safety	
<b>Agency:</b>	Fire Marshal	
<b>Street address:</b>	410 W 9800 S, Suite 372	
<b>City, state and zip:</b>	Sandy, UT 84070	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-556-8198	kgibb@utah.gov
Ted Black	801-256-2380	tblack@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R710-8. Day Care Rules
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized under Section 53-7-204 which requires the Fire Prevention Board within the State Fire Marshal Division to make rules establishing standards for the prevention of fire and for the protection of life and property against fire and panic in any children's home or day care.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There have been no written comments received during and since the last five-year review of this rule.

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

This rule is required under Section 53-7-204 and is necessary to establish minimum standards for family daycare units and day care centers to ensure they are properly equipped for prevention of fire and the protection of life. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Ted Black, State Fire Marshal	<b>Date:</b>	02/09/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R850-41</b>	<b>Filing ID: 53309</b>
<b>Effective Date:</b>	<b>02/03/2022</b>	

**Agency Information**

<b>1. Department:</b>	School and Institutional Trust Lands		
<b>Agency:</b>	Administration		
<b>Room no.:</b>	Suite 500		
<b>Street address:</b>	675 E 500 S		
<b>City, state and zip:</b>	Salt Lake City, UT 84102-2818		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Mike Johnson	801-538-5180	mjohnson@utah.gov	
Lisa Wells	801-538-5154	lisawells@utah.gov	
Please address questions regarding information on this notice to the agency.			

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

R850-41. Rights of Entry

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

Subsections 53C-1-302(1)(a)(ii) and 53C-4-101(1) authorize the Director of the School and Institutional Trust Lands Administration to make rules for the sale, exchange, lease, or other disposition or conveyance of trust lands, including procedures for determining fair-market value of those lands. The right for persons to enter upon trust lands to conduct non-disturbing, short-term activities is a profitable use of the lands, and is one of the activities covered by the "other disposition conveyance" authorized by statute.

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

No written comments have been received by the agency concerning 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:**

Without the authorization to issue rights-of-entry on trust lands, the respective trust beneficiaries would forego the opportunity to receive revenues which have been substantial over the years. This rule provides the mechanism for non-disturbing activities to be conducted on trust lands that will benefit the respective trust beneficiaries while allowing others the opportunity to conduct business on those trust lands throughout the state. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	David Ure, Director	<b>Date:</b>	01/31/2022
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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.):	R320-101	Filing ID: 50795
New Date:	Deadline	06/07/2022

### Agency Information

1. Department:	Examiners (Board of)	
Agency:	Administration	
Room no.:	Room E130	
Building:	Utah State Capitol Complex	
Street address:	350 N State St	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Tauna MacPherson	801-538-1361	tmacpherson@utah.gov

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

### General Information

2. Rule catchline:
R320-101. Procedures for Electronic Meetings
3. Reason for requesting the extension and the new deadline date:
Due to a change in personnel, the five-year review was overlooked. An extension is requested to have time to complete the review.

### Agency Authorization Information

Agency head or designee, and title:	Tauna Macpherson, Executive Assistant	Date:	02/07/2022
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**End of the Notices of Five-Year Review Extensions Section**





## NOTICES OF RULE EFFECTIVE DATES

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

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

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

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### Agriculture and Food

#### Administration

No. 54137 (Amendment) R51-5: Rural Rehabilitation Loans  
Published: 12/15/2021  
Effective: 02/01/2022

#### Horse Racing Commission (Utah)

No. 54180 (Amendment) R52-7: Horse Racing  
Published: 01/01/2022  
Effective: 02/23/2022

#### Conservation Commission

No. 54136 (Amendment) R64-1: Agriculture Resource Development Loans (ARLD)  
Published: 12/15/2021  
Effective: 02/01/2022

#### Plant Industry

No. 54259 (Amendment) R68-24: Industrial Hemp License for Growers  
Published: 01/15/2022  
Effective: 02/23/2022

No. 54179 (Amendment) R68-27: Cannabis Cultivation  
Published: 01/01/2022  
Effective: 02/23/2022

No. 54178 (Amendment) R68-28: Cannabis Processing  
Published: 01/01/2022  
Effective: 02/23/2022

