

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed September 16, 2022, 12:00 a.m. through September 30, 2022, 11:59 p.m.

Number 2022-20
October 15, 2022

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

Unless otherwise noted, all information presented in this publication is in the public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Utah state bulletin.

Semimonthly.

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

KFU440.A73S7
348.792'025--DDC

85-643197

TABLE OF CONTENTS

NOTICES OF PROPOSED RULES	1
GOVERNMENT OPERATIONS	
Finance	
R25-25. Digital User Asset Service Provider and Agency Standards.....	2
AGRICULTURE AND FOOD	
Plant Industry	
R68-33. Industrial Hemp Retailer Permit.....	5
COMMERCE	
Administration	
R151-3. Americans with Disabilities Act Rule	8
CORRECTIONS	
Administration	
R251-704. North Gate.....	11
INSURANCE	
Administration	
R590-93-4. Duties of an Insurer That Uses a Producer	13
R590-232. Authorization for a Health Maintenance Organization	
to Provide Services as Third Party Administrator of Health Care Benefits	15
R590-251. Preneed Life Insurance Minimum Standards For Determining	
Reserve Liabilities And Nonforfeiture Values Rule	17
R590-289. Term and Universal Life Insurance Reserve Financing	20
NATURAL RESOURCES.....	25
State Parks.....	25
R651-604. Audio Devices	25
R651-605. Begging and Soliciting	26
R651-609. Explosives and Fireworks	28
R651-617. Permit Violation	30
R651-620. Protection of Resources Park System Property	31
R651-622. Rock Climbing.....	33
R651-623. Sale or Distribution of Printed Material	35
PUBLIC SERVICE COMMISSION	37
Administration.....	37
R746-349. Competitive Entry and Reporting Requirements	37

TAX COMMISSION	
Administration	
R861-1A-42. Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401	44
R861-1A-43. Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207	47
Auditing	
R865-19S-92. Computer Software and Other Related Transactions Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-211.....	49
Motor Vehicle Enforcement	
R877-23V-24. Advisory Board Procedures Pursuant to Utah Code Ann. Section 41-3-106.....	51
Property Tax	
R884-24P-53. 2022 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.....	53
R884-24P-72. State Farmland Evaluation Advisory Committee Procedures Pursuant to Utah Code Ann. Section 59-2-514	60
NOTICES OF 120-DAY (EMERGENCY) RULES.....	63
LIEUTENANT GOVERNOR	
Elections	
R623-7. Vote Tabulation Software Validation Rule	63
FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION	67
ENVIRONMENTAL QUALITY	
Air Quality	
R307-214. National Emission Standards for Hazardous Air Pollutants.....	67
FINANCIAL INSTITUTIONS	
Administration	
R331-23. Lending Limits for Banks, Industrial Loan Corporations	68
Credit Unions	
R337-7. Discount Securities Brokerage Service by State-Chartered Credit Unions.....	68
R337-8. Accounts for Parties Other Than Individual Members in State-Chartered Credit Unions	69
R337-9. Schedule for Retention or Destruction of Records of Credit Unions Under the Jurisdiction of the Department of Financial Institutions	69
Industrial Loan Corporations	
R339-11. Discount Securities Brokerage Service by Industrial Loan Corporations	70

HEALTH AND HUMAN SERVICES

 Recovery Services

 R527-36. Collection of Child Support After a Termination of Parental Rights or Adoption.....71

INSURANCE

 Administration

 R590-131. Accident and Health Coordination of Benefits Rule71

LABOR COMMISSION

 Industrial Accidents

 R612-100. Workers' Compensation Rules – General Provisions72

 R612-200. Workers' Compensation Rules – Filing and Paying Claims.....73

 R612-300. Workers' Compensation Rules – Medical Care73

 R612-400. Workers' Compensation Insurance, Self-Insurance and Waivers74

NATURAL RESOURCES

 Water Resources

 R653-7. Administrative Procedures for Informal Proceedings75

HIGHER EDUCATION (UTAH BOARD OF)

 Administration

 R765-613. Public Safety Officer Career Advancement Reimbursement Program75

TRANSPORTATION

 Operations, Traffic and Safety

 R920-30. State Safety Oversight.....76

NOTICES OF RULE EFFECTIVE DATES77

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between September 16, 2022, 12:00 a.m., and September 30, 2022, 11:59 p.m. are included in this, the October 15, 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 November 14, 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 February 12, 2023, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Rule or Section Number:	R25-25	Filing ID: 54909

Agency Information

1. Department:	Government Operations	
Agency:	Finance	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141031	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Janica Gines	801-957-7727	jmgines@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R25-25. Digital User Asset Service Provider and Agency Standards
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule has been created in accordance with Subsection 63A-3-112(6) to establish requirements that agencies must meet to accept virtual currency for payments and establishes standards for service providers wishing to contract with the state to convert virtual currency collections into fiat currency to satisfy amounts owed to the state.
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 is a new rule that has been created in accordance with Subsection 63A-3-112(6) to establish requirements that agencies must meet to accept virtual currency for payments and establishes standards for service providers wishing to contract with the state to convert virtual currency collections into fiat currency to satisfy amounts owed to the state. It establishes requirements for service providers, such as insurance coverage; timing of pricing, conversion, and deposit of funds; regulatory compliance requirements; and service provider fees. It also establishes requirements that state agencies must meet to offer digital asset payments, such as: record retention, fees, refunds and internal controls.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule is intended to be budget neutral to the state. Any costs associated with converting digital assets to legal tender will be passed through to the person wishing to use a digital asset as a means of making a payment. In addition, if there are costs that an agency will incur to implement, the statute allows the agency to charge a fee to recover those costs. Thus, those costs would also be passed through to the person wishing to use the digital asset. No funds were appropriated to implement this, so agencies wishing to accept digital assets as a form of payment would either charge a fee to cover any costs or would need to find funding in their existing budget.
B) Local governments:
This rule does not apply to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule should not affect small businesses as it is specific to requirements for state agencies to accept virtual currency payments and sets standards for service providers wishing to contract with the state to convert virtual currency payments into fiat currency to satisfy state obligations. However, if state agencies wish to accept virtual currency, it will potentially allow small businesses to pay obligations to the state in virtual currency if they choose. If the small business chooses to pay in virtual currency, the small business will pay fees associated with the conversion. It is not possible to estimate the amount of fees they may pay, as it is not clear which agencies will choose to accept virtual currency and it is not clear with businesses may choose to pay with virtual currency. Payment with virtual currency is optional and not required.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule should not affect non-small businesses as it is specific to requirements for state agencies to accept virtual currency payments and sets standards for service providers wishing to contract with the state to convert virtual currency payments into fiat currency to satisfy state obligations. However, if state agencies wish to accept virtual currency, it will potentially allow non-small businesses to pay obligations to the state in virtual currency if they choose. If the non-small business chooses to pay in virtual currency, the non-small business will pay fees associated with the conversion. It is not possible to estimate the amount of fees they may pay, as it is not clear which agencies will choose to accept virtual currency and it is not clear with businesses may choose to pay with virtual currency. Payment with virtual currency is optional and not required.

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

This rule should not affect persons as it is specific to requirements for state agencies to accept virtual currency payments and sets standards for service providers wishing to contract with the state to convert virtual currency payments into fiat currency to satisfy state obligations. However, if state agencies wish to accept virtual currency, it will potentially allow persons to pay obligations to the state in virtual currency if they choose. If the person chooses to pay in virtual currency, the person will pay fees associated with the conversion. It is not possible to estimate the amount of fees they may pay, as it is not clear which agencies will choose to accept virtual currency and it is not clear with businesses may choose to pay with virtual currency. Payment with virtual currency is optional and not required.

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

Payment with virtual currency is optional, thus, compliance costs are not applicable for this program.

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

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Government Operations, Jenney Rees, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 63A-3-112(6)		
-------------------------	--	--

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:	11/21/2022
---	------------

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Janica Gines, Director	Date:	09/21/2022
---	------------------------	--------------	------------

R25. Government Operations, Finance.

R25-25. Digital User Asset Service Provider and Agency Standards.

R25-25-1. Purpose and Authority.

(1) Purpose. This rule establishes the functional, technical, and other standards a vendor must meet to be eligible to enter a contract as a service provider to conduct virtual currency transactions in the state and establishes requirements an agency must meet to be a participating agency to accept virtual currency transactions.

(2) Authority. This rule is enacted under the authority of Subsection 63A-3-112(6).

R25-25-2. Definitions.

Terms used in this rule are defined in Subsection 63A-3-112(1)

In addition:

(1) "Blockchain" means underlying technology used by nearly all cryptocurrencies. A blockchain is a complete ledger of transactions held simultaneously by multiple nodes on a network.

(2) "Virtual currency" means a digital representation of value only available in electronic form. Transactions involving virtual currencies occur through secure, dedicated networks or over the Internet.

(3) "Cryptocurrency" means a digital asset that can be used as a store of value or a medium of exchange for goods and services. Transactions are verified and recorded using cryptography by a distributed network of participants, rather than a centralized authority such as a bank or government agency.

(4) "Wallet" means a software program or physical device that allows a user to store virtual currency and send or receive cryptocurrency transactions.

(5) "Fiat Currency" means a government-issued currency that is not backed by a commodity such as gold. In the United States, it is the U.S. dollar.

(6) "Agency" means the same as defined in Section 63A-1-103.

(7) "SOC1 Type 2 Report" is a report on management's description of a service organization's system and the suitability of the design and operating effectiveness of controls.

(8) "SOC2 Type 2 Report" means a report on how a cloud-based service provider handles sensitive information. It covers both the suitability of a company's controls and its operating effectiveness.

R25-25-3. Participating Agency Requirements.

(1) An agency that wishes to be a participating agency and accept payments made through a service provider must comply with the following requirements:

(a) allow virtual currency payments only for customer accounts where a payment delay of two business days to allow for conversion is appropriate;

(b) select a service provider that has a cooperative contract with the state;

(c) be responsible for system enhancements and application programming interfaces to connect customers with the service provider and to accept and properly credit the converted payment;

(d) establish a record series with the Division of Archives and keep records of all virtual currency transactions from the service provider and the customer for at least five years; and

(e) establish adequate internal controls and reconciliation procedures to ensure that the service provider is complying with service provider standards in Section R25-25-4 and is remitting payments properly and timely.

(2) Agencies receiving virtual currency converted to U.S. dollars for payment on account will issue any related customer refund requests in U.S. dollars to the holder of the customer account.

(3) An agency may charge a fee in addition to the service provider conversion fee that meets the requirements of Section 63J-1-504.

(a) The agency must ensure that any fees charged for conversion of virtual currency are transparent and properly approved before accepting virtual currency payments; and

(b) may not reduce the payment amount for agency specific fees.

R25-25-4. Service Provider Standards.

(1) A service provider must have certification of liability insurance or regulatory capital and balance sheet strength sufficient to cover the full value of the transactions processed for the state.

(2) A service provider must provide a good and sufficient Surety Bond as a guarantee that the service provider will execute and settle all virtual currency conversion transactions as outlined in the contract. The Surety Company shall be a Surety Company legally authorized to do business in the state.

(3) A service provider must assume the costs associated with converting virtual currency to U.S. fiat currency.

(a) Any fees that a service provider charges for conversion must be added to the payment amount as opposed to netting fees from the payment amount.

(b) A service provider must be able to collect and remit any additional charges specified by the agency.

(4)(a) A service provider must convert virtual currency to fiat currency and deposit the full payment amount in U.S. dollars to the bank account specified by the agency within two business days.

(b) A service provider may not require the transactions to be deposited in a wallet owned by the agency.

(c) A service provider must value the virtual currency at the point the transaction is initiated.

(5) A service provider must provide information necessary for the agency to properly credit the customer account and enable any necessary procedures for the payment to be posted correctly.

(6) A service provider must be able to provide SOC 1, Type 2 and SOC 2, Type 2 reports to the state, to provide assurance their blockchain or public record is secure when completing transactions.

(7) The State of Utah will publish a list of eligible assets. A service provider must accept eligible digital assets identified by the state.

(8) Digital asset issuers, exchanges and trading platforms, and intermediaries whose activities may increase risks to financial stability, should, as appropriate, be subject to and in compliance with regulatory and supervisory standards that govern traditional market infrastructures and financial firms, in line with the general principle of "same business, same risks, same rules." Two things to cite: White House Fact Sheet about President Biden signing Exe Order on Ensuring Responsible Development of Digital Assets and a Federal Register about Ensuring Responsible Development of Digital Assets.

(9) The service provider must be compliant with Financial Crimes Enforcement Network (FinCEN), Office of Foreign Assets Control (OFAC), Know Your Customer (KYC) and Anti-Money Laundering requirements as established by the Securities Exchange Commission.

(10) A service provider must comply with any applicable state level money transmitter laws.

KEY: cryptocurrency, agency requirements, service provider

Date of Last Change: 2022

Authorizing, and Implemented or Interpreted Law: 63A-3-112

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R68-33	Filing ID: 54946

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	4315 S 2700 W, TSOB, South Bldg, Floor 2	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-816-3842	brandonforsyth@utah.gov
Cody James	801-982-2376	codyjames@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R68-33. Industrial Hemp Retailer Permit
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Changes are needed to address the sale of viable industrial hemp seed, which has been increasing in the state. Under statute, any handling of viable seed is prohibited without a proper license. Additionally, viable seed is considered cannabis so it is important that it is regulated properly.
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):
Text has been added to a new Section R68-33-6 that sets permitting and record keeping requirements for persons who sell viable industrial hemp seed which will require that it only be sold by persons with an industrial hemp retail permit, only be sold to licensed industrial hemp producers, and that records of each sale be provided to the Department of Agriculture and Food (Department).

Fiscal Information

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

A) State budget:			
There would be minimal impact to the Department in terms of inspections because the Department has already performed inspections of industrial hemp retail locations. There would be a small cost associated with creating a system to submit seed sale records through the Department website, estimated at \$5,000 for FY 2023.			
B) Local governments:			
Local governments do not participate in this program and would not be impacted.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
The changes add some additional recordkeeping requirements that could impact small businesses but fiscal impact would be negligible.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
The changes add some additional recordkeeping requirements that could impact non-small businesses but fiscal impact would be negligible.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):			
The changes add some additional recordkeeping requirements that could impact other persons who are permitted or licensed under this program, but fiscal impact would be negligible.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
Compliance cost would not be impacted because the additional recordkeeping requirement would incur only negligible costs. Fees charged by the Department would not change.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$5,000	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$5,000	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$(5,000)	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Utah Department of Agriculture and Food, Craig W Buttars, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section		
4-41-103.3		

Public Notice Information

8. 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:	11/14/2022
9. This rule change MAY become effective on:	11/21/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Craig W Buttars, Commissioner	Date:	09/22/2022
---	-------------------------------	--------------	------------

R68. Agriculture and Food, Plant Industry.

R68-33. Industrial Hemp Retailer Permit.

R68-33-1. Authority and Purpose.

1) Pursuant to ~~Sub~~section[s] 4-41-103.3 and Subsection 4-2-103(1)(i), this rule establishes the requirements for a person seeking an industrial hemp retailer permit.

R68-33-2. Definitions.

1) "Department" means the Utah Department of Agriculture and Food.

2) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with a concentration of less than 0.3% tetrahydrocannabinol by weight.

3) "Industrial hemp retailer permit" means a permit that the department issues to a retailer who sells or markets any industrial hemp product.

4) "Industrial hemp product" means product derived from or made by processing industrial hemp plants or plant parts.

5) "Person" means an individual, partnership, association, firm, trust, limited liability company, or corporation or any employees of such.

6) "Premises" means a place where an industrial hemp product is sold, offered for sale, exposed for sale, stored, or marketed.

7) "Viable seeds" means seed that has a germination rate of greater than 0.0%.

R68-33-3. Industrial Hemp Retailer Permit.

1) A person who sells, offers for sale, exposes for sale, or markets an industrial hemp product in the state shall secure an industrial hemp retailer permit from the department.

2) A permit shall be obtained before an industrial hemp product is offered for sale in Utah.

3) A person seeking an industrial hemp retailer permit shall provide to the department:

a) the name of the person who sells, offers for sale, or markets an industrial hemp product;

b) the address of each location where the industrial hemp product is sold, offer for sale, or marketed; and

c) written consent allowing a representative of the department to enter all premises where the person is selling industrial hemp product.

4) A retailer shall obtain a permit for each individual store or retail establishment location where industrial hemp products are sold.

5) A permit fee, as set forth in the fee schedule approved by the legislature, shall be paid to the department with the submission of the application.

6) The department may deny a permit for an incomplete application.

7) A permit is renewable for up to a one-year period with an annual renewal fee that shall be paid on or before December 31st of each year.

8) A late fee shall be assessed for a renewal of an industrial hemp retailer permit submitted after December 31st and shall be paid before the renewal is issued.

R68-33-4. Inspection and Testing.

1) The department shall randomly inspect a retailer permittee to ensure industrial hemp product distributed or available for distribution in Utah is in compliance with this rule and Rule R68-26.

2) The department shall periodically sample, analyze, and test industrial hemp product distributed within the state for compliance with registration and labeling requirements, and the certificate of analysis, if applicable.

3) The department may inspect industrial hemp product distributed or available for distribution for any other reason the department deems necessary.

4) The department may, upon request, inspect a retailer permittee's records of receipt, inventory, and invoices to ensure industrial hemp product distributed or available for distribution in Utah is in compliance with this rule and Rule R68-26.

[4]5) The sample taken by the department shall be the official sample.

[5]6) Pursuant to Section 4-1-105, the department may take samples at no charge to the department.

R68-33-5. Retailer Permittee Responsibilities.

1) A retailer shall:

a) ensure that an advertisement for industrial hemp product sold or marketed in Utah does not contain any medical claim unless the product has been issued a National Drug Code by the FDA; and

b) ensure that an industrial hemp product sold is properly registered with the department.

2) A retailer shall provide the identity of the manufacturer of an industrial hemp product sold upon request of the department.

3) A retailer may register the product in lieu of the manufacturer if the product is not registered.

4) A retailer shall ensure that each location is permitted.

R68-33-6. Viable Industrial Hemp Seed.

1) A person who sells or markets viable industrial hemp seeds in the state shall secure an industrial hemp retailer permit from the department.

a) A separate permit is required for each individual business location in the state where viable industrial hemp seeds are sold or distributed.

b) Any manufacturer or distributor who does not have a seed retail business within this state, and who sells or distributes viable industrial hemp seeds directly into Utah, shall obtain an industrial hemp retailer permit from the department for their principal out-of-state business location.

2) A person who sells or markets viable industrial hemp seeds in the state may only sell viable seed to a licensed industrial hemp producer.

3) Records Maintained. Each industrial hemp retailer that sells or distributes viable industrial hemp seed shall keep a record of any viable industrial hemp seed sales. This sales record shall be submitted to the department through the department's website on the day of each sale and shall contain the following information:

a) the company name of the industrial hemp retailer;

b) the store or location name of the industrial hemp retailer making the sale;

c) the complete industrial hemp retailer permit number;

d) the first and last name of the individual who made the sale;

e) the complete date of the sale, including the month, day, and year;

f) the brand name of the seeds and the quantity sold;

g) the first and last name of the licensed hemp producer who made the purchase;

h) the complete license number of the licensed hemp producer who made the purchase; and

i) the complete address and contact information of the licensed hemp producer who made the purchase, including street name and house number, city, state, zip code, phone number, and email address.

4) Records shall be kept for a period of two years from the date of the hemp seed sale and shall be made available for inspection by the department.

5) The department, upon request and within two business days, shall be furnished a copy of any sales records completed by the industrial hemp retailer.

R68-33-[6]7. Violation.

1) Industrial hemp product shall be considered falsely advertised if the permittee makes a claim about a product that is not on the label.

2) It is a violation to:

a) market or sell industrial hemp product in [the state of] Utah without an industrial hemp retail permit;

b) distribute, market, or sell industrial hemp product that is not registered with the department;

c) distribute or market a product that contains greater than 0.3% THC;

d) distribute or market an industrial hemp product containing a cannabinoid that is not in a medicinal dosage form;

e) market or sell industrial hemp products without a valid retailer permit; or

f) refuse inspection of a retail establishment, product for sale, or a product storage area.

KEY: industrial hemp, retailer permit

Date of Last Change: [August 10, 2020]2022

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(i); 4-41-103.3

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R151-3	Filing ID: 54884

Agency Information

1. Department:	Commerce
Agency:	Administration
Street address:	160 E 300 S, 2nd Floor
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 146701
City, state and zip:	Salt Lake City, UT 84114

Contact persons:		
Name:	Phone:	Email:
Masuda Medcalf	801-530-7663	mmedcalf@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R151-3. Americans with Disabilities Act Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Department of Commerce (Department) is updating this rule to clearly set forth the Department's Americans with Disabilities Act (ADA) complaint filing procedure, rather than referring to the procedure used in another department, and to make clerical changes for consistency with the Utah 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):
Section R151-3-1 contains clerical changes to update language, separate one section into two, and to simplify the language used.
Sections R151-3-2 through R151-3-8 now establish the procedure for ADA complaints, their investigation, decision, appeal, record classification, and relationship to other laws.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule does not deal in any fees or any revenue generation for the state and will not affect the state budget.
B) Local governments:
Local governments are not typically involved in ADA complaints before the Department of Commerce and are not impacted by this amendment.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule is procedural in nature and generally involves individuals and no discernable impact is apparent for small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule is procedural in nature and generally involves individuals and no discernable impact is apparent for non-small businesses.

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

This rule is procedural in nature and has no discernable costs for a person to file an ADA complaint or to file an appeal of a Division decision on an ADA complaint.

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

This rule is procedural in nature and has no discernable costs for a person to file an ADA complaint or to file an appeal of a Division decision on an ADA complaint.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0

Net Benefits	Fiscal	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:				
The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this regulatory impact analysis: The Department of Commerce proposes amendments to update the Department's ADA rule. Minimal amendments have been made to update the language of this rule to conform to rulewriting standards and make nonsubstantive formatting changes for clarity. Formatting changes were made throughout this rule to conform this rule to the Utah Rulewriting Manual in accordance with Executive Orders No. 2021-1 and 2021-12.				
Small Businesses (less than 50 employees): The amendment to the Department's Americans with Disabilities Act Rule is minimal and will have no impact on the costs required for small businesses in Utah. The amendments as a whole should allow for greater efficiency and clarity for procedures with the Department and its constituents. Accordingly, no fiscal impact is expected as these costs are either inestimable or there is no fiscal impact.				

Citation Information

6. 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 13-1-6	Subsection 63G-3-201(2)	
----------------	-------------------------	--

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:	11/21/22
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Margaret W. Busse, Executive Director	Date:	09/14/2022
---	---------------------------------------	--------------	------------

R151. Commerce, Administration.
R151-3. Americans with Disabilities Act Rule.
R151-3-1. Authority and Purpose.

(1) This rule is ~~made under~~ adopted in accordance with Section 13-1-6 and Subsection 63G-3-201(3).

(2) As required by 28 CFR 35.107, the Utah Department of Commerce, as a public entity that employs more than 50 persons, adopts ~~and publishes~~ these procedures for the prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act (ADA) ~~as amended.~~

(2) This rule implements 28 CFR 35 ~~which implements~~ and Title II of the ADA, which provide[s] that no individual shall be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by the ~~D~~ department, because of a disability.

R151-3-2. Procedures.

