

UTAH STATE DIGEST

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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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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 February 17, 2021, 12:00 a.m., and March 01, 2021, 11:59 p.m. are included in this, the March 15, 2021, issue of the *Utah State Digest*.

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

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least April 14, 2021. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through July 13, 2021, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R68-11	Filing No. 53328

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state:	Salt Lake City, UT 84115	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Robert Hougaard	801-982-2305	rhougaard@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R68-11. Quarantine Pertaining the Emerald Ash Borer
3. Purpose of the new rule or reason for the change:
This new rule is authorized by authority granted to the Department of Agriculture and Food (Department) in Subsection 4-2-103(1)(k)(ii) and Section 4-35-109. This rule provides for a quarantine of the emerald ash borer and sets guidelines related to that quarantine.
4. Summary of the new rule or change:
This rule provides guidelines governing the quarantine of emerald ash borer in the . This includes identification of areas under quarantine, regulated articles, and restrictions, as well as exemptions to the quarantine and requirements to qualify for an exemption.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There would be no anticipated cost or savings to the state budget related to this new rule. The work required by the quarantine is already occurring within the Department's nursery and inspection program. Review of compliance

agreements and shipments are a current routine inspection practice.

B) Local governments:

There is no anticipated cost or savings to local governments because they do not bring emerald ash borer into the state or regulate emerald ash borer.

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

There are no direct cost or savings to Utah small businesses related to this rule. The only potential cost would be on nurseries located in other states that are attempting to ship to Utah.

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

There are no direct cost or savings to Utah non-small businesses related to this rule. The only potential cost would be on nurseries located in other states that are attempting to ship to Utah.

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

There are no anticipated costs or savings to other persons. No Department fees have been changed by the addition of this rule.

F) Compliance costs for affected persons:

There should be no direct changes in compliance costs by affected persons in the because this rule involves the entrance of emerald ash borer into the state from another state.

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

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

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Commissioner of the Utah Department of Agriculture and Food, Craig W. Butters, has reviewed and approves the regulatory impact analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
This rule should have no fiscal impact on businesses in the state of Utah.			
B) Name and title of department head commenting on the fiscal impacts:			
Craig W. Butters, Commissioner			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Subsection 4-2-103(1)(k)(ii)	Section 4-35-109	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	04/14/2021

10. This rule change MAY become effective on:	04/21/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Craig W. Butters, Commissioner	Date:	02/18/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R657-62	Filing No.	53332

Agency Information

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

General Information

2. Rule or section catchline:
R657-62. Drawing Application Procedures
3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to Big Game Applications.

4. Summary of the new rule or change:
 The proposed amendments to this rule change the 90-day requirement to the end of the calendar year.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
 The proposed rule amendments amend the deadline allowing for deployed military sportsmen to acquire a bonus or preference point during applications periods without having to meet the combination/hunting license requirement, these changes can be initiated within the current workload and resources of the DWR. Therefore, DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.

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

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

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

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):
 These amendments do not have the potential to create a cost impact to those deployed individuals wishing to participate in the hunting opportunities.

F) Compliance costs for affected persons:
 DWR has determined that this amendment will not create additional costs for those participating in hunting in Utah.

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

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

H) Department head approval of regulatory impact analysis:
 The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

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

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

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

Brian Steed, Executive Director

Citation Information

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

Section 23-14-18	Section 23-14-19
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Public Notice Information

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

A) Comments will be accepted until:	04/14/2021
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10. This rule change MAY become effective on:	04/21/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Rory Reynolds, DWR Interim Director	Date:	02/24/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R986-700-901	Filing No.	53330
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Agency Information

1. Department:	Workforce Services
Agency:	Employment Development
Building:	Olene Walker Building
Street address:	140 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 45244
City, state, zip:	Salt Lake City, UT 84145-0244

Contact person(s):

Name:	Phone:	Email:
Amanda B. McPeck	801-517-4709	ampeck@utah.gov

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

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

R986-700-901. Unearned Income, Pandemic

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

The purpose of this rule change is to maintain services for child care subsidy families and providers during the COVID-19 pandemic.

4. Summary of the new rule or change:

This rule change allows the Department of Workforce Services (Department), Office of Child Care to exclude Federal Pandemic Unemployment Compensation from unearned income for purposes of determining eligibility for child care subsidy payments. Due to the COVID-19 pandemic there are child care subsidy (CC) customers who have lost employment through no fault of their own and require additional funds in order to care for their children. Excluding the \$300 per week Lost Wage Assistance (LWA) and \$300 per week Federal Pandemic Unemployment Compensation (FPUC) payments from CC income eligibility determinations will allow families who are eligible for CC to maintain eligibility while receiving LWA and FPUC, thus allowing them to return to work more quickly once business resumes. (EDITOR'S NOTE: A corresponding 120-day emergency rule that is effective as of 02/19/2021 is under Filing No. 53329 in this issue, March 15, 2021, of the Bulletin.)

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

This rule change is not expected to have any fiscal impact on state revenues or expenditures. There are no additional state employees or resources needed to oversee the new changes. The new changes will not increase workload and can be carried out with existing budget. Any costs will be paid with funds granted to the state through the federal Child Care and Development Fund.