No. 54220 (Amendment) R68-29: Quality Assurance Testing on Cannabis  
Published: 01/15/2022  
Effective: 02/23/2022

No. 54181 (Amendment) R68-30: Independent Cannabis Testing Laboratory  
Published: 01/01/2022  
Effective: 02/23/2022

### Regulatory Services

No. 54191 (Amendment) R70-560: Inspection and Regulation of Cottage Food Production Operations  
Published: 01/01/2022  
Effective: 02/23/2022

### Auditor

#### Administration

No. 54112 (Amendment) R123-6-3: Allocation of Money in the Property Tax Valuation Agency Fund  
Published: 12/15/2021  
Effective: 02/18/2022

### Commerce

#### Administration

No. 54254 (New Rule) R151-5: Administration of the Office of the Property Rights Ombudsman's Land Use Fund  
Published: 01/15/2022  
Effective: 02/22/2022

#### Occupational and Professional Licensing

No. 54258 (Amendment) R156-15a: State Construction Code Administration and Adoption of Approved State Construction Code Rule  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54215 (Amendment) R156-28: Veterinary Practice Act Rule  
Published: 01/01/2022  
Effective: 02/09/2022

### Cultural and Community Engagement

#### STEM Action Center

No. 53877 (New Rule) R459-1: Education Computing Partnerships  
Published: 11/15/2021  
Effective: 02/15/2022

NOTICES OF RULE EFFECTIVE DATES

Environmental Quality

Air Quality

No. 54174 (Repeal) R307-301: Utah and Weber Counties:  
Oxygenated Gasoline Program As a Contingency Measure  
Published: 12/15/2021  
Effective: 02/03/2022

Waste Management and Radiation Control, Waste  
Management

No. 54189 (Amendment) R315-307: Landtreatment  
Disposal Standards  
Published: 01/01/2022  
Effective: 02/14/2022

Governor

Economic Opportunity

No. 54264 (Repeal) R357-23: Business Expansion and  
Retention Initiative  
Published: 01/15/2022  
Effective: 02/23/2022

Health

Family Health and Preparedness, Children with Special  
Health Care Needs

No. 54203 (Amendment) R398-2: Newborn Hearing  
Screening: Early Hearing Detection and Intervention (EHDI)  
Program  
Published: 01/01/2022  
Effective: 02/14/2022

No. 54206 (Amendment) R398-4: Cytomegalovirus Public  
Health Initiative  
Published: 01/01/2022  
Effective: 02/14/2022

No. 54202 (Amendment) R398-5: Birth Defects and Critical  
Congenital Heart Disease Reporting  
Published: 01/01/2022  
Effective: 02/14/2022

No. 54091 (Amendment) R398-20: Early Intervention  
Published: 12/01/2021  
Effective: 02/14/2022

Health Care Financing, Coverage and Reimbursement Policy

No. 54192 (New Rule) R414-524: American Rescue Plan  
Act, Home and Community-Based Services Enhanced  
Funding

Published: 01/01/2022  
Effective: 02/14/2022

Family Health and Preparedness, Licensing

No. 54175 (Amendment) R432-152: Intermediate Care  
Facility for Individuals with Intellectual Disabilities  
Published: 12/15/2021  
Effective: 01/31/2022

No. 54081 (Amendment) R432-200: Small Health Care  
Facility - Four to Sixteen Beds

Published: 12/01/2021  
Effective: 01/31/2022

No. 54051 (Amendment) R432-700: Home Health Agency  
Rule

Published: 12/15/2021  
Effective: 02/14/2022

Higher Education (Utah Board of)

University of Utah, Administration

No. 54190 (Amendment) R805-2: Government Records  
Access and Management Act Procedures  
Published: 01/01/2022  
Effective: 02/08/2022

University of Utah, Commuter Services

No. 53380 (Amendment) R810-6: Permit Prices and  
Refunds  
Published: 01/01/2022  
Effective: 02/08/2022

Human Services

Administration

No. 54253 (Amendment) R495-879: Parental Support for  
Children in Care  
Published: 01/15/2022  
Effective: 02/22/2022