~~Any complaints for noncompliance with Title II of the ADA shall be governed by the procedures set forth in Sections R13-3-2 through 8, as adopted by the Utah Department of Administrative Services and its Division of Risk Management.~~ **Definitions.**

- (1) "ADA coordinator" means a division director.
- (2) "Department" means the Department of Commerce, created by Section 13-1-2.
- (3) "Designee" means an individual appointed by the executive director or by an ADA coordinator.
- (4) "Director" means the head of the division affected by a complaint filed under this rule.
- (5) "Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual, the record of the impairment, or being regarded as having the impairment.

(6) "Executive Director" means the executive director of the department.

(7) "Major life activity" includes:

- (a) caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working; and
- (b) the operation of a major bodily function such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(8) "Qualified individual with a disability" means:

- (a) an individual who meets the essential eligibility requirements for the receipt of services or participation in programs or activities provided by the department; or
- (b) an individual who, with or without reasonable accommodation, can perform the essential functions of an employment position that the individual holds or desires.

R151-3-3. Filing of Complaints.

(1) A qualified individual with a disability may file a complaint alleging noncompliance with Title II of the ADA or the federal regulations promulgated under that title.

- (2) A complaint under Subsection R151-3-3(1) shall be:
 - (a) filed with the ADA coordinator or a designee; and

(b) filed within 90 days after the date of the alleged noncompliance.

(3) A complaint shall be in writing and shall include:

(a) the complainant's name, phone number, mailing address and email address;

(b) a statement describing the nature and extent of the individual's disability;

(c) a statement describing the alleged discriminatory action in sufficient detail to inform the ADA coordinator or designee of the nature and date of the alleged violation, and the people involved;

(d) a statement describing the action and accommodation desired;

(e) the signature of the complainant or the complainant's legal representative;

(f) a copy of any letter, order or other documents relevant to the alleged discriminatory action; and

(g) the complainant's preferred method of communication, such as phone, email, letter, or relay service.

(4)(a) The ADA coordinator or designee may permit the filing of a complaint by personal interview or a tape recording of the complaint for an individual with a disability upon request.

(b) Upon receipt of a complaint by personal interview or tape recording, the ADA coordinator or designee shall transcribe or reduce the complaint to writing.

(5) By filing a complaint or a subsequent appeal, the complainant authorizes a confidential review of relevant information, including records classified as private or controlled under the Government Records Access and Management Act, Subsection 63G-2-302(1)(b) and Section 63G-2-304, and other relevant state or federal laws.

R151-3-4. Investigation of Complaints.

(1) The ADA coordinator or designee shall investigate a complaint to the extent necessary to ensure relevant facts are collected and documented, including gathering information listed in Section R151-3-3 if the complainant has not provided the information.

(2) The ADA coordinator or designee may seek assistance from the Attorney General's staff and the department's human resource and budget staff in determining what action to take on the complaint.

(3) The ADA coordinator or designee shall consult with representatives from other state agencies affected by the decision, including the Governor's Office of Management and Budget, the Department of Human Resource Management, the Division of Risk Management, the Division of Facilities Construction and Management, and the Office of the Attorney General before making any decision that would:

(a) involve an expenditure of funds beyond what may reasonably be accommodated within the applicable line item so that it would require a separate appropriation; or

(b) require facility modifications.

R151-3-5. Decision on Complaint.

(1) Within 30 days after receiving the complaint, the ADA coordinator or designee shall issue a decision.

(2) The decision shall notify the complainant of the right to appeal under Section R151-3-6.

R151-3-6. Appeals.

(1) Within 30 days after the issuance of the decision of the ADA coordinator or designee, a complainant may file an appeal with the executive director.

(2) The appeal shall be in writing and shall include:

(a) the complainant's name, phone number, mailing address and email address;

(b) a copy of the complaint filed with the ADA coordinator or designee;

(c) a copy of the ADA coordinator or designee's decision;

(d) a statement describing in detail why the ADA coordinator or designee's decision was in error or does not effectively address the complainant's needs; and

(e) the signature of the complainant or the complainant's legal representative.

(3) The executive director may direct additional investigation as necessary, may request additional documentation, and may consult with representatives from other state agencies affected by the decision.

(4) The executive director may name a designee to assist with the appeal.

(5) Pursuant to Subsection 63G-4-102(2)(1), the Utah Administrative Procedures Act does not apply to this ADA complaint procedure.

R151-3-7. Record Classification.

(1) Records created in administering this rule shall be classified under the Government Records Access and Management Act, Title 63G, Chapter 2.

(2) An ADA coordinator shall retain records relating to an ADA complaint for five years after completion of the complaint process, or if appealed to the executive director, for three years after the completion of the appeal process.

(3) The executive director shall retain the appeal records of an ADA complaint for five years after the appeal process is completed.

R151-3-8. Relationship to Other Laws.

This rule does not prohibit or limit the use of remedies available to individuals under:

(1) the state Anti-Discrimination Complaint Procedures, Section 34A-5-107, and Title 57, Chapter 19a, State Officers and Employees Grievance Procedures;

(2) the federal ADA Complaint Procedures, 28 CFR 35.170 through 28 CFR 35.178; or

(3) any other Utah state or federal law that provides equal or greater protection for the rights of individuals with disabilities.

KEY: d[e]abilities, complaints, grievances

Date of Last Change: 2022[June 21, 2011]

Notice of Continuation: July 16, 2021

Authorizing, and Implemented or Interpreted Law: 13-1-6; 63G-3-201(2)

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Rule or Section Number:	R251 704	Filing ID: 54907

Agency Information

1. Department:	Corrections	
Agency:	Administration	
Street address:	14717 Minuteman Dr	
City, state and zip:	Draper, UT 84020	
Contact persons:		
Name:	Phone:	Email:
Matthew Anderson	801-545-5525	matthewanderson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R251-704. North Gate
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
As of July 2022, the prison located in Draper, Utah was no longer occupied and all inmates were transferred to the Utah State Correctional Facility in Salt Lake City, Utah. This rule concerns North Gate, which is located at the Draper site, and will be demolished. This rule is no longer valid or necessary. The new facility does not have a North Gate.
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 repealed in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
None--The facility this rule regulated is no longer operational.
B) Local governments:
None--The facility this rule regulated is no longer operational.
C) Small businesses ("small business" means a business employing 1-49 persons):
None--The facility this rule regulated is no longer operational.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

None--The facility this rule regulated is no longer operational.

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 facility this rule regulated is no longer operational.

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

None--The facility this rule regulated is no longer operational.

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

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Utah Department of Corrections, Brian Nielson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 63G-3-201	Section 64-13-10	Section 64-13-14
-------------------	------------------	------------------

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:	11/21/2022
---	------------

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Brian Nielson, Executive Director	Date:	10/04/2022
---	-----------------------------------	--------------	------------

R251. Corrections, Administration.

~~**R251-704. North Gate.**~~

~~**R251-704-1. Authority and Purpose.**~~

~~A. This rule is authorized by Sections 63G-3-201, 64-13-10, and 64-13-14, of the Utah Code, which allows the Department to adopt standards and rules in accordance with its responsibilities.~~

~~B. The purpose of this chapter is to provide the Department's policy, procedures and requirements for the North Gate of the South Point Complex of the Prison.~~

~~**R251-704-2. Definitions:**~~

- ~~1. "ID" means identification.~~
- ~~2. "SSD" means Special Services Dormitory.~~

~~**R251-704-3. Standards and Procedures.**~~

~~It is the policy of the Department that:~~

~~A. access through the North Gate shall be restricted to authorized persons at authorized times to control contraband, prevent the escape of inmates and to otherwise further the legitimate security interests of the USP;~~

~~B. regulations shall be enacted to control access through the North Gate, particularly as that access involves persons who are not members of the USP staff;~~

~~C. vehicles accessing the North Gate shall be thoroughly searched to prevent the flow of contraband, prevent the possibility of escape and to otherwise further the legitimate security interests of the USP;~~

~~D. vehicles wishing to exit the North Gate which are loaded in such a manner which prohibits the North Gate officer from giving it a thorough shake down shall:~~

~~1. be accompanied by a corrections officer who witnessed the loading of the vehicle and verifies, by signing the North Gate Vehicle Security Warrant Form, that the security of the vehicle was maintained during loading to prevent escape; and~~

~~2. be detained at the North Gate until all inmates are counted.~~

~~E. vendor access through the North Gate may be allowed from 0700 to 1500 hours Monday through Friday;~~

~~F. deliveries at other than designated times shall require a special clearance signed by the Security Deputy Warden/designee.~~

~~G. the garbage truck:~~

~~1. should be allowed access to through the North Gate as needed, beginning at approximately 0400; and~~

~~2. shall have an Enforcement Officer escort while inside the secure perimeter;~~

~~H. access for contractors and construction workers should be granted between 0700 and 1700 hours, unless an emergency exists that would prevent access;~~

~~I. non-prison staff (i.e., contract professional staff including psychologists, vocational rehabilitation personnel, attorneys, legal services providers, etc.), including all volunteers shall not ordinarily be allowed access through the North Gate, but shall be required to use the Oquirrh, Wasatch, or Uinta administration building sallyport for access;~~

~~J. vendors shall be required to surrender their driver's license, or official identification to the North Gate officer while inside the compound (any exception shall be cleared through the Watch Commander);~~

~~K. construction workers and contractors shall provide name, legal address, social security number, driver's license number, date of birth to the appropriate prison personnel at least 72 hours prior to access onto prison property;~~

~~L. prior to exiting through the North Gate, all persons shall be identified;~~

~~M. all persons are subject to a search of their person, property and vehicle as a condition of entry onto prison property;~~

~~N. the North Gate officer shall search all vehicles to ensure that no unauthorized passengers or contraband items are allowed access through the North Gate; and~~

~~O. vehicle operators and passengers shall exit the vehicle during a vehicle search.~~

~~**KEY: correctional institutions, security measures**~~

~~**Date of Last Change: April 9, 2012**~~

~~**Notice of Continuation: March 30, 2022**~~

~~**Authorizing, and Implemented or Interpreted Law: 64-13-14]**~~

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R590-93-4	Filing ID: 54942

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R590-93-4. Duties of an Insurer That Uses a Producer
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This section is being changed to expand the options a producer may use when replacing a life insurance policy or annuity contract for compliance with Section 31A-22-429.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This change allows a producer to utilize the form in both Appendix A or Appendix C, rather than just Appendix A.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes expand a producer's options, and will not change how the Department of Insurance functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes expand a producer's options, and will not affect local governments.

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

There is no anticipated cost or savings to small businesses. The changes expand a producer's options, and will not affect small businesses.

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

There is no anticipated cost or savings to non-small businesses. The changes expand a producer's options, and will not affect non-small businesses.

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

There is no anticipated cost or savings to any other persons. The changes expand a producer's options.

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

There are no compliance costs for any affected persons. The changes expand a producer's options.

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

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.			

Citation Information

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

Section 31A-2-201	Section 31A-22-429	Section 31A-23a-402
-------------------	--------------------	---------------------

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:

11/21/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/30/2022
---	---	--------------	------------

R590. Insurance, Administration.

R590-93. Replacement of Life Insurance and Annuities.

R590-93-4. Duties of an Insurer That Uses a Producer.

(1) Each insurer shall maintain a system of supervision to ensure compliance with the requirements of Section 31A-22-429 and this rule that includes the following:

- (a) inform each producer of the requirements of Section 31A-22-429 and this rule and incorporate the requirements into each relevant producer training manual prepared by the insurer;
- (b) provide each producer guidance and a written statement of the company's position regarding the acceptability and appropriateness of a replacement transaction;

(c) maintain a system to review the appropriateness of each replacement transaction that a producer does not indicate is in accord with Subsection (1)(b);

(d) establish procedures to confirm that the requirements of Section 31A-22-429 and this rule have been met;

(e) establish procedures to detect any transaction that is a replacement of an existing policy or contract by the existing insurer, but that has not been reported as such by the applicant or producer;

(f) establish procedures to determine that the sales material and illustrations required by Section 31A-22-429 are complete and accurate for the proposed policy or contract; and

(g) maintain any record in any means that accurately reproduces the actual document.

(2) Each insurer shall monitor each producer's policy and contract replacements and make available to the department, upon request, a record of each producer's:

(a) life replacements, including financed purchases, as a percentage of the producer's total annual sales for life insurance;

(b) number of lapses of policies by the producer as a percentage of the producer's total annual sales for life insurance;

(c) annuity contract replacements as a percentage of the producer's total annuity contract sales;

(d) number of transactions that are unreported replacements of existing policies or contracts by the existing insurer detected by the company's monitoring system as required by Subsection R590-93-4(1)(e); and

(e) replacements, indexed by replacing producer and existing insurer.

~~[(3)(a) An insurer shall require each application for life insurance or an annuity to include:~~

~~(i) a signed statement by both the applicant and the producer declaring whether or not:~~

~~(A) the applicant has existing policies or contracts; and~~

~~(B) the proposed life insurance or annuity will replace, discontinue, or change an existing policy or contract; and~~

~~(ii) a completed replacement notice in Appendix A if there is a replacement, discontinuance, or change of an existing policy or contract.]~~

(3)(a)(i) An insurer shall require a completed replacement notice with each application for life insurance or an annuity that indicates the proposed life insurance or annuity will replace, discontinue, or change an existing policy or contract.

(ii) The producer may elect to use the replacement notice in Appendix A or Appendix C.

(b) When the applicant has an existing policy or contract, an insurer shall maintain for at least five years after the termination or expiration of the proposed policy or contract:

(i) any sales material required by Subsection 31A-22-429(5);

(ii) the basic illustration and any supplemental illustrations related to the specific policy or contract that is purchased; and

(iii) the ~~[applicant's and producer's]~~ signed statement regarding financing and replacement.

(4) If an application does not meet the requirements of this rule, the insurer shall notify the producer and applicant and fulfill the outstanding requirements.

(5) Compliance with this rule may include the use of systematic customer surveys, interviews, confirmation letters, or internal monitoring programs.

KEY: life insurance, annuity replacement
Date of Last Change: [August 8,] 2022
Notice of Continuation: April 3, 2019
Authorizing, and Implemented or Interpreted Law: 31A-2-201;
 31A-23a-402; 31A-22-429

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Rule or Section Number:	R590-232	Filing ID: 54943

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R590-232. Authorization for a Health Maintenance Organization to Provide Services as Third Party Administrator of Health Care Benefits
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule permits a health maintenance organization (HMO) to act as a third-party administrator (TPA) for health care benefits without needing a TPA license. This rule is being repealed because it merely clarifies existing statutory language and is unnecessary because the permission is already given under statute.
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 rule is being repealed in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:			
A) State budget:			
There is no anticipated cost or savings to the state budget. The provisions of this rule will continue in force under statute.			
B) Local governments:			
There is no anticipated cost or savings to local governments. This rule applies to the relationship between the Department of Insurance (Department) and certain licensees, and has no bearing on local governments.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There is no anticipated cost or savings to small businesses. This rule applies to the relationship between the Department and HMOs, which are large businesses.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There is no anticipated cost or savings to non-small businesses. The provisions of this rule will continue in force under statute.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):			
There is no anticipated cost or savings to any other persons. This rule applies to the relationship between the Department and certain licensees, and has no bearing on any other persons.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There are no compliance costs for any affected persons. The provisions of this rule will continue in force under statute, and do not have any associated costs.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 31A-2-201	Section 31A-8-103	

Public Notice Information

8. 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:	11/14/2022
9. This rule change MAY become effective on:	11/21/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/30/2022
---	--	--------------	------------

R590. Insurance, Administration.

~~[R590 232. Authorization for a Health Maintenance Organization to Provide Services as Third Party Administrator of Health Care Benefits.~~

R590 232 1. Authority.

~~_____ This rule is promulgated and adopted pursuant to Subsection 31A 8 103(2) allowing the commissioner to waive provisions of Title 31A that he considers inapplicable to health maintenance organizations, and Section 31A 2 201 giving the commissioner authority to implement the provisions of Title 31A.~~

R590 232 2. Purpose.

~~_____ The purpose of this rule is to authorize a health maintenance organization to provide services as a third party administrator of health care benefits.~~

R590 232 3. Definitions.

~~_____ All definitions in Sections 31A 1 301 and 31A 8 101 are hereby adopted by reference.~~

R590 232 4. Findings.

~~_____ A. The term "organization" includes a health maintenance organization by definition.~~

~~_____ B. Subsection 31A 8 106 provides, "No organization may engage, directly or indirectly, in any business other than that of an organization and business reasonably incidental to that business."~~

~~_____ C. For some time, there has been a question as to whether providing services by a health maintenance organization as a "third party administrator" of health care benefits could be deemed to be the "business . . . of an organization" or at least be deemed to be "business reasonably incidental to that business."~~

~~_____ D. The Commissioner finds that when a health maintenance organization provides services as a third party administrator of health care benefits, that business is, at the very least, "business reasonably incidental to that business" of a health maintenance organization.~~

~~_____ E. In addition, Subsection 31A 8 103(2) provides, "The commissioner may by rule waive other specific provisions of this title that the commissioner considers inapplicable to health maintenance organizations or limited health plans, upon a finding that the waiver will not endanger the interests of: (a) enrollees; (b) investors; or (c) the public."~~

~~_____ F. To the extent the definition of "third party administrator" in Section 31A 1 301 can be read as prohibiting a health maintenance organization from providing services as a third party administrator of health care benefits, and to the extent Chapter 25 of Title 31A can be read as requiring that a health maintenance organization apply for a separate license to provide services as a third party administrator of health care benefits, the commissioner finds that waiving those provisions with respect to health maintenance organizations will not endanger the interests of (a) enrollees, (b) investors, or (c) the public, and therefore the commissioner hereby waives those provisions with respect to a health maintenance organization providing third party administrator services of health care benefits.~~

R590-232-5. Rule.

~~A health maintenance organization may provide services as a third party administrator of health care benefits, and may do so without acquiring a third party administrator license under Chapter 25 of Title 31A.~~

R590-232-6. Severability.

~~If any provision of this rule or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of such provision to other persons or circumstances shall not be affected thereby.~~

~~KEY: health maintenance organizations~~

~~Date of Last Change: December 29, 2004~~

~~Notice of Continuation: November 21, 2014~~

~~Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-2-202; 31A-21-312; 31A-26-301; 31A-26-303]~~

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R590-251	Filing ID: 54944

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R590-251. Preneed Life Insurance Minimum Standards For Determining Reserve Liabilities And Nonforfeiture Values Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.

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

The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Other changes make the language of this rule more clear, remove the Effective Date section (R590-251-6) and the Enforcement Date section (R590-251-8) because this rule is already in force, remove the Penalties section (R590-251-7) because penalties are already provided for in statute, and update the Severability section (the new Section R590-251-6) to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

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

A) State budget:

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

B) Local governments:

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

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

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

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

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

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

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

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

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

G) 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	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

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

Section 31A-2-201	Section 31A-17-402	Section 31A-22-408
-------------------	--------------------	--------------------

Public Notice Information

8. 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: 11/14/2022

9. This rule change MAY become effective on: 11/21/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/30/2022
---	---	--------------	------------

R590. Insurance, Administration.

R590-251. Preeced Life Insurance Minimum Standards [For Determining] [to Determine Reserve Liabilities [And] [and Nonforfeiture Values]-Rule].

R590-251-1. Authority.

This rule is promulgated by the commissioner [of insurance] pursuant to [Subsections -] Sections 31A-2-201[(3)], 31A-17-402[(4)], and 31A-22-408[(4)].

R590-251-2. Purpose and Scope.

(1) [The purposes of this rule for preeced life insurance products are to] The purpose of this rule is to:

- (a) establish minimum mortality standards for reserves and non[-]forfeiture values for a preeced life insurance product; and
- (b) require the use of the Ultimate 1980 [Commissioners Standard Ordinary (CSO) Life Valuation Table for use in determining] CSO to determine:

- (i) the minimum standard of valuation of reserve liabilities; and
- (ii) the minimum standard for nonforfeiture values.

(2) This rule applies to preeced insurance contracts [as defined in Section R590-251-3, and to -] and similar policies and certificates [as determined by the commissioner] issued on or after January 1, 2009.

R590-251-3. Definitions.

[In addition to the definitions in 31A-1-301 the following definitions shall apply for the purposes of this rule.] Terms used in this rule are defined in Section 31A-1-301. Additional terms are defined as follows:

(1)(a) "2001 CSO Mortality Table" means [that -] the mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002.

(b) [The 2001 CSO Mortality Table is included in the Proceedings of the NAIC, 2nd Quarter 2002.

(c) [The context indicates -] otherwise indicated, the "2001 CSO Mortality Table" includes:

- (i) the ultimate form of [that -] the table;
- (ii) the select and ultimate form of [that -] the table;
- (iii) the smoker and nonsmoker mortality tables; [and]

(iv) the composite mortality tables ~~It also includes both~~]; and
 (v) the age-nearest-birthday and age-last-birthday bases of the mortality tables.

(2) ~~["Ultimate 1980 CSO" means the Commissioners' 1980 Standard Ordinary Life Valuation Mortality Tables (1980 CSO) without ten year (10 year) selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law approved in December 1983.]~~ "Goods and services" include embalming, cremation, body preparation, viewing or visitation, coffin or urn, memorial stone, and transportation of the deceased.

(3)(a) ~~"Prened insurance[contract]" means [any] a life insurance policy or certificate that is issued in combination with [in support of, with an assignment to, or as a guarantee for] a prearrangement agreement for goods and services [to be] provided at the time of [and] or immediately following the death of the insured.~~

~~[(a) Goods and services may include, but are not limited to embalming, cremation, body preparation, viewing or visitation, coffin or urn, memorial stone, and transportation of the deceased.]~~

(b) The status of the policy or contract as preneed insurance is determined at the time of issue ~~in accordance with the policy form filing].~~

(4) ~~[The tables identified in Subsections R590-251-3(1) and R590-251-3(2) are hereby incorporated by reference within this rule and are available for public inspection at the Insurance Department during normal business hours]"Ultimate 1980 CSO" means the Commissioners' 1980 Standard Ordinary Life Valuation Mortality Tables without 10-year selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law approved in December 1983.~~

R590-251-4. Minimum Standards.

~~— This section sets minimum standards for determining reserve liabilities and nonforfeiture values for policies subject to the rule.]~~

(1) Mortality Standards. The mortality standard used ~~in determining the minimum standard for valuation and the minimum standard for]to determine reserve liabilities and nonforfeiture values for both male and female insureds [shall be]is~~ the Ultimate 1980 CSO.

(2) Interest [rates]Rate Standards.

(a) The interest rates used ~~in determining]to determine~~ the minimum standard for valuation ~~[shall be]are~~ the calendar year statutory valuation interest rates ~~[as]defined in Section 31A-17-506.~~

(b) The interest rates used ~~in determining]to determine~~ the minimum standard for nonforfeiture values ~~[shall be]are~~ the calendar year statutory nonforfeiture interest rates ~~[as]defined in Section 31A-22-408.~~

(3) [Methods]Valuation and Nonforfeiture Method Standards.

(a) The method used ~~in determining]to determine~~ the minimum standard for valuation ~~[shall be]of reserves of preneed insurance is~~ the method defined in Title 31A[-], Chapter 17, Part 5, Standard Valuation Law.

(b) The method used ~~in determining]to determine~~ the minimum ~~[standard for nonforfeiture values shall be]nonforfeiture values for preneed insurance is~~ the method defined in Section 31A-22-408.

R590-251-5. Transition Rules.

(1) ~~[For]Prened~~ policies subject to this rule issued before January 1, 2012, may use the 2001 CSO ~~[may be used]Mortality~~

Table as the minimum mortality standard for ~~[valuation]reserves~~ and minimum ~~[mortality]standard~~ for nonforfeiture values for both male and female insureds.

(2)(a) If an insurer elects to use the 2001 CSO Mortality Table as a minimum ~~[mortality]standard~~ for ~~[any]a~~ policy subject to this rule issued before January 1, 2012, the insurer shall provide, as a part of the actuarial opinion memorandum submitted in support of the ~~[company's]insurer's~~ asset adequacy testing, an annual written notification to the ~~[domiciliary]commissioner of its domiciliary state.~~

(b) The notification shall include:

~~[(a) A](i)~~ a complete list of all policy forms that use the 2001 CSO Mortality Table as a minimum mortality standard;

~~[(b) A](ii)~~ a certification signed by the appointed actuary stating that the reserve methodology ~~[employed]used~~ by the ~~[company in determining]insurer to determine~~ reserve liabilities for the policies subject to this rule and using the 2001 CSO Mortality Table as a minimum mortality standard, develop[s] adequate reserves; and

~~[(c) S](iii)~~ supporting information regarding the adequacy of reserves for policies subject to this rule and using the 2001 CSO Mortality Table as a minimum mortality standard for reserve liabilities.

(3) ~~[For the purpose of the certification required under Subsection R590-251-5(2)(b), the policies subject to this rule and using the 2001 CSO as a minimum mortality standard cannot be aggregated with any other policies]When determining the adequacy of the reserves required under Subsection (2)(b), the policies subject to this rule and using the 2001 CSO Mortality Table as a minimum mortality standard may not be aggregated with other policies.~~

(4) ~~[Policies]A policy~~ subject to this rule issued on or after January 1, 2012, ~~[must]shall~~ use the Ultimate 1980 CSO ~~in the calculation of]to calculate~~ minimum reserve liabilities and minimum nonforfeiture values.

R590-251-6. Effective Date.

~~— This rule applies to policies issued on or after January 1, 2009.~~

R590-251-7. Penalties.

~~— A person found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under 31A-2-308.~~

R590-251-8. Enforcement Date.

~~— The commissioner will begin enforcing this rule 45 days from the rule's effective date.~~

R590-251-9. Severability.

~~[If any provision of this rule or its application to any person or circumstance is, for any reason, held to be invalid, the remainder of this rule and its application to other persons and circumstances are not affected.]If any provision of this rule, Rule R590-251, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.~~

KEY: preneed life insurance standards

Date of Last Change: 2022[August 25, 2008]

Notice of Continuation: August 3, 2018

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-17-402; 31A-22-408

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Rule or Section Number:	R590-289	Filing ID: 54945

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R590-289. Term and Universal Life Insurance Reserve Financing
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is required to maintain the Department of Insurance's (Department) accreditation with the NAIC. This rule enhances company solvency and prevents reserve financing arrangements that could result in inadequate assets supporting ceded liabilities.
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 proposed rule sets standards for granting credit for reinsurance under reserve financing arrangements pertaining to life insurance policies that contain guaranteed nonlevel gross premiums, guaranteed nonlevel benefits, and universal life insurance policies with secondary guarantees.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. This rule only applies to a life insurance company domiciled in Utah that cedes liabilities under certain reinsurance treaties. There are no Utah domiciled companies with policies or reinsurance treaties that are subject to this rule. This rule is being filed because it is necessary for Utah to maintain its accreditation with the NAIC, which is critical to the Department's function.
B) Local governments:
There is no anticipated cost or savings to local governments. This rule only applies to a life insurance company domiciled in Utah that cedes liabilities under certain reinsurance treaties. It has no bearing on local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. This rule only applies to a life insurance company domiciled in Utah that cedes liabilities under certain reinsurance treaties. There are no Utah domiciled companies with policies or reinsurance treaties that are subject to this rule.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. This rule only applies to a life insurance company domiciled in Utah that cedes liabilities under certain reinsurance treaties. There are no Utah domiciled companies with policies or reinsurance treaties that are subject to this rule.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
There is no anticipated cost or savings to any other persons. This rule only applies to a life insurance company domiciled in Utah that cedes liabilities under certain reinsurance treaties. There are no Utah domiciled companies with policies or reinsurance treaties that are subject to this rule.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for any affected persons. There are no Utah domiciled companies with policies or reinsurance treaties that are subject to this rule, and hence nobody to comply with it. This rule is being filed because

it is necessary for Utah to maintain its accreditation with the NAIC, which is critical to the Department's function.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

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

Section 31A-2-201	Section 31A-17-404.3	
-------------------	----------------------	--

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on: 11/21/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/30/2022
---	---	--------------	------------

R590. Insurance, Administration.

R590-289. Term and Universal Life Insurance Reserve Financing.

R590-289-1. Authority.

This rule is promulgated by the commissioner pursuant to Sections 31A-2-201 and 31A-17-404.3.

R590-289-2. Purpose and Scope.

(1) The purpose of this rule is to:
(a) establish among NAIC members uniform standards governing reserve financing arrangements that pertain to:

(i) a life insurance policy containing guaranteed nonlevel gross premiums;

(ii) a life insurance policy containing guaranteed nonlevel benefits; and

(iii) a universal life insurance policy with secondary guarantees; and

(b) ensure that, with respect to each such financing arrangement, funds consisting of primary security and other security, as defined in this rule, are held by or on behalf of each ceding insurer in the forms and amounts required in this rule.

(2) This rule applies to a reinsurance treaty that cedes liabilities pertaining to a covered policy, as that term is defined in this rule, issued by any life insurance company domiciled in this state.

(3) In the event of a conflict between this rule and Rule R590-173, this rule applies to the extent of the conflict.

(4) This rule does not apply to a transaction described in this subsection.

(a) Reinsurance of:

(i) a policy that satisfies the criteria for exemption set forth in Sections R590-198-6.F and R590-198-6.G and is issued before the later of:

(A) the effective date of this rule; or

(B) the date on which the ceding insurer begins to apply the provisions of VM-20 to establish the ceded policies' statutory reserves, but in no event later than January 1, 2020;

(ii) a portion of a policy that satisfies the criteria for exemption set forth in Section R590-198-6.E and is issued before the later of:

(A) the effective date of this rule; or

(B) the date on which the ceding insurer begins to apply the provisions of VM-20 to establish the ceded policies' statutory reserves, but in no event later than January 1, 2020;

(iii) a universal life policy that meets the following requirements:

(A) the secondary guarantee period, if any, is five years or less;

(B) the specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the Commissioners Standard Ordinary (CSO) valuation tables and valuation interest rate applicable to the issue year of the policy; and

(C) the initial surrender charge is not less than 100% of the first year annualized specified premium for the secondary guarantee period;

(iv) a credit life insurance policy;

(v) a variable life insurance policy where the amount of insurance or duration of coverage varies according to the investment experience of a separate account; or

(vi) a group life insurance certificate, unless the certificate provides for a stated or implied schedule of maximum gross premiums required to continue coverage in force for a period in excess of one year.

(b) Reinsurance ceded to an assuming insurer that meets the applicable requirements of Subsection 31A-17-404(6).

(c) Reinsurance ceded to an assuming insurer that:

(i) meets the applicable requirements of Subsections 31A-17-404(3), 31A-17-404(4), and 31A-17-404(5);

(ii) prepares statutory financial statements in compliance with the NAIC Accounting Practices and Procedures Manual, without any departures from NAIC statutory accounting practices and procedures pertaining to the admissibility or valuation of assets or liabilities that increase the assuming insurer's reported surplus and are material enough that they need to be disclosed in the financial statement of the assuming insurer pursuant to Statement of Statutory Accounting Principles No. 1 ("SSAP 1"); and

(iii) is not in a Company Action Level Event, Regulatory Action Level Event, Authorized Control Level Event, or Mandatory Control Level Event as those terms are defined in Title 31A, Chapter 17, Part 6, Risk-Based Capital, when its risk-based capital, (RBC) is calculated in accordance with the life risk-based capital report including overview and instructions for companies, which may be amended by the NAIC from time to time, without deviation.

(d) Reinsurance ceded to an assuming insurer that:

(i) meets the applicable requirements of Section 31A-17-404;

(ii) is not an affiliate, as that term is defined in Section 31A-1-301, of;

(A) the insurer ceding the business to the assuming insurer; or

(B) an insurer that directly or indirectly ceded the business to that ceding insurer;

(iii) prepares statutory financial statements in compliance with the NAIC Accounting Practices and Procedures Manual;

(iv) is both:

(A) licensed or accredited in at least ten states including its state of domicile; and

(B) not licensed in any state as a captive, special purpose vehicle, special purpose financial captive, special purpose life reinsurance company, limited purpose subsidiary, or any other similar licensing regime; and

(v) is not, or would not be, below 500% of the Authorized Control Level RBC as that term is defined in Title 31A, Chapter 17, Part 6, Risk-Based Capital, when its RBC is calculated in accordance with the life risk-based capital report including overview and instructions for companies, which may be amended by the NAIC from time to time, without deviation, and without recognition of any departures from NAIC statutory accounting practices and procedures pertaining to the admission or valuation of assets or liabilities that increase the assuming insurer's reported surplus.

(e) Reinsurance ceded to an assuming insurer that meets the requirements of Subsection 31A-17-404.3(5).

(f) Reinsurance not otherwise exempt under Subsections (4)(a) through (4)(e) if the commissioner, after consulting with the NAIC Financial Analysis Working Group or other group of regulators designated by the NAIC, as applicable, determines under all the facts and circumstances that the following apply:

(i) the risks are clearly outside of the intent and purpose of this rule;

(ii) the risks are included within the scope of this rule only as a technicality; and

(iii) the application of this rule to those risks is not necessary to provide appropriate protection to policyholders.

(5) A decision to exempt a reinsurance treaty under Subsection (4)(f) shall be written and shall include the general basis for the decision and a summary description of the treaty.

R590-289-3. Definitions.

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

(1) "Actuarial method" means the methodology used to determine the required level of primary security.

(2) "Covered policy" means a policy, other than a grandfathered policy, that is:

(a) a life insurance policy with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits, except for flexible premium universal a life insurance policy; or

(b) a flexible premium universal life insurance policy with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period.

(3) "Grandfathered policy" means a covered policy that was:

(a) issued before January 1, 2015; and

(b) ceded, as of December 31, 2014, as part of a reinsurance treaty that would not have met one of the exemptions set forth in Subsection R590-289-2(4) had that section then been in effect.

(4) "Non-covered policy" means a policy that does not meet the definition of a covered policy, including a grandfathered policy.

(5) "Other security" means security acceptable to the commissioner other than security meeting the definition of primary security.

(6) "Primary security" means:

(a) cash;

(b) security meeting the requirements of Subsection 31A-17-404.1(2)(b), but excluding:

(i) a synthetic letter of credit, contingent note, credit-linked note, or other similar security that operates in a manner similar to a letter of credit; and

(ii) security issued by the ceding insurer or its affiliate; and

(c) in the case of a security held in connection with funds-withheld and modified coinsurance reinsurance treaties:

(i) a commercial loan in good standing of CM3 quality or higher;

(ii) a policy loan; or

(iii) a derivative acquired in the normal course and used to support and hedge liabilities pertaining to the actual risks in the policy ceded pursuant to the reinsurance treaty.

(7) "Required level of primary security" means the dollar amount determined by applying the actuarial method to the risks ceded with respect to a covered policy, but not more than the total reserve ceded.

(8) "Valuation manual" means the valuation manual adopted by the NAIC as described in Subsection 31A-17-514(2)(a).

(9) "VM-20" means "Requirements for Principle-Based Reserves for Life Products," including all relevant definitions, from the Valuation Manual.

R590-289-4. The Actuarial Method.

(1) The actuarial method to establish the required level of primary security for each reinsurance treaty subject to this rule shall be VM-20, applied on a treaty-by-treaty basis, including all relevant definitions, from the valuation manual as then in effect, applied as follows:

(a)(i) For a covered policy described in Subsection R590-289-3(2)(a), the actuarial method is the greater of the deterministic reserve or the net premium reserve (NPR) regardless of whether the criteria for exemption testing can be met.

(ii) If a covered policy does not meet the requirements of the stochastic reserve exclusion test in the valuation manual, then the actuarial method is the greatest of the deterministic reserve, the stochastic reserve, or the NPR.

(iii) If a covered policy is reinsured in a reinsurance treaty that also contains a covered policy described in Subsection R590-289-4(2)(b), the ceding insurer may elect to instead use Subsection (1)(b) as the actuarial method for the entire reinsurance agreement.

(iv) Regardless of whether the actuarial method described in Subsection (1)(a) or (1)(b) is used, the actuarial method must comply with any requirement or restriction that the valuation manual imposes when aggregating these policy types for purposes of principle-based reserve calculations.

(b) For a covered policy described in Subsection R590-289-3(2)(b), the actuarial method is the greatest of the deterministic reserve, the stochastic reserve, or the NPR regardless of whether the criteria for exemption testing can be met.

(c) Except as provided in Subsection (1)(d), the actuarial method is to be applied on a gross basis to all risks with respect to the covered policy as originally issued or assumed by the ceding insurer.

(d) If the reinsurance treaty cedes less than 100% of the risk with respect to a covered policy, then the required level of primary security may be reduced as follows:

(i) if a reinsurance treaty cedes only a quota share of some or all of the risks pertaining to a covered policy, the required level of primary security, as well as any adjustment under Subsection (1)(d)(iii), may be reduced to a pro rata portion in accordance with the percentage of the risk ceded;

(ii) if the reinsurance treaty in a non-exempt arrangement cedes only the risks pertaining to a secondary guarantee, the required

level of primary security may be reduced by an amount determined by applying the actuarial method on a gross basis to all risks, other than risks related to the secondary guarantee, pertaining to the covered policies, except that for covered policies for which the ceding insurer did not elect to apply the provisions of VM-20 to establish statutory reserves, the required level of primary security may be reduced by the statutory reserve retained by the ceding insurer on those covered policies, where the retained reserve of those covered policies should be reflective of any reduction pursuant to the cession of mortality risk on a yearly renewable term basis in an exempt arrangement;

(iii) if a portion of the covered policy risk is ceded to another reinsurer on a yearly renewable term basis in an exempt arrangement, the required level of primary security may be reduced by the amount resulting by applying the actuarial method including the reinsurance section of VM-20 to the portion of the covered policy risks ceded in the exempt arrangement, except that for a covered policy issued before January 1, 2017, this adjustment is not to exceed the formula:

(A) $cx / (2 * \text{number of reinsurance premiums per year})$

(B) where cx is:

(I) the cost of life insurance for one year for an individual aged x; and

(II) calculated using the same mortality table used in calculating the net premium reserve; and

(iv) for any other treaty ceding a portion of risk to a different reinsurer, including but not limited to stop loss, excess of loss, and other non-proportional reinsurance treaties, there will be no reduction in the required level of primary security.

(v) It is possible for any combination of Subsections (1)(d)(i) through (1)(d)(iv) to apply. Adjustments to the required level of primary security will be done in the sequence that accurately reflects the portion of the risk ceded via the treaty. The ceding insurer should document the rationale and steps taken to accomplish the adjustments to the required level of primary security due to the cession of less than 100% of the risk. The adjustments for other reinsurance will be made only with respect to reinsurance treaties entered into directly by the ceding insurer. The ceding insurer will make no adjustment as a result of a retrocession treaty entered into by the assuming insurers.

(e) In no event will the required level of primary security resulting from application of the actuarial method exceed the amount of statutory reserves ceded.

(f) If the ceding insurer cedes risks with respect to a covered policy, including any riders, in more than one reinsurance treaty subject to this rule, in no event will the aggregate required level of primary security for those reinsurance treaties be less than the required level of primary security calculated using the actuarial method as if all risks ceded in those treaties were ceded in a single treaty subject to this rule.

(g) If a reinsurance treaty subject to this rule cedes risk on both covered and non-covered policies, credit for the ceded reserves shall be determined as follows:

(A)(I) the actuarial method shall be used to determine the required level of primary security for the covered policies; and

(II) Section R590-289-5 shall be used to determine the reinsurance credit for the covered policy reserves; and

(B) credit for the non-covered policy reserves shall be granted only to the extent that security, in addition to the security held to satisfy the requirements of Subsection (1)(a), is held by or on behalf of the ceding insurer in accordance with Sections 31A-17-404 and 31A-17-404.1. Any primary security used to meet the

requirements of this subsection may not be used to satisfy the required level of primary security for a covered policy.

(2) In calculating the required level of primary security pursuant to the actuarial method, and in determining the amount of primary security and other security, as applicable, held by or on behalf of the ceding insurer, the following shall apply:

(a) for assets, including assets held in trust that would be admitted under the NAIC Accounting Practices and Procedures Manual if they were held by the ceding insurer, the valuations are to be determined:

(i) according to statutory accounting procedures as if the assets were held in the ceding insurer's general account; and

(ii) without taking into consideration the effect of any prescribed or permitted practices;

(b) for all other assets, the valuations are those assigned to the assets for the purpose of determining the amount of reserve credit taken; and

(c) the asset spread tables and asset default cost tables required by VM-20 shall be included in the actuarial method if adopted by the NAIC's Life Actuarial (A) Task Force no later than the December 31 on or immediately preceding the valuation date for which the required level of primary security is being calculated.

(3) The tables of asset spreads and asset default costs shall be incorporated into the actuarial method in the manner specified in VM-20.

R590-289-5. Requirements Applicable to a Covered Policy to Obtain Credit for Reinsurance; Opportunity for Remediation.

(1) Except as provided in Subsections R590-289-2(4) and R590-289-5(2), credit for reinsurance is allowed with respect to ceded liabilities pertaining to a covered policy if, in addition to all other requirements imposed by law, the following requirements are met on a treaty-by-treaty basis:

(a)(i) the ceding insurer's statutory policy reserves with respect to the covered policy are established in full and in accordance with the applicable requirements of Title 31A, Chapter 17, Part 5, Standard Valuation Law, and related rules and actuarial guidelines; and

(ii) credit claimed for any reinsurance treaty subject to this rule does not exceed the proportionate share of those reserves ceded under the contract;

(b) the ceding insurer determines the required level of primary security with respect to each reinsurance treaty subject to this rule and provides support for its calculation as determined to be acceptable to the commissioner;

(c) funds consisting of primary security, in an amount at least equal to the required level of primary security, are held by or on behalf of the ceding insurer, as security under the reinsurance treaty within the meaning of Section 31A-17-404.1 on a funds withheld, trust, or modified coinsurance basis;

(d) funds consisting of other security, in an amount at least equal to any portion of the statutory reserves as to which primary security is not held pursuant to Subsection (1)(c) are held by or on behalf of the ceding insurer as security under the reinsurance treaty within the meaning of Section 31A-17-404.1;

(e) any trust used to satisfy the requirements of this rule shall comply with all conditions and qualifications of Section R590-173-12, except that:

(i) funds consisting of primary security or other security held in trust will be valued according to the valuation rules set forth in Subsection R590-289-4(2), as applicable;

(ii) there are no affiliate investment limitations with respect to any security held in the trust if the security is not needed to satisfy the requirements of Subsection (1)(c); and

(iii) the reinsurance treaty must prohibit withdrawals or substitutions of trust assets that would leave the fair market value of the primary security within the trust, when aggregated with primary security outside the trust that is held by or on behalf of the ceding insurer in the manner required by Subsection (1)(c), below 102% of the level required by Subsection (1)(c) at the time of the withdrawal or substitution;

(f) the determination of reserve credit under Subsection R590-173-12(4) shall be determined according to the valuation rules set forth in Subsection R590-289-5(2), as applicable; and

(g) the reinsurance treaty has been approved by the commissioner.

(2)(a) The requirements of Subsection (1) must be satisfied as of the date that risks under a covered policy are ceded if such date is on or after the effective date of this rule and on an ongoing basis thereafter.

(b) Under no circumstances will a ceding insurer take or consent to any action or series of actions that would result in a deficiency under Subsection (1)(c) or (1)(d) with respect to any reinsurance treaty under which a covered policy has been ceded, and if a ceding insurer becomes aware at any time that a deficiency exists, it shall use its best efforts to arrange for the deficiency to be eliminated as expeditiously as possible.

(c) Before the due date of each quarterly or annual statement, each life insurance company that has ceded reinsurance within the scope of this rule shall perform an analysis, on a treaty-by-treaty basis, to determine, as to each reinsurance treaty under which a covered policy has been ceded, whether as of the end of the immediately preceding calendar quarter, or valuation date, the requirements of Subsections (1)(c) and (1)(d) were satisfied.

(d) The ceding insurer shall establish a liability equal to the excess of the credit for reinsurance taken over the amount of primary security actually held pursuant to Subsection (1)(c) unless:

(i) the requirements of Subsections (1)(c) and (1)(d) were satisfied as of the valuation date as to such reinsurance treaty; or

(ii) the deficiency has been eliminated before the due date of the quarterly or annual statement to which the valuation date relates through the addition of primary security or other security, as the case may be, in the amount and in the form as would have caused the requirements of Subsections (1)(c) and (1)(d) to be fully satisfied as of the valuation date.

(e) Nothing in Subsection (1)(b) may be construed to allow a ceding company to maintain any deficiency under Subsection (1)(c) or (1)(d) for any period of time longer than is reasonably necessary to eliminate it.

R590-289-6. Prohibition Against Avoidance.

No insurer that has a covered policy to which this rule applies may take any action or series of actions, or enter into any transaction or arrangement, or series of transactions or arrangements, if the purpose of the action, transaction, or arrangement or series is to avoid the requirements or circumvent the intent of this rule.

R590-289-7. Severability.

If any provision of this rule, Rule R590-289, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The

remainder of this rule shall be given effect without the invalid provision or application.

KEY: life insurance, solvency, credit for reinsurance
Date of Last Change: 2022
Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-17-404.3

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R651-604	Filing ID: 54911

Agency Information

1. Department:	Natural Resources	
Agency:	State Parks	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146001	
City, state and zip:	Salt Lake City, UT 84114-6001	
Contact persons:		
Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R651-604. Audio Devices
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The permitting rules have been spread throughout the parks rules and needed updates to reflect current processes. These changes will make the combined rules accurate with current day processes, as well as increase public and agency efficiency when looking for specific subjects relating to the audio devices.
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 proposed rule amendment removes Section R651-604-2 as the information in this section has been moved into Rule R651-635 (ID 54772). The filing for Rule R651-635 was made effective 09/23/2022.

Fiscal Information

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

A) State budget:

There are no cost changes that will occur with the combination of these rules. The current fees and intent of this rule is not changed.

B) Local governments:

This proposed rule amendment does not affect local governments in any way as the fees or intent of this rule does not change.

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

This proposed rule amendment does not affect small businesses in any way as the fees or intent of this rule does not change.

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

This proposed rule amendment does not affect non-small businesses in any way as the fees or intent of this rule does not change.

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 amendment does not affect persons in any way as the fees or intent of this rule does not change.

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

This proposed rule amendment does not change compliance cost for affected persons, because it does not create any changes to affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

There will not be any fiscal impacts as a result of these changes. Joel Ferry, Executive Director of the Department of Natural Resources

Citation Information

6. 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 79-4-304	Section 79-4-501	
------------------	------------------	--

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on: 11/21/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jeff Rasmussen, Director	Date:	09/23/2022
---	--------------------------	--------------	------------

R651. Natural Resources, State Parks [~~and Recreation~~].

R651-604. Operation or Use of Audio Devices.

R651-604-1. Operation or Use of Audio Devices.

The operation or use of any audio or noise-producing devices in such a manner or at such a time so as to unreasonably disturb any person is prohibited.