Recovery Services

No. 54236 (Amendment) R527-10: Disclosure of  
Information to the Office of Recovery Services  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54235 (Amendment) R527-35: Non-IV-A Fee Schedule  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54237 (Amendment) R527-39: Applicant/Recipient  
Cooperation  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54234 (Amendment) R527-56: In-Kind Support  
Published: 01/15/2022  
Effective: 2/22/2022

No. 54247 (Amendment) R527-201: Medical Support  
Services  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54230 (Amendment) R527-231: Review and  
Adjustment of a Child Support Order  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54231 (Amendment) R527-250: Emancipation and a Child's Age of Majority  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54265 (Amendment) R527-254: Limitations on the Collection of Arrears  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54014 (Repeal) R527-255: Substantial Change in Circumstances  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54239 (Amendment) R527-258: Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54233 (Amendment) R527-260: Driver License Suspension for Failure to Pay Support  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54232 (Amendment) R527-475: State Tax Refund Intercept  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54238 (Amendment) R527-936: Third Party Liability, Medicaid  
Published: 01/15/2022  
Effective: 02/22/2022

Services for People with Disabilities  
No. 54224 (Amendment) R539-1: Eligibility  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54226 (Repeal and Reenact) R539-2: Service Coordination  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54227 (Repeal and Reenact) R539-3: Rights and Protections  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54225 (Amendment) R539-5: Self-Administered Services  
Published: 01/15/2022  
Effective: 02/22/2022

No. 54229 (Amendment) R539-9: State Supported Employment Program  
Published: 01/15/2022  
Effective: 02/22/2022

#### Insurance

##### Administration

No. 54184 (Amendment) R590-132: Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection  
Published: 01/01/2022  
Effective: 02/08/2022

No. 54185 (Amendment) R590-142: Continuing Education Rule  
Published: 01/01/2022  
Effective: 02/08/2022

No. 54186 (Amendment) R590-166: Home Protection Service Contracts  
Published: 01/01/2022  
Effective: 02/08/2022

No. 54183 (Repeal) R590-182: Risk Based Capital Instructions  
Published: 01/01/2022  
Effective: 02/08/2022

No. 54187 (Amendment) R590-283: Defrayal of State-Required Benefits  
Published: 01/01/2022  
Effective: 02/08/2022

#### Pardons (Board of)

##### Administration

No. 53946 (Amendment) R671-301: Personal Appearance  
Published: 12/15/2021  
Effective: 02/16/2022

No. 53947 (Amendment) R671-303: Information Received, Maintained or Used by the Board  
Published: 12/15/2021  
Effective: 02/16/2022

No. 53948 (Amendment) R671-304: Hearing Record  
Published: 12/15/2021  
Effective: 02/16/2022

No. 53949 (Amendment) R671-305: Board Decisions and Orders  
Published: 12/15/2021  
Effective: 02/16/2022

No. 53950 (Amendment) R671-310: Rescission Hearings  
Published: 12/15/2021  
Effective: 02/16/2022

No. 53951 (Amendment) R671-316: Redetermination  
Published: 12/15/2021  
Effective: 02/16/2022

#### Transportation

##### Administration

No. 54161 (Amendment) R907-63-2: Procedure to Collect for Damage to Structures and Highways  
Published: 12/15/2021  
Effective: 02/07/2022

NOTICES OF RULE EFFECTIVE DATES

Transportation Commission

Administration

No. 54160 (Amendment) R940-3: State Infrastructure Bank Fund, Prioritization process, Procedures, and Standards for Making Loans or Providing Infrastructure Assistance

Published: 12/15/2021

Effective: 02/07/2022

Workforce Services

Administration

No. 54268 (Amendment) R982-502-10: Terms of Guarantee

Published: 01/15/2022

Effective: 02/22/2022

Homeless Services

No. 54289 (New Rule) R988-200: Homeless Shelter Cities Mitigation Restricted Account

Published: 01/15/2022

Effective: 02/22/2022

Housing and Community Development

No. 54290 (Repeal) R990-102: Homeless Shelter Cities

Mitigation Restricted Account

Published: 01/15/2022

Effective: 02/22/2022

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