[
~~R651-604-2. Operation or Use of a Public Address System.~~

~~The operation or use of a public address system or any other high volume audio devices without a permit is prohibited.]~~

KEY: parks

Date of Last Change: 2022[1989]

Notice of Continuation: June 7, 2018

Authorizing, and Implemented or Interpreted Law: 79-4-304; 79-4-501

NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal

Rule or Section Number:	R651-605	Filing ID: 54933
--------------------------------	-----------------	-----------------------------------

Agency Information

1. Department:	Natural Resources	
Agency:	State Parks	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146001	
City, state and zip:	Salt Lake City, UT 84114-6001	
Contact persons:		
Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R651-605. Begging and Soliciting
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The permitting rules have been spread throughout the parks rules and needed updates to reflect current processes. These changes will make the combined rules accurate with current day processes, as well as increase public and agency efficiency when looking for specific subjects relating to begging and soliciting.
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 proposed filing repeals Rule R651-605 in its entirety, as the information in this rule has been moved into Rule R651-635. The filing for Rule R651-635 (ID 54772) was made effective on 09/23/2022.

Fiscal Information

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

A) State budget:

The proposed rule repeal will have no budgetary impact to the state for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to the state budget of any type.

B) Local governments:

The proposed rule repeal will have no budgetary impact to the local governments for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to local governments of any type.

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

The proposed rule repeal will have no budgetary impact to small businesses for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to businesses of any type.

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

The proposed rule repeal will have no budgetary impact to non-small businesses for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to businesses of any type.

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

The proposed rule repeal will have no budgetary impact to persons other than small businesses, non-small businesses, state or local government entities for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to businesses of any type.

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 associated costs for affected persons as outlined in this proposed rule for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to persons of any type.

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

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

There will not be any fiscal impacts as a result of these changes. Joel Ferry, Executive Director of the Department of Natural Resources

Citation Information

6. 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 79-4-304	Section 79-4-501	

Public Notice Information

8. 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:	11/14/2022

9. This rule change MAY become effective on:	11/21/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Jeff Rasmussen, Director	Date:	09/23/2022
---	--------------------------	--------------	------------

R651. Natural Resources, Parks and Recreation.

~~[R651-605. Begging and Soliciting. R651-605-1. Prohibition of Begging. Begging is prohibited.~~

~~R651-605-2. Prohibition of Soliciting Except by Permit. Soliciting of any type is prohibited except by authorized concessionaires or by permit.~~

~~KEY: parks
Date of Last Change: 1989
Notice of Continuation: June 7, 2018
Authorizing, and Implemented or Interpreted Law: 79-4-304; 79-4-501]~~

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Rule or Section Number:	R651-609	Filing ID: 54914

Agency Information

1. Department:	Natural Resources
Agency:	State Parks
Street address:	1594 W North Temple
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 146001

City, state and zip:	Salt Lake City, UT 84114-6001	
Contact persons:		
Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R651-609. Explosives and Fireworks
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The permitting rules have been spread throughout the parks rules and needed updates to reflect current processes. These changes will make the combined rules accurate with current day processes, as well as increase public and agency efficiency when looking for specific subjects relating to the explosives and fireworks.
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 proposed rule repeals Rule R651-609 in its entirety, as the information in this rule has been moved into Rule R651-635. The filing for Rule R651-635 (ID 54772) was made effective on 09/23/2022.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed rule repeal will have no budgetary impact to the state for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to the state budget of any type.
B) Local governments:
The proposed rule repeal will have no budgetary impact to the local governments for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to local governments of any type.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule repeal will have no budgetary impact to small businesses for administrative processing or enforcement of this rule because all information in this rule

has been moved to Rule R651-635. There is no reasonable estimation of cost to small businesses of any type.

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

The proposed rule repeal will have no budgetary impact to non-small businesses for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to businesses of any type.

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

The proposed rule repeal will have no budgetary impact to persons other than small businesses, non-small businesses, state of local government entities for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to businesses of any type.

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 associated costs for affected persons as outlined in this proposed rule for administrative processing or enforcement of this rule. There is no reasonable estimation of cost to persons of any type.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0

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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

There will not be any fiscal impacts as a result of these changes. Joel Ferry, Executive Director of the Department of Natural Resources

Citation Information

6. 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 79-4-501		
------------------	--	--

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:

11/21/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jeff Rasmussen, Director	Date:	09/23/2022
---	--------------------------	--------------	------------

R651. Natural Resources, Parks and Recreation.

~~[R651-609. Explosives and Fireworks.~~

~~R651-609.1. Use or Possession in Parks Prohibited without Permit.~~

~~_____ The use or possession of explosives, fireworks, or firecrackers, except by permit, is prohibited within the park system.~~

~~KEY: parks~~

~~Date of Last Change: 1989~~

~~Notice of Continuation: June 7, 2018~~

~~Authorizing, and Implemented or Interpreted Law: 79-4-501]~~

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Rule or Section Number:	R651-617	Filing ID: 54915

Agency Information

1. Department:	Natural Resources	
Agency:	State Parks	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146001	
City, state and zip:	Salt Lake City, UT 84114-6001	
Contact persons:		
Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R651-617. Permit Violation
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The permitting rules have been spread throughout the parks rules and needed updates to reflect current processes. These changes will make the combined rules accurate with current day processes, as well as increase public and agency efficiency when looking for specific subjects relating to the permit violation.
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 proposed filing repeals Rule R651-617 in its entirety, as the information in this rule has been moved into Rule R651-635. The filing for Rule R651-635 (ID 54772) was made effective 09/23/2022.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed rule repeal will have no budgetary impact to the state for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to the state budget of any type.

B) Local governments:								
The proposed rule repeal will have no budgetary impact to the local governments for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to local governments of any type.								
C) Small businesses ("small business" means a business employing 1-49 persons):								
The proposed rule repeal will have no budgetary impact to small businesses for administrative processing or enforcement of this rule. There is no reasonable estimation of cost to small businesses of any type.								
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):								
The proposed rule amendment will have no budgetary impact to non-small businesses for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to businesses of any type.								
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):								
The proposed rule amendment will have no budgetary impact to persons other than small businesses, non-small businesses, state or local government entities for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to businesses of any type.								
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 associated costs for affected persons as outlined in this proposed rule for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to persons of any type.								
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)								
Regulatory Impact Table								
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2023</th> <th>FY2024</th> <th>FY2025</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2023	FY2024	FY2025	State Government	\$0	\$0	\$0
Fiscal Cost	FY2023	FY2024	FY2025					
State Government	\$0	\$0	\$0					

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
There will not be any fiscal impacts as a result of these changes. Joel Ferry, Executive Director of the Department of Natural Resources			

Citation Information

6. 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 79-4-501		

Public Notice Information

8. 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:	11/14/2022
9. This rule change MAY become effective on:	11/21/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Jeff Rasmussen, Director	Date:	09/23/2022
---	--------------------------	--------------	------------

R651. Natural Resources, Parks and Recreation.

~~[R651-617. Permit Violation.~~

~~R651-617-1. Revocation or Suspension of Permit.~~

~~— A permit may be revoked or suspended for a time, from a minimum of seven (7) days to a maximum of the duration of the permit by the division director or individual designated by the division director if one or more of the following actions are found to have occurred, based on their severity: (1) false or fictitious statements or qualifications were provided to obtain the permit; (2) the terms or conditions of the permit were violated; or (3) the permit holder allowed the permit to be used by an unauthorized person; or (4) the permit is found to be intentionally altered or changed. In addition, a fine of \$500 may be assessed.~~

KEY: parks

Date of Last Change: August 21, 2008

Notice of Continuation: June 13, 2018

Authorizing, and Implemented or Interpreted Law: 79-4-501]

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R651-620	Filing ID: 54918
--------------------------------	-----------------	-----------------------------------

Agency Information

1. Department:	Natural Resources	
Agency:	State Parks	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146001	
City, state and zip:	Salt Lake City, UT 84114-6001	
Contact persons:		
Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R651-620. Protection of Resources Park System Property
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The permitting rules have been spread throughout the parks rules and needed updates to reflect current processes. These changes will make the combined rules accurate with current day processes, as well as increase public and agency efficiency when looking for specific subjects relating to protection of resources park system property.

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 proposed rule amendment removes Sections R651-620-4 and R651-620-6 as the information in these sections has been moved into Rule R651-635 (ID 54772). The filing for Rule R651-635 was made effective 09/23/2022.

Fiscal Information

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

A) State budget:

There are no cost changes that will occur with the combination of these rules. The current fees and intent of this rule is not changed.

B) Local governments:

This proposed rule amendment does not affect local governments in any way as the fees or intent of this rule does not change.

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

This proposed rule amendment does not affect small businesses in any way as the fees or intent of this rule does not change.

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

This proposed rule amendment does not affect non-small businesses in any way as the fees or intent of this rule does not change.

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 amendment does not affect persons in any way as the fees or intent of this rule does not change.

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

This proposed rule amendment does not change compliance cost for affected persons, because it does not create any changes to affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

There will not be any fiscal impacts as a result of these changes. Joel Ferry, Executive Director of the Department of Natural Resources

Citation Information

6. 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 79-4-502		
------------------	--	--

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:	11/21/2022
---	------------

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jeff Rasmussen, Director	Date:	09/23/2022
---	--------------------------	--------------	------------

**R651. Natural Resources, State Parks [and Recreation].
R651-620. Protection of Resources Park System Property.
R651-620-1. Applicability of Criminal Code.**

Offenses against capital improvements, natural and cultural resources will normally be handled through the Utah Criminal Code.

R651-620-2. Trespass.

(1) A person may be found guilty of an infraction, as stated in [~~Utah Code Annotated~~], Section 79-4-502 if that person engages in activities within a park area without specific written authorization by the division. These activities include:(a) construction, or causing to construct, any structure, including buildings, fences water control devices, roads, utility lines or towers, or any other improvements;(b) removal, extraction, use, consumption, possession or destruction of any natural or cultural resource;(c) grazing of livestock, except as provided in [~~Utah Code Annotated~~], Section 72-3-112. A cause of action for the trespass of livestock may be initiated in accordance with Section 78B-2-305; (d)use or occupation of park area property for more than 30 days after the cancellation or expiration of permit, lease, or concession agreement; or_(e)_any use or occupation in violation of division rules.

(2) [~~The provisions of t~~]This section does not apply to division employees in the performance of their duties.

(3) Violations described in Subsection (1) are subject to penalties as provided in [~~Utah Code Annotated~~], Section 76-3-204 and Section 76-3-301.

R651-620-3. Tossing, Throwing, or Rolling of Rocks and other Materials.

The tossing, throwing, or rolling of rocks or other materials into valleys or canyons or down hills and mountains is prohibited.

~~**R651-620-4. Firewood.**~~

~~Collecting or cutting of firewood is prohibited without a permit.]~~

~~**R651-620-5]4. Glass Containers.**~~

~~Use or possession of glass containers is prohibited in posted areas.~~

~~**R651-620-6. Metal Detecting.**~~

~~Metal detecting is prohibited without a permit.]~~

KEY: parks, trespass

Date of Last Change: 2022[February 24, 2020]

Notice of Continuation: June 13, 2018

Authorizing, and Implemented or Interpreted Law: 79-4-502

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Rule or Section Number:	R651-622	Filing ID: 54916

Agency Information

1. Department:	Natural Resources	
Agency:	State Parks	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146001	
City, state and zip:	Salt Lake City, UT 84114-6001	
Contact persons:		
Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R651-622. Rock Climbing
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The permitting rules have been spread throughout the parks rules and needed updates to reflect current processes. These changes will make the combined rules accurate with current day processes, as well as increase public and agency efficiency when looking for specific subjects relating to the rock climbing.
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 proposed filing repeals Rule R651-622 in its entirety, as the information in this rule has been moved into Rule R651-635. The filing for Rule R651-635 (ID 54772) was made effective 09/23/2022.

Fiscal Information

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

A) State budget:

The proposed rule repeal will have no budgetary impact to the state for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to the state budget of any type.

B) Local governments:

The proposed rule repeal will have no budgetary impact to the local governments for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to local government of any type.

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

The proposed rule repeal will have no budgetary impact to small businesses for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to small businesses of any type.

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

The proposed rule amendment will have no budgetary impact to non-small businesses for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to businesses of any type.

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

The proposed rule amendment will have no budgetary impact to persons other than small businesses, non-small businesses, state of local government entities for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to businesses of any type.

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 associated costs for affected persons as outlined in this proposed rule for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to persons of any type.

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

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0

Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0

Net Fiscal Benefits

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

There will not be any fiscal impacts as a result of these changes. Joel Ferry, Executive Director of the Department of Natural Resources

Citation Information

6. 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 79-4-501

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:	11/21/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Jeff Rasmussen, Director	Date:	09/23/2022
---	--------------------------	--------------	------------

R651. Natural Resources, Parks and Recreation.

~~[R651-622. Rock Climbing.~~

~~**R651-622-1. Permit Required for Technical Rock Climbing.**
Technical rock climbing is prohibited without a permit.~~

~~**R651-622-2. Installation of Hardware/Equipment.**~~

~~Installation of new or the removal of existing, permanently installed technical rock climbing equipment or hardware is prohibited without a permit.~~

~~**KEY:** parks~~

~~**Date of Last Change:** October 4, 1999~~

~~**Notice of Continuation:** June 28, 2018~~

~~**Authorizing, and Implemented or Interpreted Law:** 79-4-501]~~

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Rule or Section Number:	R651-623	Filing ID: 54917

Agency Information

1. Department:	Natural Resources	
Agency:	State Parks	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146001	
City, state and zip:	Salt Lake City, UT 84114-6001	
Contact persons:		
Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R651-623. Sale or Distribution of Printed Material
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The permitting rules have been spread throughout the parks rules and needed updates to reflect current processes. These changes will make the combined rules accurate with current day processes, as well as increase public and agency efficiency when looking for specific subjects relating to the sale or distribution of printed material.
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 proposed filing repeals Rule R651-623 in its entirety, as the information in this rule has been moved into Rule R651-635. The filing for Rule R651-635 (ID 54772) was made effective 09/23/2022.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed rule repeal will have no budgetary impact to the state for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to the state budget of any type.
B) Local governments:
The proposed rule repeal will have no budgetary impact to the local governments for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to local governments of any type.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule repeal will have no budgetary impact to small businesses for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to businesses of any type.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

NOTICES OF PROPOSED RULES

The proposed rule repeal will have no budgetary impact to non-small businesses for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to businesses of any type.

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

The proposed rule repeal will have no budgetary impact to persons other than small businesses, non-small businesses, state of local government entities for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to businesses of any type.

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 associated costs for affected persons as outlined in this proposed rule for administrative processing or enforcement of this rule because all information in this rule has been moved to Rule R651-635. There is no reasonable estimation of cost to persons of any type.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

There will not be any fiscal impacts as a result of these changes. Joel Ferry, Executive Director of the Department of Natural Resources

Citation Information

6. 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 79-4-501	Section 79-4-304	
------------------	------------------	--

Public Notice Information

8. 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: 11/14/2022

9. This rule change MAY become effective on: 11/21/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jeff Rasmussen, Director	Date:	09/23/2022
---	--------------------------	--------------	------------

R651. Natural Resources, Parks and Recreation.
~~[R651-623. Sale or Distribution of Printed Material. R651-623-1. Permit Required.~~

~~_____ The sale, posting, or distribution of printed matter is prohibited without a permit.~~

~~**KEY: parks**
Date of Last Change: 1989
Notice of Continuation: June 28, 2018
Authorizing, and Implemented or Interpreted Law: 79-4-501; 79-4-304]~~

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R746-349	Filing ID: 54832

Agency Information

1. Department:	Public Service Commission	
Agency:	Administration	
Building:	Heber M Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 4558	
City, state and zip:	Salt Lake City, UT 84114-4558	
Contact persons:		
Name:	Phone:	Email:
Yvonne Hogle	801-530-6709	yhogle@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R746-349. Competitive Entry and Reporting Requirements
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
A recent Public Service Commission (PSC) decision interpreted the relevant statutes to allow competitive telecommunications providers to obtain "carrier of last resort" certificates in overlapping service areas. This created a need to ensure that the Utah Universal Service Fund (UUSF) does not support multiple, redundant sets of infrastructure in the same area. Following the PSC decision allowing overlapping service areas, interested stakeholders met for over a year to negotiate rule language to prevent duplicative UUSF support. Section R746-349-10 is the consensus result of that process. This filing also corrects typographical errors and makes other nonsubstantive changes to bring Rule R746-349 into compliance with the Utah Rulewriting Manual and checklist.
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):
Section R746-349-10 establishes requirements if a certificated carrier of last resort seeks UUSF support for a service area for which another provider is also a certificated carrier of last -resort. Section R746-349-10

establishes the information and plans that the telecommunications provider must include with an application for UUSF support, the notice that must be provided to the competing certificated telecommunications provider, and the guidelines under which all interested parties may intervene and participate, and the criteria that the PSC will consider when determining UUSF support. This filing also corrects typographical errors and makes other nonsubstantive changes to bring Rule R746-349 into compliance with the Utah Rulewriting Manual and checklist.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Changes in Rule R746-349 will not directly impact the state budget. The state agencies involved will adjudicate the applications contemplated under this rule within the existing processes governing UUSF distributions. Implementation of this rule could increase distributions from the UUSF overall, but the total amount is impossible to predict in advance. UUSF distributions have no impact on any other state budget accounts, including the education and general funds. All other changes to the rule are nonsubstantive.
B) Local governments:
Changes in Rule R746-349 will not have any fiscal impact on local governments. While local governments have an interest in the availability of adequate telecommunications services for their residents, Section R746-349-10 does not impose any requirements or burdens on those governments. All other changes to this rule are nonsubstantive.
C) Small businesses ("small business" means a business employing 1-49 persons):
Changes in Rule R746-349 will not have any fiscal impact on small businesses. Nothing in Section R746-349-10 is mandatory unless a telecommunications provider (which in some instances might be a small business) chooses to seek to serve an area already served by another provider. Section R746-349-10 does not impact existing UUSF distributions, but only potential future distributions in the event a provider chooses to take advantage of the opportunity provided by Section R746-349-10. All other changes to this rule are nonsubstantive.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Changes in Rule R746-349 will not have any fiscal impact on non-small businesses. Nothing in Section R746-349-10 is mandatory unless a telecommunications provider (which in some instances might be a non-small business) chooses to seek to serve an area already served by another provider. Section R746-349-10 does not impact

existing UUSF distributions, but only potential future distributions in the event a provider chooses to take advantage of the opportunity provided by Section R746-349-10. All other changes to this rule are nonsubstantive.

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**):

Changes in Rule R746-349 will not have any fiscal impact on any other persons. Nothing in Section R746-349-10 is mandatory unless a telecommunications provider chooses to seek to serve an area already served by another provider. Section R746-349-10 does not impact existing UUSF distributions, but only potential future distributions in the event a provider chooses to take advantage of the opportunity provided by Section R746-349-10. Customers of telecommunications providers that take advantage of changes in Rule R746-349 will not face any mandatory compliance costs, but may benefit from the availability of new telecommunications infrastructure supported by the UUSF, if they choose to purchase the services supported by that infrastructure. All other changes to this rule are nonsubstantive.

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

Changes in Rule R746-349 will not have any compliance costs. Nothing in Section R746-349-10 is mandatory unless a telecommunications provider chooses to seek to serve an area already served by another provider. Section R746-349-10 does not impact existing UUSF distributions, but only potential future distributions in the event a provider chooses to take advantage of the opportunity provided by this rule. Customers of telecommunications providers that take advantage of changes in Rule R746-349 will not face any mandatory compliance costs, but may benefit from the availability of new telecommunications infrastructure supported by the UUSF, if they choose to purchase the services supported by that infrastructure. All other changes to this rule are nonsubstantive.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Chair of the Public Service Commission, Thad LeVar, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 54-8b-2.1	Section 54-8b-15	Sections 54-7-25 through 54-7-28
Section 54-8b-2	Section 54-8b-3.3	Title 63G, Chapter 4

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:

11/21/2022
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	10/06/2022
---	-----------------------	--------------	------------

R746. Public Service Commission, Administration.**R746-349. Competitive Entry and Reporting Requirements.****R746-349-1. Applicability.**

These rules shall be applicable to each telecommunications corporation applying to be a provider of local exchange services or other public telecommunications services in ~~all or part of~~ the service territory of an incumbent telephone corporation.

R746-349-2. Definitions.

As used in this rule:

~~[A-](1)~~ "CLEC" stands for competitive local exchange carrier and means a public telecommunications service provider that did not hold a certificate to provide public telecommunications service as of May 1, 1995.

~~(2)~~ "COLR" means carrier of last resort.

~~[B-](3)~~ "Division" means the Division of Public Utilities.

~~[C-](4)~~ "GAAP" means generally accepted accounting principles.

~~[D-](5)~~ "ILEC" stands for incumbent local exchange carrier and means an incumbent telephone corporation which held a certificate to provide public telecommunications service as of May 1, 1995.

R746-349-3. Filing Requirements.

~~[A-](1)~~ In addition to any other requirements of the Commission or of Title 63G, Chapter 4, Administrative Procedures Act, and pursuant to Section 54-8b-2.1, each applicant for a certificate, as defined in Section 54-8b-2(4), shall file, in addition to its application:

~~[+](a)(i)~~ testimony and exhibits in support of the company's technical, financial, and managerial abilities to provide the telecommunications services applied for and a showing that the granting of a certificate is in the public interest~~[-+]; and~~

~~(ii)~~ informational requirements made elsewhere in ~~these rules~~ Section R746-349-3 can be included in testimony and exhibits;

~~[2-](b)(i)~~ proof of a bond in the amount of \$100,000~~[-+];~~

~~(ii)~~ this bond is to provide security for customer deposits or other liabilities to telecommunications customers of the telecommunications corporation or liabilities to the Utah Public Telecommunications Service Support Fund, Section 54-8b-15, or the Hearing and Speech Impaired Fund, Section 54-8b-10~~[-+]; and~~

~~(iii)~~ an applicant may request a waiver of ~~this requirement~~ Subsection R746-349-3(1)(b) from the Commission if it can show that adequate provisions exist to protect customer deposits or other customer and state fund liabilities;

~~[3-](c)~~ a statement as to whether the telecommunications corporation intends to construct its own facilities or acquire use of facilities from other than the ~~incumbent local exchange carrier~~ ILEC, or whether it intends to resell an ~~incumbent local exchange carrier~~ ILEC's and other telecommunications corporation's services;

~~[4-](d)~~ a statement regarding the services to be offered including:

~~[a-](i)~~ which classes of customer the applicant intends to serve~~[-];~~

~~[b-](ii)~~ the locations where the applicant intends to provide service~~[-]; and~~

~~[e-](iii)~~ the types of services to be offered;

~~[5-](e)~~ a statement explaining how the applicant will provide access to ordinary intralata and interlata message toll calling, operator services, directory assistance, directory listings, and emergency services such as 911 and E911;

~~[6-](f)~~ an implementation schedule pursuant to 47 U.S.C. 252(c)(3) of the Telecommunications Act of 1996 which shall include the date local exchange service for residential and business customers will begin;

~~[7-](g)~~ summaries of the professional experience and education of ~~all~~ each managerial personnel who will have responsibilities for the applicant's proposed Utah operations;

~~[8-](h)~~ an organization chart listing ~~all~~ each of the applicant's employees currently working or that plan to be working in or for Utah operations and their job titles;

~~[9-](i)~~ a chart of accounts that includes account numbers, names, and brief descriptions;

~~[10-](j)~~ financial statements that ~~at a minimum~~ include at least:

~~[a-](i)~~ the most recent balance sheet, income statement and cash flow statement, and any accompanying notes, prepared according to GAAP~~[-];~~

~~[b-](ii)~~ a letter from management attesting to their accuracy, integrity, and objectivity, and that the statements were prepared in accordance with GAAP~~[-];~~

~~[e-](iii)~~ if the applicant is a start-up company, a balance sheet following the ~~above~~ principles in Subsection R746-349-3(1)(j) must be filed~~[-]; and~~

~~[d-](iv)~~ if the applicant is a subsidiary of another corporation, financial statements following the ~~above~~ principles in Subsection R746-349-3(1)(j) must also be filed for the parent corporation;

~~[+](k)~~ financial statements to demonstrate sufficient financial ability ~~on the part of~~ the applicant~~[- At a minimum]~~ that must show at the least~~[-, the applicant's statements must show]:~~

~~[a-](i)~~ positive net worth for the applicant~~[- CLEC];~~

~~[b-](ii)~~ sufficient projected and verifiable cash flow to meet cash needs as shown in a five-year projection of expected operations~~[-]; and~~

~~[e-](iii)~~ proof of bond as specified in Subsection R746-349-3~~(A)(2)(1)(b)~~;

~~[+](l)~~ a five-year projection of expected operations including the following:

~~[a-](i)~~ pro forma income statements and pro forma cash flow statements~~[-];~~

~~[b-](ii)~~ when applicable, a technical description of the types of technology to be deployed in Utah including types of switches and transmission facilities~~[-]; and~~

~~[e-](iii)~~ when applicable, detailed maps of proposed locations of facilities including a description of the specific facilities and services to be deployed at each location;

~~[+](m)~~ an implementation schedule pursuant to 47 U.S.C. 252(c)(3) of the Telecommunications Act of 1996 which shall include the date local exchange service for residential and business customers will begin;

~~[+](n)~~ evidence of sufficient managerial and technical ability to provide the public telecommunications services contemplated by the application must be demonstrated by a showing of at least the following:

~~[a-](i)~~ proof of certification in other jurisdictions~~[-]~~ and that service is currently being offered in other jurisdictions by the applicant~~[-]; or~~

~~[b.](ii)~~ ~~[or]~~ the corporation has had at least two years of recent experience in providing public telecommunications services related to the type of services the CLEC intends to provide;

~~[15.](o)~~ a statement as to why entry by the applicant is in the public interest;

~~[16.](p)~~ proof of authority to conduct business in Utah;

~~[17.](q)~~ a statement regarding complaints or investigations of unauthorized switching, otherwise known as slamming, or other illegal activities of the applicant or any of its affiliates in any jurisdiction ~~[This statement] that~~ should include the following:

~~[a.](i)~~ sanctions imposed against the applicant for any of these activities~~;~~;

~~[b.](ii)~~ copies of any written documents related to these complaints, investigations, or sanctions, including: orders or other materials from the FCC or state commissions, any courts, or other government bodies, and any complaint letters or other documents from any non-government entities or persons~~;~~; and

~~[c.](iii)~~ the applicant's responses to any of these issues; and

~~[18.](r)~~ a statement about the applicant's written policies regarding the solicitation of new customers and a description of efforts made by the applicant ~~[s]~~ to prevent unauthorized switching of Utah local service by the applicant, its employees, or its agents.

~~[B.](2)~~ Additional questions relating to the technical, financial, and managerial capabilities of the applicant and public interest issues may be submitted by the Division or other parties in accordance with Section R746-1-501, Discovery.

R746-349-4. Reporting Requirements.

~~[A.](1)~~ When a telecommunications corporation files a request for negotiation with another telecommunications corporation for interconnection, unbundling, or resale, the requesting telecommunications corporation shall file a copy of the request with the Commission.

~~[B.](2)~~ Each certificated telecommunications corporation shall file an updated chart of accounts by March 31~~;~~ of each year.

~~[C.](3)~~ Each certificated telecommunications corporation with facilities located in Utah shall maintain network route maps that include ~~[all]each of the~~ areas where the corporation is providing or offering to provide service in Utah. These maps will, at ~~[a minimum]the least,~~ include central office locations, types of switches, hub locations, ring configurations, and facility routes, accompanied by detailed written explanations. These route maps will be provided to the Division or the Commission upon request.

~~[D.](4)~~ Each certificated telecommunications corporation shall file a map with the Division that identifies the areas within the state where the telecommunications corporation is offering service. The map should separately identify areas being served primarily through resale and by facilities owned by the carrier. This map shall be updated within ~~[10]ten~~ days after changes to the service territory occur. The map shall be made available for public inspection.

~~[E.](5)~~ At least five days before offering any public telecommunications service through pricing flexibility, under Section 54-8b-2.3, a telecommunications corporation shall file with the Commission its proposed price list or if ordered by the Commission, the prices, terms, and conditions of a competitive contract. Each filing may be made electronically, shall be made available to the public through the Division, and shall be in compliance with Subsection 54-8b-2.3(3).~~;~~

~~1. describe the public telecommunications services being offered;~~

~~2. set forth the terms and conditions upon which the public telecommunications service is being offered;~~

~~3. list the prices to be charged for the telecommunications service or the basis on which the service will be priced; and~~

~~4. be made available to the public through the Division.]~~

~~[F.](6)~~ The certificated CLEC shall file an annual report with the Division on or before March 31 for the preceding year, unless the CLEC requests and ~~[obtains]gets~~ an extension from the Commission. The annual report shall contain the following information, unless specific forms are provided by the Division:

~~[1.](a)~~ annual revenues from operations attributable to Utah by major service categories~~[-F];~~

~~(b)~~ that information would be provided on a "Total Utah" and "Utah Intrastate" basis~~[-]as follows:~~

~~(i)~~ "Total Utah" will consist of the total of interstate and intrastate revenues~~[-]; and~~

~~(ii)~~ "Utah Intrastate" will reflect only revenues derived from intrastate tariffs, price lists, or contracts~~[-B]; and~~

~~(c)~~ both Total Utah and Utah Intrastate revenues shall be reported according to at least the following classes of service:

~~[a.](i)~~ private line and special access~~;~~;

~~[b.](ii)~~ business local exchange~~;~~;

~~[c.](iii)~~ residential local exchange~~;~~;

~~[d.](iv)~~ measured interexchange~~;~~;

~~[e.](v)~~ vertical services~~;~~; and

~~[f.](vi)~~ business local exchange, residential local exchange, and vertical service revenue will be reported by geographic area, to the extent feasible;

~~[2.](d)~~ annual expenses and estimated taxes attributed to operations in Utah;

~~[3.](e)(i)~~ year-end balances by account for property, plant, equipment, annual depreciation, and accumulated depreciation for telecommunications investment in Utah~~[-F]; and~~

~~(ii)~~ the actual depreciation rates which were applied in developing the annual and accumulated depreciation figures shall also be shown;

~~[4.](f)~~ financial statements prepared in accordance with GAAP~~[- These financial statements] that~~ shall, at ~~[a minimum]the least,~~ include an income statement, balance sheet, and statement of cash flows and include a letter from management attesting to their accuracy, integrity, and objectivity and that the statements follow GAAP;

~~[5.](g)(i)~~ list of services offered to customers and the geographic areas in which those services are offered~~[-F]; and~~

~~(ii)~~ this list shall be current and shall be updated when~~[ever]~~ a new service is offered or a new area is served;

~~[6.](h)~~ number of access lines in service by geographic area, segregated between business and residential customers;

~~[7.](i)~~ number of messages and minutes of services for measured services billed to end users;

~~[8.](j)~~ list of officers and responsible contact personnel updated annually; and

~~[9.](k)(i)~~ a report of gross revenue on a form supplied by the Division~~[-F]; and~~

~~(ii)~~ this report shall be used in calculating the Public Utility Regulation~~ion~~ Fee owed by the CLEC.

~~[G.](7)~~ The annual report and the report of gross revenue filed by a CLEC may be considered protected documents under Title 63G, Chapter 2, the Government Records Access and Management Act, if the CLEC complies with the requirements of that act.

R746-349-5. Change of Service Provider.

~~[A.](1)~~ ~~[A]Each~~ request~~[s]~~ for termination of local exchange or intrastate toll service from an existing

telecommunications corporation and subsequent transfer to a new ~~[carrier]~~telecommunications corporation must be in compliance with ~~[47 CFR 64.1100 and 47 CFR 64.1150]~~[1996], incorporated by ~~[this]~~ reference.

~~[B-]~~(2) A telecommunications ~~[provider]~~corporation will be held liable for both the unauthorized termination of a customer's service with an existing ~~[carrier]~~telecommunications corporation and the subsequent unauthorized transfer to the ~~[providers]~~telecommunications corporation's own service. Telecommunications ~~[providers]~~corporations are responsible for unauthorized service terminations and transfers resulting from the actions of their agents. A ~~[carrier]~~telecommunications corporation that engages in the unauthorized activity shall restore the customer's service to the original ~~[carrier]~~telecommunications corporation without charge to the customer. Customer charges during the unauthorized period shall be the lesser of the charges charged by the original ~~[provider]~~telecommunications corporation or the unauthorized ~~[provider]~~telecommunications corporation. Violators may be punished pursuant to Sections 54-7-25 through 54-7-28. The telecommunications ~~[provider]~~corporation responsible for the unauthorized transfer shall reimburse the customer or the original ~~[carrier]~~telecommunications corporation for reestablishing service to the customer at the applicable tariff, price list, or contract rate of the original ~~[carrier]~~telecommunications corporation.

R746-349-6. CLEC and ILEC Subject to Pricing Flexibility Exemptions.

~~[A-]~~(1) Unless otherwise ordered by the Commission either in the CLEC's certificate proceeding or in a proceeding ~~[instituted]~~initiated by an ILEC, the Commission, or other party, a CLEC or ILEC subject to pricing flexibility pursuant to Section 54-8b-2.3 is exempt from the following statutes and rules. A ~~[H]~~[ny] other rules of the Commission and a ~~[H]~~[ny] other duties of ~~[public utilities]~~a telecommunications corporation not specifically exempted by these rules or by a Commission order apply to a CLEC or ILEC subject to pricing flexibility pursuant to Section 54-8b-2.3. A ~~[H]~~[ny] powers of the Commission not specifically altered by these rules apply to a CLEC or ILEC subject to pricing flexibility pursuant to Section 54-8b-2.3.

- ~~[1-]~~(a) ~~[E]~~[exemptions from Title 54, Public Utilities: Sections 54-3-8]~~[7]~~ and 54-3-19 -- Prohibitions of discrimination
 - Section 54-7-12 -- Rate increases or decreases
 - Section 54-4-21 -- Establishment of property values
 - Section 54-4-24 -- Depreciation rates
 - Section 54-4-26 -- Approval of expenditures; and
- ~~[2-]~~(b) ~~[E]~~[exemptions from Commission rules: Subsection R746-340-2]~~[-](D)~~ -- Uniform System of Accounts (47 CFR 32)
 - Subsection R746-340-2~~[-](E)~~~~[-](1)~~ -- Tariff filings required
 - Subsection R746-340-2~~[-](E)~~~~[-](2)~~ -- Exchange ~~[M]~~[maps

~~[R746-341 -- Lifeline (CLEC with ETC status)]~~
Section R746-344 -- Rate case filing requirements
Section R746-401 -- Reporting of construction, acquisition, and disposition of assets
Section R746-405 -- Tariff formats
Section R746-600 -- Accounting for post-retirement benefits]

~~3. The CLEC will be exempted from the Lifeline rule, R746-341, only until the Commission establishes Lifeline rules that may include the CLEC or until the CLEC begins to provide~~

~~residential local exchange service. The ILEC will not be exempted from the R746-341 Lifeline Rule.~~

R746-349-7. Informal Adjudication of Certain CLEC Merger and Acquisition Transactions.

~~[A-]~~(1)(a) A CLEC may ~~[obtain]~~get approval of a transaction subject to Section 54-4-28, ~~[c]~~[merger, consolidation or combination]~~[7]~~; Section 54-4-29, ~~[c]~~[acquiring voting stock or securities]~~[7]~~; and Section 54-4-30, ~~[c]~~[acquiring properties]~~[7]~~, in the following manner~~[--Such]; and~~

~~[b)]~~ these adjudicative proceedings are designated as informal adjudicative proceedings pursuant to Section 63G-4-203 unless converted to formal adjudicative proceedings.

~~[4-]~~(2) The CLEC shall submit an application which includes~~[, but is not limited to]:~~

- ~~[a-]~~(a) identification that it is not an ILEC~~[7]~~;
- ~~[b-]~~(b) identification that it seeks approval of the application pursuant to ~~[this rule,]~~Section R746-349;
- ~~[e-]~~(c) a reasonably detailed description of the transaction for which approval is sought~~[7]~~;
- ~~[d-]~~(d) a copy of any filings required by the Federal Communications Commission or any other state utility regulatory agency in connection with the transaction~~[7]~~; and
- ~~[e-]~~(e) copies of any notices, correspondence, or orders from any federal agency or any other state utility regulatory agency reviewing the transaction which is the subject of the application.

~~[2-]~~(3) Upon receipt of the CLEC's application, the Commission will issue a public notice stating that the application has been filed, that any interested party may submit comments on the application within 14 days following public notice, and may submit reply comments within 21 days following public notice, and provide notice of the date and time for a hearing on the application~~[7]~~ which shall be scheduled to occur within 30 days following the issuance of the public notice.

~~[3-]~~(4) If no objection to the proposed transaction is submitted in any filed comments or reply comments, the Commission will presume that approval of the transaction is in the public interest and use the information contained in the application and accompanying documents as evidence to support a Commission order.

~~[4-]~~(5) The Commission may convert the proceeding on an application into a formal adjudicative proceeding based upon an objection made in comments or reply comments, evidence submitted, or or other reasonable basis, which may include failure of the transaction to qualify for streamlined treatment from a federal agency, or its own motion, and may continue the hearing on the application as needed.

R746-349-8. CLEC's Obligations with Respect to Provision of Services.

~~[A-]~~(1) The CLEC agrees to provide service within specified geographic areas upon reasonable request and subject to the following conditions:

- ~~[4-]~~(a) the CLEC's obligation to furnish service to customers ~~[is dependent on]~~depends on the availability of suitable facilities on its network at company-designated locations as identified in its annual network route map filing;
- ~~[2-]~~(b) the CLEC will only be responsible for the installation, operation, and maintenance of services that it provides;
- ~~[3-]~~(c) the CLEC will furnish service if it ~~[is able to]~~can get~~[--obtain]~~, ~~[retain]~~keep, and maintain suitable access rights and facilities, without unreasonable expense, and to provide for the

installation of those facilities required incident to the furnishing and maintenance of that service;

[4-](d)(i) at its option, the CLEC may require payment of construction or line-extension charges by the customer ordering telephone service[-F]; and

(ii) those charges will be in addition to the normal rates and charges applicable to the service being provided;

[5-](e) when potential customers are so located that it is necessary or desirable to use private or government right-of-way to furnish service, those potential customers may be required, at the CLEC's option, to provide or pay the cost of providing the right-of-way in addition to any other charges; and

[6-](f) a[4]ny construction of facilities will be undertaken at the discretion of the CLEC, consistent with budgetary responsibilities and consideration for the impact on the CLEC's other customers and contractual responsibilities.

R746-349-9. Pricing Flexibility Revocation, Conditions, or Restrictions.

[A-](1) The Commission may initiate or any interested person may request agency action for the Commission to initiate, a proceeding to revoke or impose conditions or restrictions on a telecommunications corporation's pricing flexibility as authorized by Subsection 54-8b-2.3(8).

[4-](2) A request to initiate any proceeding pursuant to ~~this rule~~ Section R746-349-9 shall:

[a-](a) [H]identify the telecommunications corporation [~~or corporations~~] and the public telecommunications service [~~or services~~] whose pricing flexibility the requesting [party]person believes may be subject to revocation or imposition of conditions or restrictions;

[b-](b) [F]the basis for the belief; and

[e-](c) [F]the relief sought.

[2-](3) A request to initiate a proceeding shall be served upon the telecommunications corporation [~~or corporations~~] the requesting [party]person has identified in the request, the Division, and the Committee.

[3-](4) The telecommunications corporation [~~or corporations~~] against whom the request is directed and any other interested [party]person may respond to the request in accordance with the Commission's procedural rules and standard practices.

[4-](5)(a) [H]if a proceeding is initiated, an interested [party]person may request to review confidential information retained by the Commission or the Division that is reasonably related to any potential grounds for revocation, conditioning, or restriction under Subsection 54-8b-2.3(8)[-F];

(b) the [party]person shall certify that it seeks to review that confidential information solely [~~for purposes of~~]to determine[ing] whether a sufficient factual basis exists to and that the confidential information will not be used for any other purpose or disclosed to any person[s] who may be able to use the confidential information in business decisions to any [party]person's competitive advantage[-Prior to]; and

(c) before disclosing any confidential information, the Commission or the Division:

[a-](i) [S]shall require the requesting [party]person to execute an appropriate non-disclosure agreement;

[b-](ii) [S]shall notify any telecommunications corporation whose company-specific information would be disclosed of the request at least 14 calendar days before the planned date for disclosing ~~such~~the information; and

[e-](iii)(A) [S]shall not disclose the company-specific information of any telecommunications corporation that objects to

disclosure of its confidential information, if [~~such~~]the telecommunications corporation files with the Commission or Division and serves upon other parties an objection to the disclosure of ~~such~~the confidential information within [~~40~~ten] calendar days after receiving the notice required by Subsection R746-349-9(5)[-4](c)[-b](ii)[-F]; and

(B) the Commission shall conduct a hearing at which the telecommunications corporation whose confidential information may be disclosed is given the opportunity to present its objections or request terms and conditions for disclosure and during which other parties may respond to the telecommunications corporation whose confidential information is sought to be disclosed.

[5-](6) In any proceeding conducted, the Commission will enter an appropriate protective order to ensure protection for confidential, proprietary, and competitively sensitive information that has been or is provided to the Commission, the Division, the Committee, or another party to the proceeding.

[6-](7) Nothing in this rule limits the ability of any [party]person or the Commission to raise or address any issue in any other proceeding or as permitted by law.

R746-349-10. Competitive Entry into an Area Eligible for Universal Public Telecommunications Service Support Fund Requirements.

(1) Applications for competitive entry to any area eligible for Universal Public Telecommunications Service Support Fund (UUSF) pursuant to Section 54-8b-2.1 and consistent with Section 54-8b-15 shall comply with Section R746-349-10.

(2) In addition to the requirements set forth in Section R746-349-3, each applicant for a certificate as a COLR in a certificated area eligible for support from the UUSF shall include in its application:

(a) a statement identifying the exchanges where the applicant is planning to serve;

(b) a statement confirming that the applicant intends to provide public telecommunications services to any customer or class of customer who requests service within each exchange;

(c) a statement identifying:

(i) the services to be offered by the applicant;

(ii) the technology to be installed by the applicant; and

(iii) performance metrics of the offered services including projected upload and download speed, latency, capacity, and any other applicable measures;

(d) a pro forma detailed build-out plan for serving as the COLR in the local exchanges that identifies, with particularity:

(i) the areas where facilities will be installed including a detailed map;

(ii) projected costs;

(iii) projected revenue; and

(iv) an overall timeline for completion of the build-out that includes a beginning date, completion date, and relevant major milestone dates; and

(e) an estimate of the required UUSF support using the relevant tabs of the current Utah Division of Public Utilities' Incumbent Local Exchange Carrier Annual Report form, found on the Division's website.

(3)(a) Notice provided to the existing telecommunications corporation holding a certificate to provide public telecommunications service within the geographic area where the applicant is seeking to provide service, the existing COLR, made pursuant to Subsection 54-8b-2.1(3)(b) shall include a copy of the application; and

(b) the application provided to the existing COLR with the initial notice may be redacted pursuant to Sections R746-1-601 through R746-1-606, but it shall include at least:

(i) a detailed map identifying areas within each exchange served by the existing COLR where the applicant's facilities will be installed;

(ii) the services provided by the applicant;

(iii) the technology to be installed by the applicant;

(iv) performance metrics of the offered services including projected upload and download speed, latency, capacity, and any other applicable measures;

(v) the projected timeline for the build-out that includes a beginning date, completion date, and relevant major milestone dates; and

(vi) projected UUSF support.

(4) Claims of confidentiality with respect to the application and any additional information to be provided pursuant to Subsections R746-349-10(2), R746-349-10(3), and R746-349-10(5), will be addressed consistent with Sections R746-1-601 through R746-1-606.

(5) The existing COLR:

(a) pursuant to Subsection 54-8b-2.1(3)(b), shall be granted automatic status as an intervenor in the proceeding addressing the application of competitive entry; and

(b) may challenge the applicant's application with the Commission on the following grounds:

(i) the information provided by the applicant is flawed or otherwise insufficient to justify competitive entry;

(ii) affordable high quality public telecommunications service is available in the relevant service areas and the applicant's proposed service offering is unlikely to materially improve the service quality or affordability for customers;

(iii) the existing COLR has a reasonable build-out plan that will result in the investment in more efficient development, more timely deployment, or both, of telecommunications infrastructure and facilities in the proposed local exchange that are superior to the investments proposed by the applicant; or

(iv) granting the application is otherwise not in the public interest.

(6) If an existing COLR seeks to challenge the application on the grounds that it has a competing plan pursuant to Subsection R746-349-10(5)(b)(iii), 90 days after the filing of the application unless otherwise modified by the Commission, the existing COLR shall submit a filing with the Commission which contains the information required by Subsection R746-349-10(2), including information required by Section R746-349-3, and provide notice to the applicant that includes the information required by Subsection R746-349-10(3).

(7) Other interested persons may seek intervention pursuant to Commission rules to challenge an application on the grounds that the application is not in the public interest.

(8) In determining whether granting the application is in the public interest, and whether the proposed expenditures are reasonable, the Commission shall consider the following factors:

(a) whether the proposed infrastructure duplicates current telecommunications infrastructure in the proposed service area;

(b) the current service quality in the proposed service area;

(c) the commitment level of both the applicant and the existing COLR in the proposed service territory; and

(d) any other factor the Commission considers appropriate.

(9) If the Commission grants the applicant competitive entry in a certificated area eligible for support from the UUSF:

(a) the Commission shall, except as otherwise provided in Section R746-349-10:

(i) approve the build-out plan of the applicant as contained in the application, as may be amended by the applicant, or agreed to by the parties, including a finding of total projected costs, initial milestones, and reporting requirements;

(ii) include a provision that, subject to Subsections R746-349-10(9)(b) and R746-349-10(9)(c), the applicant will reasonably adhere to the approved build-out plan and shall be entitled to recovery of the costs reasonably incurred in completion of the build-out plan as determined by the Commission pursuant to Section 54-8b-15;

(iii) provide that the existing COLR, to the extent that it remains a rate of return regulated utility, shall continue to be eligible for ongoing UUSF support on existing used and useful rate base consistent with Section 54-8b-15 and Section R746-8-401;

(iv) provide that the existing COLR will not be entitled to recover capital expenditures for facilities that duplicate any portion of the approved build-out plan of the applicant without a showing of good cause and a specific finding by the Commission that the existing COLR's proposed expenditures are cost effective and reasonable costs for UUSF support. If the existing COLR is not permitted to upgrade facilities pursuant to Subsection R746-349-10(9), service to the customer who receives a reasonably comparable quality of service from the other COLR will be provided at the customer's request pursuant to a line extension tariff as set forth in Subsection R746-349-10(13); and

(v) provide that the applicant will not be entitled to recover capital expenditures for facilities not approved as part of the order that duplicate existing facilities without a showing of good cause and a specific finding by the Commission that the applicant's proposed expenditures are cost effective and reasonable costs for UUSF support;

(b) if a person reasonably believes that the applicant is materially departing from the approved build-out plan, that person may file a request for agency action with the Commission pursuant to Section 54-7-9; and

(c) notwithstanding Section R746-349-10, the Commission may conduct a hearing to disallow any of the costs incurred by the applicant associated with an approved build-out plan upon a finding by the Commission that the applicant is responsible for intentional underbidding, material misrepresentation, or concealment associated with the competitive entry process.

(10) In a proceeding where an existing COLR challenges an application for competitive entry with an alternative build-out plan, pursuant to Subsection R746-349-10(5)(b)(iii), the existing COLR shall petition the Commission for pre-approval of proposed expenditures in the local exchanges.

(a) If the Commission denies competitive entry, the Commission shall:

(i) approve the alternative build-out plan of the existing COLR, including a finding of total projected costs, initial milestones, and reporting requirements;

(ii) require the existing COLR to proceed with its alternative build-out plan; and

(iii) include a provision that, subject to Subsections R746-349-10(10)(b) and R746-349-10(10)(c), the existing COLR will reasonably adhere to the approved build-out plan and shall be entitled to recovery of the costs reasonably incurred in completion of the build-out plan as determined by the Commission pursuant to Section 54-8b-15;

(b) if a person reasonably believes that the existing COLR is materially departing from the approved build-out plan, that person

NOTICES OF PROPOSED RULES

may file a request for agency action with the Commission pursuant to Section 54-7-9; and

(c) notwithstanding Section R746-349-10, the Commission may disallow any of the costs incurred by the existing COLR associated with an approved build-out plan upon a finding by the Commission that the existing COLR is responsible for intentional underbidding, material misrepresentation, or concealment associated with the competitive entry process.

(11) The Commission in its order on the application may:

(a) establish additional reporting requirements for the applicant or existing COLR; and

(b) schedule a final review of the applicant's or existing COLR's build-out or capital projects to ensure the approved plan was implemented prudently.

(12) In a local exchange where the Commission has granted competitive entry to more than one COLR, any COLR may petition the Commission for relief from its COLR obligations in a competitive local exchange pursuant to Section 54-8b-3.

(13) In local exchanges served by two or more COLRs, the COLRs shall be required to implement line extension tariffs to prevent the UUSF from supporting duplicative infrastructure.

(a) To achieve this objective, the COLR's line extension tariffs shall include language that ensures that a customer who has access to functionally equivalent public telecommunications service at a reasonably comparable quality of service from another provider, but who seeks service from a COLR not currently serving the customer, the non-serving COLR, may request service from the non-serving COLR; and

(b) if service is requested from the non-serving COLR, the non-serving COLR's obligation to provide the service shall be subject to the non-serving COLR's line extension tariff.

KEY: essential facilities, imputation, public utilities, telecommunications, UUSF, carrier of last resort, competitive entry

Date of Last Change: 2022[August 25, 2008]

Notice of Continuation: January 27, 2022

Authorizing, and Implemented or Interpreted Law: 54-7-25 through 28; 54-8b-2; 54-8b-3.3; 63G-4; 54-8b-2.1; 54-8b-15

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R861-1A-42	Filing ID: 54937

Agency Information

1. Department:	Tax Commission	
Agency:	Administration	
Building:	Utah State Tax Commission	
Street address:	210 N 1950 W	
City, state and zip:	Salt Lake City, UT 84134	
Contact persons:		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov

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

General Information

2. Rule or section catchline:
R861-1A-42. Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This section is being amended to update the timely mailing grounds for a reasonable cause waiver of to waive penalties to include timely electronic submission of returns or payments. This change is necessary to allow the section to remain consistent with the shift of tax filing method from paper to electronic filing.
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):
Update the timely mailing grounds for a reasonable cause waiver of to waive penalties to include timely electronic submission of returns or payments.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This amendment is not expected to impact the state budget because it only updates the existing grounds for penalty and interest waiver to include electronically filed returns.
B) Local governments:
This amendment is not expected to impact local governments because it only updates the existing grounds for penalty and interest waiver to include electronically filed returns.
C) Small businesses ("small business" means a business employing 1-49 persons):
This amendment is not expected to impact small businesses because it only updates the existing grounds for penalty and interest waiver to include electronically filed returns.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This amendment is not expected to impact non-small businesses because it only updates the existing grounds for penalty and interest waiver to include electronically filed returns.

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

This amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local government entities because it only updates the existing grounds for penalty and interest waiver to include electronically filed returns.

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

This amendment is not expected to impose compliance costs on affected persons because it only updates the existing grounds for penalty and interest waiver to include electronically filed returns.

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

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

One of the Commissioners of the Utah State Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 59-1-401		
------------------	--	--

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:	11/21/2022
---	------------

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Rebecca L. Rockwell, Commissioner	Date:	09/30/2022
---	-----------------------------------	--------------	------------

R861. Tax Commission, Administration.

R861-1A. Administrative Procedures.

R861-1A-42. Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401.

(1) Procedure.

(a) A taxpayer may request a waiver of penalties or interest for reasonable cause under Section 59-1-401 if the following conditions are met:

- (i) the taxpayer provides a signed statement, with appropriate supporting documentation, requesting a waiver;
- (ii) the total tax owed for the period has been paid;
- (iii) the tax liability is based on a return the taxpayer filed with the commission, and not on an estimate provided by the taxpayer or the commission;
- (iv) the taxpayer has not previously received a waiver review for the same period; and
- (v) the taxpayer demonstrates that there is reasonable cause for waiver of the penalty or interest.

(b) Upon receipt of a waiver request, the commission shall:

- (i) review the request;
- (ii) notify the taxpayer if additional documentation is needed to consider the waiver request; and
- (iii) review the account history for prior waiver requests, taxpayer deficiencies, and historical support for the reason given.

NOTICES OF PROPOSED RULES

(c) Each request for waiver is judged on its individual merits.

(d) If the request for waiver of penalty or interest is denied, the taxpayer has a right to appeal. Procedures for filing appeals are found in Title 63G, Chapter 4, Administrative Procedures Act, and commission rules.

(e) If a taxpayer first requests a waiver of penalties or interest in an appeal to the commission, the taxpayer is not required to meet Subsections (1)(a)(i) through (iv).

(2) Reasonable Cause for Waiver of Interest. Grounds for waiving interest are more stringent than for penalty. To be granted a waiver of interest, the taxpayer must prove that the commission gave the taxpayer erroneous information or took inappropriate action that contributed to the error.

(3) Reasonable Cause for Waiver of Penalty. The following clearly documented circumstances may constitute reasonable cause for a waiver of penalty:

(a) Timely Mailing or Electronic Submission:

(i) The taxpayer mailed or electronically submits the return ~~[with]~~and payment to the commission by the due date and it was not timely delivered or electronically transmitted to the commission ~~[by the post office]~~ through no fault of the taxpayer.

(ii) In cases where the taxpayer cannot document a ~~[post office]~~delivery or electronic transmission error, the penalties may be waived if the taxpayer:

(A) has an excellent history of compliance;

(B) proves that sufficient funds were in the bank as of the date of payment, and if applicable, the check was written in numerical order; and

(C) presents documentation showing that the return ~~[or]~~and payment was mailed or electronically submitted timely.

(b) Wrong Filing Place: The return or payment was filed on time, but was delivered to the wrong office or agency.

(c) Death or Serious Illness:

(i) The death or serious illness of a taxpayer or a member of the taxpayer's immediate family caused the delay.

(ii) With respect to a business, trust, or estate, the death or illness must have been of the individual, or the immediate family of the individual, who had sole authority to file the return.

(iii) The death or illness must have occurred on or immediately ~~[prior to]~~before the due date of the return.

(d) Unavoidable Absence: The person having sole responsibility to file the return was absent from the state due to circumstances beyond their control.

(e) Disaster Relief:

(i) A delay in reporting, filing, or paying was due either to a governmentally declared disaster or to a natural disaster, such as fire or accident, that results in the destruction of records or disruption of business.

(ii) For purposes of this Subsection (3)(e), "governmentally declared disaster" means a disaster declared by:

(A) a state;

(B) the District of Columbia;

(C) a possession or territory of the United States; or

(D) the United States government.

(iii) If delinquency or delay is due to a federally declared disaster, federal relief guidelines shall be followed.

(iv) In the absence of federal guidelines, and for other listed disasters, the taxpayer must demonstrate the matter was corrected within a reasonable time, given the circumstances.

(f) Reliance on Erroneous Tax Commission Information:

(i) Underpayments and late filings or payments were attributable to incorrect advice obtained from the commission, unless the taxpayer gave the commission inaccurate or insufficient information.

(ii) Proof of erroneous information may be based on written communication provided by the commission or, if the taxpayer clearly documents, verbal communication. Clear documentation of verbal communication should include the dates, times, and names of commission employees who provided the erroneous information.

(iii) A failure to comply will also be excused if it is demonstrated that the taxpayer requested the necessary tax forms and instructions timely, and the commission failed to timely provide the forms and instructions requested.

(g) Tax Commission Office Visit: The taxpayer proves that before expiration of the time for filing the return or making the payment, the taxpayer visited a commission office for information or help in preparing the return and a commission employee was not available for consultation.

(h) Unobtainable Records: For reasons beyond the taxpayer's control, the taxpayer was unable to obtain records to determine the amount of tax due.

(i) Reliance on Competent Tax Advisor: The taxpayer:

(i) furnishes all necessary and relevant information to a competent tax advisor, and the tax advisor:

(A) incorrectly advises the taxpayer;

(B) fails to timely file a return on behalf of the taxpayer; or

(C) fails to make a payment on behalf of the taxpayer; and

(ii) demonstrates that the taxpayer exercised ordinary business care, prudence, and diligence in determining whether to seek further advice.

(j) First Time Filer:

(i) It is the first return required to be filed and the taxes were filed and paid within a reasonable time after the due date.

(ii) The commission may also consider waiving penalties on the first return after a filing period change if the return is filed and tax is paid within a reasonable time after the due date.

(k) Bank Error:

(i) The taxpayer's bank has made an error in returning a check, making a deposit or transferring money.

(ii) A letter from the bank verifying its error is required.

(l) Compliance History:

(i) The commission will consider the taxpayer's recent history for payment, filing, and delinquencies in determining whether a penalty may be waived.

(ii) The commission will also consider whether other tax returns or reports are overdue on the date the waiver is requested.

(m) Employee Embezzlement: The taxpayer shows that failure to pay was due to employee embezzlement of the tax funds and the taxpayer was unable to obtain replacement funds from any other source.

(n) Recent Tax Law Change: The taxpayer's failure to file and pay was due to a recent change in tax law that the taxpayer could not reasonably be expected to be aware of.

(4) Other Considerations for Determining Reasonable Cause.

(a) The commission allows for equitable considerations in determining whether reasonable cause exists to waive a penalty. Equitable considerations include:

(i) whether the commission had to take legal means to collect the taxes;

- (ii) if the error is caught and corrected by the taxpayer;
 - (iii) the length of time between the event cited and the filing date;
 - (iv) typographical or other written errors; and
 - (v) other factors the commission deems appropriate.
- (b) Other clearly supported extraordinary and unanticipated reasons for late filing or payment, which demonstrate reasonable cause and the inability to comply, may justify a waiver of the penalty.
- (c) In most cases, ignorance of the law, carelessness, or forgetfulness does not constitute reasonable cause for waiver. Nonetheless, other supporting circumstances may indicate that reasonable cause for waiver exists.
- (d) Intentional disregard, evasion, or fraud does not constitute reasonable cause for waiver under any circumstance.

KEY: developmental disabilities, grievance procedures, taxation, disclosure requirements

Date of Last Change: ~~March 28,~~ 2022

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: 10-1-405; 41-1a-209; 52-4-207; 59-1-205; 59-1-207; 59-1-210; 59-1-301; 59-1-302.1; 59-1-304; 59-1-401; 59-1-403; 59-1-404; 59-1-405; 59-1-501; 59-1-502.5; 59-1-602; 59-1-611; 59-1-705; 59-1-706; 59-1-1004; 59-1-1404; 59-7-505; 59-10-512; 59-10-532; 59-10-533; 59-10-535; 59-12-107; 59-12-114; 59-12-118; 59-13-206; 59-13-210; 59-13-307; 59-10-544; 59-14-404; 59-2-212; 59-2-701; 59-2-705; 59-2-1003; 59-2-1004; 59-2-1006; 59-2-1007; 59-2-704; 59-2-924; 59-7-517; 63G-3-301; 63G-4-102; 76-8-502; 76-8-503; 59-2-701; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-204; 63G-4-205 through 63G-4-209; 63G-4-302; 63G-4-401; 63G-4-503; 63G-3-201(2); 68-3-7; 68-3-8.5; 69-2-5; 42 USC 12201; 28 CFR 25.107 1992 Edition

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R861-1A-43	Filing ID: 54939

Agency Information

1. Department:	Tax Commission	
Agency:	Administration	
Building:	Utah State Tax Commission	
Street address:	210 N 1950 W	
City, state and zip:	Salt Lake City, UT 84134	
Contact persons:		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R861-1A-43. Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This section is being amended to establish the conditions under which a commissioner who is participating electronically in a public meeting of the Utah State Tax Commission will be counted for purposes of calculating whether a quorum of commissioners are present. This change is being made to comply with the requirements of H.B. 22, Open and Public Meeting Act Modifications, which passed during the 2022 General Session of the Legislature.
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):
Establishes the conditions under which a commissioner who is participating electronically in a public meeting of the Utah State Tax Commission will be counted for purposes of calculating whether a quorum of commissioners are present.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This amendment is not expected to impact the state budget because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the Utah State Tax Commission.
B) Local governments:
This amendment is not expected to impact local governments because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the Utah State Tax Commission.
C) Small businesses ("small business" means a business employing 1-49 persons):
This amendment is not expected to impact small businesses because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the Utah State Tax Commission.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This amendment is not expected to impact non-small businesses because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the Utah State Tax Commission.

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

This amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local government entities because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the Utah State Tax Commission.

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

This amendment is not expected to impose compliance costs on affected persons because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the Utah State Tax Commission.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

One of the Commissioners of the Utah State Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 52-4-407		
------------------	--	--

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:	11/21/2022
---	------------

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Rebecca L. Rockwell, Commissioner	Date:	09/30/2022
---	-----------------------------------	--------------	------------

R861. Tax Commission, Administration.

R861-1A. Administrative Procedures.

R861-1A-43. Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207.

(1) A commissioner may participate electronically in a meeting open to the public under Section 52-4-207 if:

(a) two commissioners are present at a single anchor location; or

(b) one commissioner is present at the anchor location.

(2) If Subsection (1)(b) applies, the commissioner at the anchor location shall conduct the meeting.

(3)(a) The commission shall indicate in a public notice if the public may participate electronically in a meeting open to the public under Section 52-4-207.

(b) A notice provided under Subsection (3)(a) shall direct the public on how to participate electronically in the meeting.

(4) A commissioner who is participating electronically pursuant to Subsection (1) shall be included in calculating a quorum if the commissioner is:

(a) connected by audio means; and

(b) verbally recognized as electronically present by a commissioner at the anchor location.

KEY: developmental disabilities, grievance procedures, taxation, disclosure requirements

Date of Last Change: ~~March 28,~~ 2022

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: 10-1-405; 41-1a-209; 52-4-207; 59-1-205; 59-1-207; 59-1-210; 59-1-301; 59-1-302.1; 59-1-304; 59-1-401; 59-1-403; 59-1-404; 59-1-405; 59-1-501; 59-1-502.5; 59-1-602; 59-1-611; 59-1-705; 59-1-706; 59-1-1004; 59-1-1404; 59-7-505; 59-10-512; 59-10-532; 59-10-533; 59-10-535; 59-12-107; 59-12-114; 59-12-118; 59-13-206; 59-13-210; 59-13-307; 59-10-544; 59-14-404; 59-2-212; 59-2-701; 59-2-705; 59-2-1003; 59-2-1004; 59-2-1006; 59-2-1007; 59-2-704; 59-2-924; 59-7-517; 63G-3-301; 63G-4-102; 76-8-502; 76-8-503; 59-2-701; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-204; 63G-4-205 through 63G-4-209; 63G-4-302; 63G-4-401; 63G-4-503; 63G-3-201(2); 68-3-7; 68-3-8.5; 69-2-5; 42 USC 12201; 28 CFR 25.107 1992 Edition

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R865-19S-92	Filing ID: 54935

Agency Information

1. Department:	Tax Commission	
Agency:	Auditing	
Building:	Utah State Tax Commission	
Street address:	210 N 1950 W	
City, state and zip:	Salt Lake City, UT 84134	
Contact persons:		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R865-19S-92. Computer Software and Other Related Transactions Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-211
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This section is being amended to clarify that the sale, rental, or lease of custom computer software constitutes a sale of personal services that is not subject to the sales and use tax

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 amendment clarifies that the sale, rental, or lease of custom computer software constitutes a sale of personal services that is not subject to the sales and use tax.

Fiscal Information

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

A) State budget:
This amendment is not expected to impact the state budget because it is only a clarification of the Tax Commission's longstanding position that the specific transactions described in this rule are not subject to the sales and use tax.

B) Local governments:
This amendment is not expected to impact local governments because it is only a clarification of the Tax Commission's longstanding position that the specific transactions described in this rule are not subject to the sales and use tax.

C) Small businesses ("small business" means a business employing 1-49 persons):
This amendment is not expected to impact small businesses because it is only a clarification of the Tax Commission's longstanding position that the specific transactions described in this rule are not subject to the sales and use tax.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This amendment is not expected to impact non-small businesses because it is only a clarification of the Tax Commission's longstanding position that the specific transactions described in this rule are not subject to the sales and use tax.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):
This amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local government entities because it is only a clarification of the Tax Commission's longstanding position that the

specific transactions described in this rule are not subject to the sales and use tax.

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

This amendment is not expected to impose compliance costs on affected persons because it is only a clarification of the Tax Commission's longstanding position that the specific transactions described in this rule are not subject to the sales and use tax.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

One of the Commissioners of the Utah State Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 59-12-103	Section 59-12-211	
-------------------	-------------------	--

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:	11/21/2022
---	------------

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Rebecca L. Rockwell, Commissioner	Date:	09/30/2022
---	-----------------------------------	--------------	------------

R865. Tax Commission, Auditing.

R865-19S. Sales and Use Tax.

R865-19S-92. Computer Software and Other Related Transactions Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-211.

(1) "Computer-generated output" means the microfiche, microfilm, paper, discs, tapes, molds, or other tangible personal property generated by a computer.

(2) The sale, rental or lease of custom computer software constitutes a sale of personal services and is ~~exempt from~~ not subject to the sales or use tax, regardless of the form in which the software is purchased or transferred. Charges for services such as software maintenance, consultation in connection with a sale or lease, enhancements, or upgrading of custom software are not taxable.

(3) The sale of computer-generated output is subject to the sales or use tax if the primary object of the sale is the output and not the services rendered in producing the output.

(4)(a) The provisions for determining the location of a transaction under Subsection (4)(b) apply if:

- (i) a purchaser uses computer software;
- (ii) there is not a transfer of a copy of the computer software to the purchaser; and
- (iii) the purchaser uses the computer software at more than one location.

(b) The location of a transaction described in Subsection (4)(a) is:

- (i) if the seller is required to collect and remit tax to the commission for the purchase, and the purchaser provides the seller at the time of purchase a reasonable and consistent method for allocating the purchase to multiple locations, the location determined by applying that reasonable and consistent method of allocation; or

(ii) if the seller is required to collect and remit tax to the commission for the purchase, and the seller does not receive information described in Subsection (4)(b)(i) from the purchaser at the time of the purchase, the location determined in accordance with Subsections 59-12-211(4) and (5); or

(iii) if the purchaser accrues and remits sales tax to the commission for the purchase, the location determined:

(A) by applying a reasonable and consistent method of allocation; or

(B) in accordance with Subsections 59-12-211(4) and (5).

KEY: charities, tax exemptions, religious activities, sales tax

Date of Last Change: 2022 [November 30, 2020]

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: 9-2-1702; 9-2-1703; 10-1-303; 10-1-306; 10-1-307; 10-1-405; 19-6-808; 26-32a-101 through 26-32a-113; 59-1-210; 59-12; 59-12-102; 59-12-103; 59-12-104; 59-12-105; 59-12-106; 59-12-107; 59-12-108; 59-12-118; 59-12-301; 59-12-352; 59-12-353

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R877-23V-24	Filing ID: 54941

Agency Information

1. Department:	Tax Commission	
Agency:	Motor Vehicle Enforcement	
Building:	Utah State Tax Commission	
Street address:	210 N 1950 W	
City, state and zip:	Salt Lake City, UT 84134	
Contact persons:		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R877-23V-24. Advisory Board Procedures Pursuant to Utah Code Ann. Section 41-3-106
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This section is being amended to establish the conditions under which a board member who is participating electronically in a public meeting of the motor vehicle advisory board will be counted for purposes of calculating whether a quorum of board members are present. This change is being made to comply with the requirements of H.B. 22, Open and Public Meeting Act Modifications, which

passed during the 2022 General Session of the Legislature.

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 amendment establishes the conditions under which a board member who is participating electronically in a public meeting of the motor vehicle advisory board will be counted for purposes of calculating whether a quorum of board members are present.

Fiscal Information

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

A) State budget:

This amendment is not expected to impact the state budget because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the motor vehicle advisory board.

B) Local governments:

This amendment is not expected to impact local governments because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the motor vehicle advisory board.

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

This amendment is not expected to impact small businesses because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the motor vehicle advisory board.

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

This amendment is not expected to impact non-small businesses because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the motor vehicle advisory board.

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

This amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local government entities because there are no costs or savings associated with the procedure for establishing a

quorum for purposes of public meeting of the motor vehicle advisory board.

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

This amendment is not expected to impose compliance costs on affected persons because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the motor vehicle advisory board.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

One of the Commissioners of the Utah State Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 59-2-514		
------------------	--	--

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:	11/21/2022
---	------------

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Rebecca L. Rockwell, Commissioner	Date:	09/30/2022
---	-----------------------------------	--------------	------------

R877. Tax Commission, Motor Vehicle Enforcement.

R877-23V. Motor Vehicle Enforcement.

R877-23V-24. Advisory Board Procedures Pursuant to Utah Code Ann. Section 41-3-106.

(1) "Board" means the Advisory Board established in Section 41-3-106.

(2) The board is subject to Title 52, Chapter 4, Open and Public Meetings Act.

(3) A board member may participate electronically in a meeting open to the public under Section 52-4-207 if:

- (a) the agenda posted for the meeting establishes one or more anchor locations for the meeting where the public may attend;
- (b) at least one board member is at an anchor location; and
- (c) each participating board members may be heard by any person attending at an anchor location.

(4) A board member who is participating electronically pursuant to Subsection (3) shall be included in calculating a quorum if the board member is:

- (a) connected by audio means; and
- (b) verbally recognized as electronically present by a board member at the anchor location.

KEY: taxation, motor vehicles

Date of Last Change: [July 16,] 2022

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: 41-1a-712; 41-3-105; 41-3-201; 41-3-202; 41-3-210; 41-3-301; 41-3-302; 41-3-305; 41-3-503; 41-3-505; 41-3-506; 41-3-507

NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Rule or Section Number:	R884-24P-53	Filing ID:	54938

Agency Information

1. Department:	Tax Commission		
Agency:	Property Tax		
Building:	Utah State Tax Commission		
Street address:	210 N 1950 W		
City, state and zip:	Salt Lake City, UT 84134		
Contact persons:			
Name:	Phone:	Email:	
Chantay Asper	801-297-3901	casper@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R884-24P-53. 2022 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Section 59-2-515 authorizes the State Tax Commission to make rules necessary to effectuate the Farmland Assessment Act. Section 59-2-514 creates the State Farmland Advisory Committee (Committee) and requires a person appointed by the Tax Commission to serve as chair. This Committee reviews several classifications of land in agricultural use in the various areas of the state and recommends a range of values for each of the classifications based upon productive capabilities of the land when devoted to agricultural use. The recommendations are then submitted to the Tax Commission for approval and publication in rule. This proposed rule represents the committee's recommendations.
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 amendment provides 2023 updates for a range of values for classifications of agricultural land throughout the state based upon productive capabilities of the land when devoted to agricultural use.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The aggregate anticipated cost or savings to the state budget is undetermined. However, based on available information, the overall aggregate anticipated cost or savings to the state budget is expected to be minimal as a result of this amendment. The Education Fund receives revenue based on increased or decreased real and personal property valuation, including property assessed under the FAA. Property valuation changes have been recommended by class and by county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA assessment in the coming year.
B) Local governments:
The aggregate anticipated cost or savings to local governments is undetermined. However, based on available information, the overall aggregate anticipated cost or savings to local governments is expected to be minimal. Local governmental entities receive tax revenue based on increased or decreased property valuation, including property assessed under FAA. Property valuation changes have been recommended by class and by county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA assessment in the coming year. Additionally, county assessors' offices statewide will be required to input the new value indicators into their systems to be applied against the acreage for individual properties. This input process is easily accomplished on an annual basis and represents no significant cost in time or money to the assessors' offices.
C) Small businesses ("small business" means a business employing 1-49 persons):
The aggregate anticipated costs or savings to small businesses is undetermined. However, based on available information, the aggregate costs or savings to small businesses as a cohort is expected to be minimal. Each individual small business with property eligible for assessment under the FAA may see a change in value which may result in costs or savings. The extent of these costs or savings are subject to the specific small businesses' unique mix of property class and situs county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA assessment in the coming year. Additionally, any cost or savings estimate will be further altered by changes to local property tax rates.

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

The aggregate anticipated costs or savings to non-small businesses is undetermined. However, based on available information, the aggregate costs or savings to non-small businesses as a cohort is expected to be minimal. Each individual non-small business with property eligible for assessment under the FAA may see a change in value which may result in costs or savings. The extent of costs or savings are subject to the specific non-small businesses' unique mix of property class and situs county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA assessment in the coming year. Additionally, any cost or savings estimate will be further altered by changes to local property tax rates.

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 aggregate anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities (persons) is undetermined. However, based on available information, the aggregate costs or savings to persons as a cohort is expected to be minimal. Each person with property eligible for assessment under the FAA may see a change in value which may result in costs or savings. The extent of costs or savings are subject to the specific person's unique mix of property class and situs county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA assessment in the coming year. Additionally, any cost or savings estimate will be further altered by changes to local property tax rates.

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

County assessors' offices statewide will be required to input the new value indicators into their systems to be applied against the acreage for individual properties. This input process is easily accomplished on an annual basis and represents no significant compliance cost in time or money to the assessors' offices.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

One of the Commissioners of the Utah State Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 59-2-515

Public Notice Information

8. 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: 11/14/2022

9. This rule change MAY become effective on:	11/21/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Rebecca L. Rockwell, Commissioner	Date:	09/30/2022
---	-----------------------------------	--------------	------------

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-53. [2022]2023 [Valuation] Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.

(1) Each year the Property Tax Division shall update and publish schedules to determine the taxable value for land subject to the Farmland Assessment Act on a per acre basis.

(a) The schedules shall be based on the productivity of the various types of agricultural land as determined through crop budgets and net rents.

(b) Proposed schedules shall be transmitted by the Property Tax Division to county assessors for comment before adoption.

(c) County assessors may not deviate from the schedules.

(d) Not all types of agricultural land exist in every county. If no taxable value is shown for a particular county in one of the tables, that classification of agricultural land does not exist in that county.

(2) Property qualifying for agricultural use assessment pursuant to Section 59-2-503 shall be assessed on a per acre basis as follows:

(a) Irrigated farmland shall be assessed under the following classifications.

(i) Irrigated I. The following counties shall assess Irrigated I property based upon the per acre values listed in TABLE 1, Irrigated I:

County	Per Acre Value
Box Elder	[\$694] <u>\$680</u>
Cache	[\$594] <u>\$588</u>
Carbon	\$453
Davis	[\$735] <u>\$724</u>
Emery	\$429
Iron	[\$689] <u>\$688</u>
Kane	\$358
Millard	[\$683] <u>\$681</u>
Salt Lake	[\$636] <u>\$618</u>
Utah	[\$656] <u>\$649</u>
Washington	[\$560] <u>\$559</u>
Weber	[\$708] <u>\$705</u>

(ii) Irrigated II. The following counties shall assess Irrigated II property based upon the per acre values listed in TABLE 2, Irrigated II:

County	Per Acre Value
Beaver	<u>\$515</u>
Box Elder	[\$610] <u>\$598</u>
Cache	[\$507] <u>\$502</u>
Carbon	[\$360] <u>\$359</u>
Davis	[\$646] <u>\$637</u>
Duchesne	\$418
Emery	\$345
Grand	[\$333] <u>\$332</u>
Iron	\$604
Juab	[\$386] <u>\$383</u>
Kane	\$277
Millard	[\$600] <u>\$598</u>
Salt Lake	[\$546] <u>\$531</u>
Sanpete	\$465
Sevier	\$490
Summit	[\$395] <u>\$394</u>
Tooele	[\$384] <u>\$383</u>
Utah	[\$566] <u>\$560</u>
Wasatch	[\$419] <u>\$418</u>
Washington	[\$477] <u>\$476</u>
Weber	[\$620] <u>\$618</u>

(iii) Irrigated III. The following counties shall assess Irrigated III property based upon the per acre values listed in TABLE 3, Irrigated III:

County	Per Acre Value
Beaver	[\$515] <u>\$425</u>
Box Elder	[\$479] <u>\$469</u>
Cache	[\$384] <u>\$380</u>
Carbon	\$241
Davis	[\$521] <u>\$513</u>
Duchesne	\$294
Emery	\$216
Garfield	\$181
Grand	\$211
Iron	\$479

NOTICES OF PROPOSED RULES

Juab	[\$261] <u>\$259</u>
Kane	\$153
Millard	[\$474] <u>\$473</u>
Morgan	\$333
Piute	\$287
Rich	\$153
Salt Lake	[\$417] <u>\$405</u>
San Juan	[\$153] <u>\$146</u>
Sanpete	\$342
Sevier	\$364
Summit	[\$271] <u>\$270</u>
Tooele	\$257
Uintah	\$317
Utah	[\$436] <u>\$431</u>
Wasatch	\$290
Washington	[\$351] <u>\$350</u>
Wayne	\$282
Weber	[\$493] <u>\$491</u>

(iv) Irrigated IV. The following counties shall assess Irrigated IV property based upon the per acre values listed in TABLE 4, Irrigated IV:

County	Per Acre Value
Beaver	[\$425] <u>\$351</u>
Box Elder	[\$397] <u>\$389</u>
Cache	[\$298] <u>\$295</u>
Carbon	\$154
Daggett	\$163
Davis	[\$434] <u>\$427</u>
Duchesne	\$206
Emery	\$135
Garfield	\$97
Grand	\$128
Iron	\$392
Juab	[\$173] <u>\$171</u>
Kane	\$68
Millard	[\$385] <u>\$384</u>
Morgan	\$247
Piute	\$200
Rich	\$70
Salt Lake	[\$322] <u>\$313</u>
San Juan	[\$69] <u>\$66</u>

Sanpete	\$256
Sevier	\$279
Summit	[\$186] <u>\$185</u>
Tooele	\$175
Uintah	\$235
Utah	[\$349] <u>\$345</u>
Wasatch	\$206
Washington	\$264
Wayne	\$199
Weber	[\$402] <u>\$401</u>

(b) Fruit orchards. The following counties shall assess fruit orchards based upon the per acre values listed in TABLE 5, Fruit Orchards:

County	Per Acre Value
Beaver	[\$396] <u>\$311</u>
Box Elder	[\$430] <u>\$338</u>
Cache	[\$396] <u>\$311</u>
Carbon	[\$396] <u>\$311</u>
Davis	[\$433] <u>\$340</u>
Duchesne	[\$396] <u>\$311</u>
Emery	[\$396] <u>\$311</u>
Garfield	[\$396] <u>\$311</u>
Grand	[\$396] <u>\$311</u>
Iron	[\$396] <u>\$311</u>
Juab	[\$396] <u>\$311</u>
Kane	[\$396] <u>\$311</u>
Millard	[\$396] <u>\$311</u>
Morgan	[\$396] <u>\$311</u>
Piute	[\$396] <u>\$311</u>
Salt Lake	[\$396] <u>\$311</u>
San Juan	[\$396] <u>\$311</u>
Sanpete	[\$396] <u>\$311</u>
Sevier	[\$396] <u>\$311</u>
Summit	[\$396] <u>\$311</u>
Tooele	[\$396] <u>\$311</u>
Uintah	[\$396] <u>\$311</u>
Utah	[\$436] <u>\$343</u>
Wasatch	[\$396] <u>\$311</u>
Washington	[\$469] <u>\$369</u>
Wayne	[\$396] <u>\$311</u>
Weber	[\$433] <u>\$340</u>

(c) Meadow IV. The following counties shall assess Meadow IV property based upon per acre values listed in TABLE 6, Meadow IV:

TABLE 6 Meadow IV	
County	Per Acre Value
Beaver	\$218
Box Elder	[\$222] \$218
Cache	[\$227] \$225
Carbon	\$114
Daggett	\$134
Davis	[\$232] \$229
Duchesne	\$144
Emery	\$119
Garfield	\$90
Grand	\$116
Iron	\$227
Juab	[\$133] \$132
Kane	\$93
Millard	[\$168] \$167
Morgan	\$171
Piute	\$164
Rich	\$91
Salt Lake	[\$204] \$198
Sanpete	\$168
Sevier	\$174
Summit	\$173
Tooele	\$159
Uintah	\$178
Utah	[\$218] \$216
Wasatch	\$180
Washington	\$196
Wayne	\$148
Weber	[\$264] \$263

(d) Dry land shall be classified as one of the following two categories and shall be assessed on a per acre basis as follows:

(i) Dry III. The following counties shall assess Dry III property based upon the per acre values listed in TABLE 7, Dry III:

TABLE 7 Dry III	
County	Per Acre Value
Beaver	\$47
Box Elder	[\$84] \$79
Cache	[\$102] \$101

Carbon	\$42
Davis	[\$45] \$44
Duchesne	\$47
Garfield	\$41
Grand	\$42
Iron	\$42
Juab	\$45
Kane	\$41
Millard	\$40
Morgan	\$57
Rich	\$41
Salt Lake	[\$49] \$48
San Juan	[\$47] \$45
Sanpete	\$47
Summit	\$41
Tooele	\$45
Uintah	\$47
Utah	\$44
Wasatch	\$41
Washington	\$41
Weber	\$70

(ii) Dry IV. The following counties shall assess Dry IV property based upon the per acre values listed in TABLE 8, Dry IV:

TABLE 8 Dry IV	
County	Per Acre Value
Beaver	\$14
Box Elder	[\$54] \$50
Cache	[\$74] \$70
Carbon	\$13
Davis	\$13
Duchesne	\$16
Garfield	\$13
Grand	\$13
Iron	\$13
Juab	\$13
Kane	\$13
Millard	\$12
Morgan	\$23
Rich	\$13
Salt Lake	\$15
San Juan	\$17
Sanpete	\$16

NOTICES OF PROPOSED RULES

Summit	\$13
Tooele	\$13
Uintah	\$16
Utah	\$13
Wasatch	\$13
Washington	\$12
Weber	\$38

(e) Grazing land shall be classified as one of the following four categories and shall be assessed on a per acre basis as follows:

(i) Graze 1. The following counties shall assess Graze I property based upon the per acre values listed in TABLE 9, Graze I:

County	Per Acre Value
Beaver	\$65
Box Elder	[\$64] \$63
Cache	[\$64] \$60
Carbon	\$45
Daggett	\$45
Davis	[\$53] \$52
Duchesne	\$59
Emery	\$60
Garfield	\$66
Grand	\$67
Iron	\$65
Juab	\$56
Kane	\$65
Millard	\$65
Morgan	\$59
Piute	\$78
Rich	\$55
Salt Lake	[\$63] \$61
San Juan	[\$66] \$63
Sanpete	\$54
Sevier	\$56
Summit	\$62
Tooele	\$62
Uintah	\$69
Utah	[\$57] \$56
Wasatch	\$45
Washington	\$55
Wayne	\$76
Weber	\$61

(ii) Graze II. The following counties shall assess Graze II property based upon the per acre values listed in TABLE 10, Graze II:

County	Per Acre Value
Beaver	\$20
Box Elder	\$20
Cache	\$19
Carbon	\$13
Daggett	\$12
Davis	\$16
Duchesne	\$16
Emery	\$18
Garfield	\$19
Grand	\$19
Iron	\$19
Juab	\$16
Kane	\$21
Millard	\$21
Morgan	\$19
Piute	\$22
Rich	\$17
Salt Lake	[\$18] \$17
San Juan	[\$22] \$21
Sanpete	\$15
Sevier	\$15
Summit	\$17
Tooele	\$17
Uintah	\$24
Utah	\$20
Wasatch	\$14
Washington	\$18
Wayne	\$24
Weber	\$17

(iii) Graze III. The following counties shall assess Graze III property based upon the per acre values in TABLE 11, Graze III:

County	Per Acre Value
Beaver	\$15
Box Elder	\$14
Cache	\$12

Carbon	\$11
Daggett	\$10
Davis	\$11
Duchesne	\$12
Emery	\$12
Garfield	\$13
Grand	\$13
Iron	\$13
Juab	\$12
Kane	\$13
Millard	\$13
Morgan	\$11
Piute	\$15
Rich	\$11
Salt Lake	\$13
San Juan	[\$14] \$13
Sanpete	\$12
Sevier	\$12
Summit	\$12
Tooele	\$12
Uintah	\$16
Utah	\$12
Wasatch	\$11
Washington	\$11
Wayne	\$15
Weber	\$12

Juab	\$5
Kane	\$5
Millard	\$5
Morgan	\$5
Piute	\$5
Rich	\$5
Salt Lake	\$5
San Juan	\$5
Sanpete	\$5
Sevier	\$5
Summit	\$5
Tooele	\$5
Uintah	\$5
Utah	\$5
Wasatch	\$5
Washington	\$5
Wayne	\$5
Weber	\$5

(f) Nonproductive Land. The following counties shall assess property classified as Nonproductive Land based upon the per acre value listed in TABLE 13, Nonproductive Land:

TABLE 13 Nonproductive Land	
County	Per Acre Value
Beaver	\$5
Box Elder	\$5
Cache	\$5
Carbon	\$5
Daggett	\$5
Davis	\$5
Duchesne	\$5
Emery	\$5
Garfield	\$5
Grand	\$5
Iron	\$5
Juab	\$5
Kane	\$5
Millard	\$5
Morgan	\$5
Piute	\$5
Rich	\$5
Salt Lake	\$5
San Juan	\$5

(iv) Graze IV. The following counties shall assess Graze IV property based upon the per acre values listed in TABLE 12, Graze IV:

TABLE 12 Graze IV	
County	Per Acre Value
Beaver	\$5
Box Elder	\$5
Cache	\$5
Carbon	\$5
Daggett	\$5
Davis	\$5
Duchesne	\$5
Emery	\$5
Garfield	\$5
Grand	\$5
Iron	\$5

NOTICES OF PROPOSED RULES

Sanpete	\$5
Sevier	\$5
Summit	\$5
Tooele	\$5
Uintah	\$5
Utah	\$5
Wasatch	\$5
Washington	\$5
Wayne	\$5
Weber	\$5

(3) This rule shall be implemented and become binding beginning January 1, [~~2022~~2023].

KEY: taxation, personal property, property tax, appraisals

Date of Last Change: ~~2022~~July 16, 2022

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R884-24P-72	Filing ID: 54940

Agency Information

1. Department:	Tax Commission	
Agency:	Property Tax	
Building:	Utah State Tax Commission	
Street address:	210 N 1950 W	
City, state and zip:	Salt Lake City, UT 84134	
Contact persons:		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R884-24P-72. State Farmland Evaluation Advisory Committee Procedures Pursuant to Utah Code Ann. Section 59-2-514
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This section is being amended to establish the conditions under which a committee member who is participating electronically in a public meeting of the state farmland evaluation advisory committee will be counted for purposes of calculating whether a quorum of committee members are present. This change is being made to comply with the requirements of H.B. 22, Open and Public Meeting Act Modifications, which passed during the 2022 General Session of the Legislature.
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 amendment establishes the conditions under which a committee member who is participating electronically in a public meeting of the state farmland evaluation advisory committee will be counted for purposes of calculating whether a quorum of committee members are present.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This amendment is not expected to impact the state budget because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the state farmland evaluation advisory committee.
B) Local governments:
This amendment is not expected to impact local governments because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the state farmland evaluation advisory committee.
C) Small businesses ("small business" means a business employing 1-49 persons):
This amendment is not expected to impact small businesses because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the state farmland evaluation advisory committee.

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

This amendment is not expected to impact non-small businesses because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the state farmland evaluation advisory committee.

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

This amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local government entities because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the state farmland evaluation advisory committee.

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

This amendment is not expected to impose compliance costs on affected persons because there are no costs or savings associated with the procedure for establishing a quorum for purposes of public meeting of the state farmland evaluation advisory committee.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

One of the Commissioners of the Utah State Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 59-2-514		
------------------	--	--

Public Notice Information

8. 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:	11/14/2022
--	------------

9. This rule change MAY become effective on:	11/21/2022
---	------------

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Rebecca L. Rockwell, Commissioner	Date:	09/30/2022
---	-----------------------------------	--------------	------------

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-72. State Farmland Evaluation Advisory Committee Procedures Pursuant to Utah Code Ann. Section 59-2-514.

(1) "Committee" means the State Farmland Evaluation Advisory Committee established in Section 59-2-514.

(2) The committee is subject to Title 52, Chapter 4, Open and Public Meetings Act.

(3) A committee member may participate electronically in a meeting open to the public under Section 52-4-207 if:

(a) the agenda posted for the meeting establishes one or more anchor locations for the meeting where the public may attend;

NOTICES OF PROPOSED RULES

(b) at least one committee member is at an anchor location;
and

(c) all of the committee members may be heard by any person attending an anchor location.

(4) A committee member who is participating electronically pursuant to Subsection (3) shall be included in calculating a quorum if the committee member is:

(a) connected by audio means; and

(b) verbally recognized as electronically present by a committee member at the anchor location.

KEY: taxation, personal property, property tax, appraisals

Date of Last Change: ~~2022~~ July 16, 2022

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703

End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text (~~example~~). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R623-7	Filing ID: 54934
Effective Date:	09/29/2022	

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

General Information

2. Rule or section catchline:

R623-7. Vote Tabulation Software Validation Rule

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

Section 20A-5-905 requires the director of elections within the Office of the Lieutenant Governor to make rules establishing software validation procedures that an election officer is required to comply with to verify that voting system files have not been tampered with.

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

Rule R623-7 establishes requirements and policies overseeing the software validation and voting equipment verification procedures for election officers and their designees. This rule also establishes record retention requirements for software validation and voting equipment verification procedures.

Agency Information

1. Department:	Lieutenant Governor	
Agency:	Elections	
Room number:	220	
Street address:	350 N State Street	
City, state and zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 142325	
City, state and zip:	Salt Lake City, UT 84114-2325	
Contact persons:		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Shelly Jackson	801-538-1041	elections@utah.gov

5A) The agency finds that regular rulemaking would:	
<input type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/>	place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:	
Section 20A-5-905 requires that rules establishing software validation and voting equipment verification procedures must be effective by November of 2022. A new rule will also be filed, but in order to meet the effective date requirement, this emergency rule is filed.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A) State budget:	
This rule simply provides requirements and guidelines for software validation and voting equipment verification procedures and does not include any direct fiscal cost or savings to the state budget. There is no requirement to purchase software in this rule. This rule is written to be performed by existing staff in the course of their normal duties. There is an option to bring in/hire outside staff, but that is certainly not required.	
B) Local governments:	
This rule simply provides requirements and guidelines for software validation and voting equipment verification procedures and does not include any direct fiscal cost or savings to local governments. There is no requirement to purchase software in this rule. This rule is written to be performed by existing staff in the course of their normal duties. There is an option to bring in/hire outside staff, but that is certainly not required or even likely for election officers.	
C) Small businesses ("small business" means a business employing 1-49 persons):	
This rule does not apply to small businesses and as such there is no fiscal cost or savings to small businesses.	
D) Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):	
This rule does not apply to other persons and as such there is no fiscal cost or savings to other persons.	
E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):	

There is no anticipated cost or savings to affected persons as none apply to this rule.
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):
The Lieutenant Governor of Office of the Lieutenant Governor, Deidre M. Henderson, has reviewed and approved the impact this may have on businesses.

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		
20A-5-905(1)		

Agency Authorization Information

Agency head or designee and title:	Ryan Cowley, Director of Elections	Date:	09/29/2022
---	--	--------------	------------

R623. Lieutenant Governor, Elections.

R623-7. Vote Tabulation Software Validation Rule.

R623-7-1. Purpose.

Section 20A-5-905 requires the director of elections within the Office of the Lieutenant Governor to make rules establishing software validation procedures that an election officer is required to comply with to verify that voting system files have not been tampered.

R623-7-2. Authority.

This rule is authorized by Subsection 20A-5-905(1) and enacted under the authority of Chapter 3 of Title 63G, Utah Administrative Rulemaking Act.

R623-7-3. Definitions.

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

(1) "Designee" means a full-time employee of the election officer or a full-time employee of the political subdivision of the election officer given authority by the election officer to perform software validations.

(2) "Election Officer" means the county clerk or municipal clerk responsible for maintaining the system where the software is in use, or will be, installed.

(3) "Installation" means installing vote tabulation software, updating vote tabulation software, or overwriting existing vote tabulation software.

(4) "Software" means a computer program that is used to tabulate votes, otherwise generally known as an election management system (EMS), with the exception of software used in reference to Section 20A-4-6, Municipal Alternate Voting Methods Pilot Project.

(5) "Validation" means obtaining the hash validation of installed software and comparing it against the trusted build hash validation from the US Election Assistance Commission (EAC) using instructions approved by the lieutenant governor.

(6) "Voting Equipment" means equipment that is maintained and used by the election officer to scan, tabulate, or mark ballots; otherwise generally known as ballot marking devices and direct-recording electronic (DRE) voting machines.

R623-7-4. General.

(1) Software must be validated, with no errors or warnings, in accordance with this rule and Section 20A-5-802 at the time of installation and at least once every two years thereafter.

(2) The election officer shall validate software against the trusted build hash validation from the EAC using instructions approved by the lieutenant governor.

(3) Validation must be performed by the election officer, their designee, or someone authorized to perform the validation by the lieutenant governor.

(4) Before using any voting equipment, and before each election, the election officer shall verify that the firmware version on any voting equipment matches the firmware version that is certified by the EAC.

(5) The election officer shall make and retain a signed record of each software validation and voting equipment verification that is performed for 24 months after the software or voting equipment is no longer in use.

(6)(a) The lieutenant governor shall select at least five jurisdictions each year and supervise the performance of software validations and voting equipment verifications for those jurisdictions.

(b) These validations may be in addition to any other validation performed by the election officer.

(7) Nothing in this rule prevents an election officer from performing more validations than are required by this rule, but each validation must follow the procedures outlined in this rule.

R623-7-5. Software Certification.

(1) Software shall be certified in accordance with Subsection 20A-5-802(2)(a)(iii).

(2) Hash validation files are obtained by the Office of the Lieutenant Governor or the county clerk from:

(a) the EAC;

(b) or certifying lab described in Subsections 20A-5-802(2)(a)(iii)(A) and (B).

R623-7-6. Software Installation.

(1) Election officers must obtain written permission from the lieutenant governor before the installation of any software.

(2) The election officer, or their designee, must be always present during software installation.

(3) Before deploying the installation, the election officer, or their designee, must verify that they have a full backup of each election conducted within the last 22 months.

R623-7-7. Software Validation.

(1)(a) The election officer shall be responsible for ensuring that each computer with software on it is validated at the time of installation.

(b) If the hash values do not match then the software may not be used and the election officer shall notify the lieutenant governor within one business day of the identification of the mismatch.

(2) Systems must pass validation with no errors or warnings at the time of installation, or during any validation review, or they may not be used in an election until the system has been successfully validated.

(3) The election officer, or their designee, must be always present during the validation.

(4) The election officer or their designee must perform the validation, unless written permission is obtained from the Office of the Lieutenant Governor before the validation is performed.

R623-7-8. Records.

(1) A record of any vote tabulation software installations shall be made on a form provided by the lieutenant governor and shall be signed by the election officer, their designee if used, and the representative of the vendor who performed the installation, if used.

(2) The signed record of any software installations shall be retained by the election officer for 24 months after the software is no longer in use.

(3) At each canvass, the election officer shall certify that the software and voting equipment has been properly maintained in accordance with this rule and that a record of any installation performed on each piece of equipment has been kept in accordance with Subsection 20A-5-902(2).

KEY: elections, lieutenant governor, software, validation, voting, equipment, hash

Date of Last Change: September 29, 2022

Authorizing, and Implemented or Interpreted Law: 20A-5-905(1)

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-214	Filing ID: 53314
Effective Date:	09/26/2022	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N. 1950 W.	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Bo Wood	385-499-3416	rwood@utah.gov

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

General Information

2. Rule catchline:	R307-214. National Emission Standards for Hazardous Air Pollutants
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	

Subsection 19-2-104(1)(a) allows the Air Quality Board to make rules regarding the control, abatement, and prevention of air pollution from all sources. Rule R307-214 does this by incorporating by reference the federal standards for emissions of hazardous pollutants from various sources.

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

No comments were received in opposition or support of this rule since the last five-year review.

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

Rule R307-214 is a necessary rule because it incorporates several portions of the Code of Federal Regulations into the Utah State Air Quality Rules, which enables the state to enforce emission limits for hazardous air pollutants. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date: 09/15/2022
---	-------------------------	-------------------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R331-23	Filing ID: 50811
Effective Date:	09/21/2022	

Agency Information

1. Department:	Financial Institutions	
Agency:	Administration	
Room number:	201	
Street address:	324 S State St	
City, state and zip:	Salt Lake City, UT 84111-2393	
Mailing address:	PO Box 146800	
City, state and zip:	Salt Lake City, UT 84114-6800	
Contact persons:		
Name:	Phone:	Email:
Paul Allred	801-538-8855	pallred@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R331-23. Lending Limits for Banks, Industrial Loan Corporations
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 7-1-301 confers rulemaking powers and duties to the Commissioner with respect to institutions, persons, or businesses subject to the jurisdiction of the Department of Financial Institutions. Section 7-3-19 authorizes limitations on loans and extensions of credit. Section 7-8-20 lists limitations on loans to one borrower, the exceptions, and the rules.
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 supporting or opposing 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:
This rule is intended to prevent one person from borrowing an unduly large amount of a given bank's or industrial loan corporation's funds, thereby exposing the bank's or industrial loan corporation's depositors, creditors, and stockholders to excessive risk. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Darryle Rude, Commissioner	Date:	09/21/2022
---	----------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R337-7	Filing ID:	50820
Effective Date:	09/21/2022		

Agency Information

1. Department:	Financial Institutions	
Agency:	Credit Unions	
Room number:	201	
Street address:	324 S State St	
City, state and zip:	Salt Lake City, UT 84111-2393	
Mailing address:	PO Box 146800	
City, state and zip:	Salt Lake City, UT 84114-6800	
Contact persons:		
Name:	Phone:	Email:
Paul Allred	801-538-8855	pallred@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R337-7. Discount Securities Brokerage Service by State-Chartered Credit Unions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 7-1-301(3) authorizes the Commissioner with powers, duties, and responsibilities of all institutions subject to the jurisdiction of the Department of Financial Institutions and the Commissioner may authorize the activities state-chartered depository institutions may engage in as if they were chartered under the laws of the United States.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No supporting or opposing 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:

This rule allows securities activities limited to "discount brokerage" services by state-chartered credit unions, similar to the discount brokerage services allowed state-chartered banks and industrial loan corporations. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Darryle Rude, Commissioner	Date:	09/21/2022
---	----------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R337-8	Filing ID:	50831
Effective Date:	09/21/2022		

Agency Information

1. Department:	Financial Institutions		
Agency:	Credit Unions		
Room number:	201		
Street address:	324 S State St		
City, state and zip:	Salt Lake City, UT 84111-2393		
Mailing address:	PO Box 146800		
City, state and zip:	Salt Lake City, UT 84114-6800		
Contact persons:			
Name:	Phone:	Email:	
Paul Allred	801-538-8855	pallred@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R337-8. Accounts for Parties Other Than Individual Members in State-Chartered Credit Unions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 7-1-301(3) authorizes the Commissioner with powers, duties, and responsibilities of all institutions subject to the jurisdiction of the Department of Financial Institutions and the Commissioner may authorize the activities state-chartered depository institutions may engage in as if they were chartered under the laws of the United States.

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

No supporting or opposing 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:

This rule allows state-chartered credit unions to maintain accounts in the name of businesses or entities other than individual members to the same extent as credit unions chartered under the laws of the United States. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Darryle Rude, Commissioner	Date:	09/21/2022
---	----------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R337-9	Filing ID:	50822
Effective Date:	09/21/2022		

Agency Information

1. Department:	Financial Institutions		
Agency:	Credit Unions		
Room number:	201		
Street address:	324 S State St		
City, state and zip:	Salt Lake City, UT 84111-2393		
Mailing address:	PO Box 146800		
City, state and zip:	Salt Lake City, UT 84114-6800		
Contact persons:			
Name:	Phone:	Email:	
Paul Allred	801-538-8855	pallred@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R337-9. Schedule for Retention or Destruction of Records of Credit Unions Under the Jurisdiction of the Department of Financial Institutions

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

Subsection 7-1-301(7) authorizes the Commissioner to classify all records kept by institutions subject to the jurisdiction of the Department of Financial Institutions and to prescribe the period for which each class of records is retained. The purpose of this rule is to require the maintenance of appropriate types of records which have a high degree of usefulness and to prescribe the period for which records of each class are retained.

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 supporting or opposing 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:

This rule establishes a schedule for the retention of records of credit unions. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Darryle Rude, Commissioner	Date:	09/21/2022
---	----------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R339-11	Filing ID:	50826
Effective Date:	09/21/2022		

Agency Information

1. Department:	Financial Institutions	
Agency:	Industrial Loan Corporations	
Room number:	201	
Street address:	324 S State St	
City, state and zip:	Salt Lake City, UT 84111-2393	
Mailing address:	PO Box 146800	
City, state and zip:	Salt Lake City, UT 84114-6800	
Contact persons:		
Name:	Phone:	Email:
Paul Allred	801-538-8855	pallred@utah.gov

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

General Information

2. Rule catchline:
R339-11. Discount Securities Brokerage Service by Industrial Loan Corporations

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

Subsection 7-1-301(3) authorizes the Commissioner with the power, duties, and responsibilities of all institutions subject to the jurisdiction of the Department of Financial Institutions, and the Commissioner may authorize the activities state-chartered depository institutions may engage in as if they were chartered under the laws of the United States.

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

No supporting or opposing 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:

This rule allows securities activities limited to "discount brokerage" services by industrial loan corporations, similar to the discount brokerage services allowed state-chartered banks and credit unions. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Darryle Rude, Commissioner	Date:	09/21/2022
---	----------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R527-36	Filing ID:	54113
Effective Date:	09/26/2022		

Agency Information

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

Contact persons:		
Name:	Phone:	Email:
Scott Weight	801-741-7435	sweigh2@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov

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

General Information

2. Rule catchline:
R527-36. Collection of Child Support After a Termination of Parental Rights or Adoption
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized pursuant to Subsection 62A-11-107(8). Section 80-4-105 divests parents of their legal obligation to support a child when there is an order for the termination of parental rights. Section 78B-6-138 releases parents of their legal obligation to support a child in the event the child is adopted. This rule clarifies that Office of Recovery Services will not collect child support arrears in cases where a parent is released from the legal obligation to pay child support pursuant to an order terminating parental rights or a decree of adoption unless the support is preserved in the order terminating parental rights or the decree of adoption.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no comments received since this rule became effective on 09/26/2017. This is the initial 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 necessary because the statutes under which it is enacted are still in effect. This rule describes the release of parents from their legal obligation to pay child support and provide medical support if there exists a termination of parental rights order or an adoption order. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	09/26/2022
---	----------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-131	Filing ID:	54701
Effective Date:	09/28/2022		

Agency Information

1. Department:	Insurance
Agency:	Administration
Room number:	Suite 2300
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W
City, state and zip:	Taylorsville, UT 84129
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901
Contact persons:	
Name:	Phone: Email:
Steve Gooch	801-957-9322 sgooch@utah.gov

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

General Information

2. Rule catchline:
R590-131. Accident and Health Coordination of Benefits Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, the Insurance Code. Section 31A-22-619 authorizes the insurance commissioner to adopt rules concerning the coordination of benefits between accident and health insurance policies. This rule establishes a uniform order of benefit determination under which plans pay coordination of benefit claims, reduce duplication of benefits, and provide greater efficiency in the processing of claims when a person is covered under more than one plan.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

This rule brings consistency and order when considering which health policy covers a claim when there is more than one health carrier covering the same individual or group. It eliminates lawsuits and expedites the payment of health claims. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/28/2022
---	--	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R612-100	Filing ID:	53180
Effective Date:	09/26/2022		

Agency Information

1. Department:	Labor Commission	
Agency:	Industrial Accidents	
Room number:	3rd Floor	
Building:	Heber M Wells	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Ron Dressler	801-530-6841	rdressler@utah.gov
Chris Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R612-100. Workers' Compensation Rules – General Provisions

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

Section 34A-1-104 is the Utah Labor Commission's general rulemaking authority provision. Section 34A-2-103 defines who as employer is for workers' compensation purposes, allows for rulemaking, and is referenced as part of our definitions in rule. Section 34A-2-104 defines who an employee is for workers' compensation purposes, allows for rulemaking, and is referenced as part of our definitions in rule. Subsection 62G-4-202(1) outlines the process for agencies to have certain adjudicatory proceeding designated as informal and allows for rulemaking.

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

There have been no written comments received during or since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

This rule defines terms, lists all forms used by the Labor Commission, and designates certain proceedings as informal adjudicatory proceedings. As such, this rule is critical to the continued operations of the Labor Commission and the administration of the Workers' Compensation Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jaceson R. Maughan, Commissioner	Date:	09/26/2022
---	-------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R612-200	Filing ID:	53176
Effective Date:	09/26/2022		

Agency Information

1. Department:	Labor Commission
Agency:	Industrial Accidents
Room number:	3rd Floor
Building:	Heber M Wells
Street address:	160 E 300 S
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 146600

City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Ron Dressler	801-530-6841	rdressler@utah.gov
Chris Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R612-200. Workers' Compensation Rules – Filing and Paying Claims
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 34A-1-104 is the Utah Labor Commission's general rulemaking authority provision. Section 34A-2-201.3 prohibits employers from directly paying workers; compensation benefits, and requires rulemaking. Section 34A-2-407 governs the process for reporting workplace injuries and requires rulemaking.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments received during or since the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule outlines the reporting requirements or workplace injuries, prohibits the direct payment of benefits by employers, denotes insurance carrier/employer liability, provides for burial benefits and provides for the permanent and total disability process. As such, this rule is critical to the continued operations of the Labor Commission and the administration of the Workers' Compensation Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jacson R. Maughan, Commissioner	Date:	09/26/2022
---	---------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R612-300	Filing ID: 54054
Effective Date:	09/26/2022	

Agency Information

1. Department:	Labor Commission	
Agency:	Industrial Accidents	
Room number:	3rd Floor	
Building:	Heber M Wells	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone: Email:	
Ron Dressler	801-530-6841	rdressler@utah.gov
Chris Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R612-300. Workers' Compensation Rules – Medical Care
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 34A-1-104 is the Utah Labor Commission's general rulemaking authority provision. Subsection 34A-2-407(9) outlines the requirements of medical providers to report workplace injuries to the Division of Industrial Accidents and provides for rulemaking. Section 34A2-111 defines medical providers and health care facilities for the purposes of workers' compensation and allow for rulemaking. Section 34A-2-407.5 provides for certain treatment protocols medical providers use to treat injuries of workers and allows for rulemaking. Section 34A-2-412 defines the reimbursement rates for various injury types that are deemed to be permanent, but not totally disabling. Section 78B-8-404 allows the Utah Labor Commission, in consultation with the Utah Department of Health, to establish rules defining contagious diseases in consideration of reporting and awarding benefits.

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

There have been no written comments received during or since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

This rule outlines the procedures and fees for the treatment of injured workers by medical providers, billing processes including disputes, ratings of injury types, processing of medical records, and the reporting of emergency medical service providers. As such, this rule is critical to the continued operations of the Labor Commission and the administration of the Workers' Compensation Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jacson R. Maughan, Commissioner	Date:	09/26/2022
---	---------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R612-400	Filing ID:	54141
Effective Date:	09/26/2022		

Agency Information

1. Department:	Labor Commission	
Agency:	Industrial Accidents	
Room number:	3rd Floor	
Building:	Heber M Wells	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Ron Dressler	801-530-6841	rdressler@utah.gov

Chris Hill	801-530-6113	chill@utah.gov
------------	--------------	----------------

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

General Information

2. Rule catchline:
R612-400. Workers' Compensation Insurance, Self-Insurance and Waivers

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

Section 34A-1-104 is the Utah Labor Commission's general rulemaking authority provision. Section 34A-2-201.5 allows for certain employers to self-insure for workers' compensation purposes and allows for rulemaking. Section 34A-2-205 outlines the specific steps for insurance carriers to report workplace injuries to the Division of Industrial Accidents and allows for rulemaking. Section 34A-2-1001 defines the terms and establishes the procedures for issuing workers' compensation coverage waivers and allows for rulemaking. Section 59-9-101 requires the Utah Labor Commission to yearly establish certain premium taxes on workers compensation policies.

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

There have been no written comments received during or since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

This rule outlines the policy reporting by workers compensation insurance carriers, coverage requirements for professional employer organization, self-insurance obligations and requirements, process to obtain a workers' compensation coverage waiver, and lists the yearly premiums for workers' compensation policies. As such, this rule is critical to the continued operations of the Labor Commission and the administration of the Workers' Compensation Act. Therefore this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jacson R. Maughan, Commissioner	Date:	09/26/2022
---	---------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R653-7	Filing ID: 51709
Effective Date:	09/21/2022	

Additionally, the agency is planning on submitting an amendment for this rule shortly after the five-year review to acknowledge some changes that are needed. They are currently in the pipeline.

Agency Information

1. Department:	Natural Resources	
Agency:	Water Resources	
Room number:	310	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 146201	
City, state and zip:	Salt Lake City, UT 84114-6201	
Contact persons:		
Name:	Phone:	Email:
Lanli Pham	801-538-7235	lpham@utah.gov
Please address questions regarding information on this notice to the agency.		

Agency Authorization Information

Agency head or designee and title:	Candice Hasenyager, Director	Date:	09/21/2022
---	------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R765-613	Filing ID: 53592
Effective Date:	09/27/2022	

Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R653-7. Administrative Procedures for Informal Proceedings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 63G-4-102(1) gives the Division of Water Resources authority to determine the legal rights, duties, privileges, immunities, or other legal interests of an identifiable person, including agency action to grant, deny, revoke, suspend, modify, withdraw, or amend an authority, right, or license; and judicial review of the action.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received since the last five-year review of this rule.
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 and governs administrative proceedings before the Division of Water Resources as required by the Administrative Procedures Act, Title 63G, Chapter 4. Therefore, this rule should be continued.

General Information

2. Rule catchline:
R765-613. Public Safety Officer Career Advancement Reimbursement Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Subsection 53B-8-112(6), which permits the Utah Board of Higher Education to make rules that set deadlines for reimbursement application and that establish an application process and an appeal process.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

No written comments have been received to summarize.

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 there is a continuing need for the Utah Board of Higher Education to provide rules and procedures relating to reimbursement under the Public Safety Officer Career Advancement Reimbursement Program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Designee and Assistant Attorney General	Date:	09/27/2022
---	---	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R920-30	Filing ID:	52126
Effective Date:	09/20/2022		

Agency Information

1. Department:	Transportation		
Agency:	Operations, Traffic and Safety		
Room no.:	Administrative Suite, 1st Floor		
Building:	Calvin Rampton		
Street address:	4501 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Mailing address:	PO Box 148455		
City, state and zip:	Salt Lake City, UT 84114-8455		
Contact person(s):			
Name:	Phone:	Email:	
Leif Elder	801-580-8296	lelder@utah.gov	
Becky Lewis	801-965-4026	blewis@utah.gov	

James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

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

General Information

2. Rule catchline:

R920-30. State Safety Oversight

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

The following sections require the Department of Transportation (Department) to make and maintain this rule: the United States Code, Section 49 U.S.C. 5330; the Code of Federal Regulations, Sections 49 CFR 659 and 49 CFR 674; and the Utah Code, Sections 72-1-201, 72-1-208, and 72-1-214.

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

The Department has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

Subsection 72-1-214(5) requires the Department to make and maintain rules that conform to the requirements of regulations enacted under Section 49 U.S.C. 5329. Subsection 72-1-214(5) and Section 49 U.S.C. 5329 are effective and enforceable laws. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	09/20/2022
---	--	--------------	------------

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Agriculture and Food

Plant Industry

No. 54782 (Amendment) R68-37: Industrial Hemp Cannabinoid Product Testing
Published: 09/01/2022
Effective: 10/11/2022

Commerce

Administration

No. 54760 (Amendment) R151-1: Department of Commerce General Provisions
Published: 08/15/2022
Effective: 09/21/2022

No. 54761 (Repeal) R151-55: Regulatory Sandbox Program Rule
Published: 08/15/2022
Effective: 09/21/2022

Corporations and Commercial Code

No. 54775 (Amendment) R154-1: Central Filing System for Agricultural Product Liens
Published: 08/15/2022
Effective: 09/21/2022

No. 54776 (Repeal and Reenact) R154-2: Filing Office Rules
Published: 08/15/2022
Effective: 09/21/2022

No. 54777 (Repeal and Reenact) R154-100: Administrative Procedures Act Rule
Published: 08/15/2022
Effective: 09/21/2022

Education

Administration

No. 54797 (Amendment) R277-120: Licensing of Material Developed with Public Education Funds
Published: 09/01/2022
Effective: 10/11/2022

No. 54798 (Amendment) R277-121: Board Waiver of Administrative Rules
Published: 09/01/2022
Effective: 10/11/2022

No. 54799 (New Rule) R277-313: Student Support License Areas of Concentration
Published: 09/01/2022
Effective: 10/11/2022

No. 54800 (Amendment) R277-320: Grow Your Own Teacher and School Counselor Pipeline Program
Published: 09/01/2022
Effective: 10/11/2022

No. 54801 (Amendment) R277-326: Early Learning Professional Learning Grant Program
Published: 09/01/2022
Effective: 10/11/2022

No. 54802 (Repeal) R277-514: Deaf Education in Public Schools
Published: 09/01/2022
Effective: 10/11/2022

No. 54803 (New Rule) R277-618: Homeless Teen Center Grant Program
Published: 09/01/2022
Effective: 10/11/2022

NOTICES OF RULE EFFECTIVE DATES

No. 54804 (New Rule) R277-629: Paid Professional Hours for Educators
Published: 09/01/2022
Effective: 10/11/2022

No. 54805 (New Rule) R277-919: Regulatory Sandbox Innovation Schools
Published: 09/01/2022
Effective: 10/11/2022

No. 54806 (Amendment) R277-920: School Improvement Implementation of the School Turnaround and Leadership Development Act
Published: 09/01/2022
Effective: 10/11/2022

No. 54807 (New Rule) R277-931: Required Provision of Period Products in Schools
Published: 09/01/2022
Effective: 10/11/2022

Environmental Quality

Air Quality

No. 54595 (Amendment) R307-401-14: Used Oil Fuel Burned for Energy Recovery
Published: 06/01/2022
Effective: 09/26/2022

Health and Human Services

Disease Control and Prevention, Environmental Services
No. 54455 (Amendment) R392-110: Food Service Sanitation in Residential Care Facilities
Published: 04/15/2022
Effective: 09/27/2022

No. 54455 (Change in Proposed Rule) R392-110: Food Service Sanitation in Residential Care Facilities
Published: 07/15/2022
Effective: 09/27/2022

No. 54718 (Repeal and Reenact) R392-200: Sanitation and Safety of Schools
Published: 07/15/2022
Effective: 09/27/2022

Health Care Financing, Coverage and Reimbursement Policy
No. 54768 (Repeal and Reenact) R414-14A: Hospice Care
Published: 08/15/2022
Effective: 09/30/2022

Family Health and Preparedness, Emergency Medical Services

No. 54719 (Amendment) R426-6: Emergency Medical Services Per Capita Grants and Competitive Grants Program
Published: 07/15/2022
Effective: 10/10/2022

Insurance

Administration

No. 54783 (Amendment) R590-160: Agency Review
Published: 09/01/2022
Effective: 10/11/2022

Natural Resources

State Parks

No. 54773 (Repeal) R651-608: Events of Special Uses
Published: 08/15/2022
Effective: 09/23/2022

No. 54772 (Amendment) R651-635: Commercial, Privileged, and Special Uses of Division Managed Park Areas
Published: 08/15/2022
Effective: 09/23/2022

School and Institutional Trust Lands

Administration

No. 54812 (Amendment) R850-23: Sand, Gravel and Cinders Permits
Published: 09/01/2022
Effective: 10/11/2022

No. 54813 (Amendment) R850-50: Range Management
Published: 09/01/2022
Effective: 10/11/2022

No. 54814 (Amendment) R850-140: Development Property
Published: 09/01/2022
Effective: 10/11/2022

Transportation

Motor Carrier

No. 54809 (Amendment) R909-19: Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification
Published: 09/01/2022
Effective: 10/10/2022

Operations, Traffic and Safety

No. 54810 (Amendment) R920-50: Ropeway Operation Safety - Proposed Changes
Published: 09/01/2022
Effective: 10/10/2022

Program Development

No. 54808 (Amendment) R926-16: Unsolicited Proposals for Transportation Infrastructure Public-Private Partnerships
Published: 09/01/2022
Effective: 10/10/2022

Workforce Services

Employment Development

No. 54749 (Amendment) R986-700-721: Commercial Preschool Subsidy
Published: 08/01/2022
Effective: 10/01/2022

No. 54779 (Amendment) R986-700-771: Grants for Child Care Start-up Costs
Published: 08/15/2022
Effective: 10/01/2022

No. 54778 (Repeal) R986-800: Displaced Homemaker Program
Published: 08/15/2022
Effective: 09/22/2022

Housing and Community Development
No. 54811 (Amendment) R990-300: Evaluation Process for Plan for Moderate Income Housing Reports
Published: 09/01/2022
Effective: 10/11/2022

No. 54792 (Repeal) R990-400: Repeal Pandemic Housing Assistance
Published: 09/01/2022
Effective: 10/11/2022

End of the Notices of Rule Effective Dates Section