B) Local governments:

This rule change is not expected to have any fiscal impact on local government revenues or expenditures because the program is federally-funded and does not rely on local governments for funding, administration, or enforcement.

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

The majority of child care providers are small businesses (North American Industry Classification System (NAICS) 624410). This rule change will not result in any costs to those small businesses and may have a fiscal benefit to those small businesses. The Department cannot predict when or if a CC recipient might become unemployed, then subsequently qualify for unemployment and LWA or FPUC. The Department also cannot predict how long the COVID-19 public health emergency may impact CC recipient families' employment. Therefore, the Department cannot accurately estimate the fiscal benefit to small business providers who will continue receiving CC payments as a result of this rule change. Based on data obtained on April 17, 2020, approximately 397 families with 725 children were receiving child care subsidy. The average subsidy payment per child each month is \$534 in CY 2020. This rule change will allow up to \$387,150 per month in CC payments to continue to flow to child care providers during the COVID-19 public health emergency, so they can maintain their businesses. In the absence of this rule change, these programs might lose this funding at a time when enrollment and revenues in programs are dramatically reduced.

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

Some child care providers are non-small businesses (NAICS 624410). This rule change will not result in any costs to those non-small businesses and may have a fiscal benefit to those non-small businesses. The Department cannot predict when or if a CC recipient might become unemployed, then subsequently qualify for unemployment and LWA or FPUC. The Department also cannot predict how long the COVID-19 public health emergency may impact CC recipient families' employment. Therefore, the Department cannot accurately estimate the fiscal benefit to non-small business providers who will continue receiving CC payments as a result of this rule change. Based on data obtained on April 17, 2020, approximately 397 families with 725 children were receiving child care subsidy. The average subsidy payment per child each month is \$534 in CY 2020. This rule change will allow up to \$387,150 per month in CC payments to continue to flow to child care providers during the COVID-19 public health emergency, so they can maintain their businesses. In the absence of this rule change, these programs might lose this funding at a time when enrollment and revenues in programs are dramatically reduced.

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 Department cannot predict when or if a CC recipient might become unemployed, then subsequently qualify for unemployment and LWA or FPUC. The Department also cannot predict how long the COVID-19 public health

emergency may impact CC recipient families' employment. Therefore, the Department cannot accurately estimate the fiscal benefit to CC recipient families who will continue receiving CC payments as a result of this rule change. Based on data obtained on April 17, 2020, approximately 397 families with 725 children were receiving CC. Many of those families have experienced a period of unemployment during the public health emergency. This rule change will support low-income parents experiencing a period of unemployment to maintain their child care arrangements during the COVID-19 public health emergency.

F) Compliance costs for affected persons:

This rule change is not expected to cause any compliance costs for affected persons because the new changes do not create any new administrative fees. Provider compliance responsibilities are not changed with this new 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	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0

Net Benefits	Fiscal \$0	\$0	\$0
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H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Workforce Services, Casey R. Cameron, has reviewed and approved this fiscal analysis.

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

The funding for child care is provided by the federal Child Care and Development Block Grant (CCDBG). At this time, child care programs continue to receive subsidy payments for all families that were determined eligible for subsidies at the time of application unless their earnings exceed the federally established income threshold of 85% of the state median income (SMI). The CCDBG Act allows states to establish the definition of "income" for purposes of determining whether a family is at 85% SMI. Utah includes standard unemployment benefits as "income" for purposes of eligibility. This rule will not change that underlying requirement. However, by excluding the \$300 per week Lost Wages Assistance paid pursuant to the Lost Wages Assistance paid pursuant to the August 8, 2020, Presidential Memorandum instructing the Secretary of Homeland Security, acting through FEMA, to make available other needs assistance for lost wages in accordance with Subsection 408(e)(2) of the Stafford Act (42 U.S.C. Subsection 5174(e)(2)), and the \$300 per week Federal Pandemic Unemployment Compensation paid pursuant to Section 203 of the Continued Assistance Act, part of the Consolidated Appropriations Act, 2021, for all qualified UI recipients, Utah will be supporting the child care businesses that rely on family tuition payments to meet most operating expenses by maintaining program income through a stable child care subsidy program. This is of great economic importance to Utah given that approximately 38% of licensed centers and 18% of licensed family child care programs temporarily closed during the COVID-19 pandemic due to low enrollment.

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

Casey R. Cameron, Executive Director

Citation Information

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

Section 35A-3-310	Section 53F-5-210	Subsection 35A-3-203(12)
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Public Notice Information

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

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

A) Comments will be accepted until: 04/14/2021

10. This rule change MAY become effective on: 04/21/2021

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

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron, Executive Director	Date:	02/19/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R994-302-102	Filing No. 53336

Agency Information

1. Department:	Workforce Services	
Agency:	Unemployment Insurance	
Building:	Olene Walker Building	
Street address:	140 E Broadway (300 S)	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state, zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda McPeck	801-517-4709	ampeck@utah.gov

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

General Information

2. Rule or section catchline:
R994-302-102. Due Dates for Contribution Payments

<p>3. Purpose of the new rule or reason for the change:</p> <p>This rule change requires that all employer payments to the Department of Workforce Services (Department) be made electronically on the Department's website. Mail-in payments are no longer accepted. This change will increase operational efficiency and enhance payment security and timeliness. This rule change also makes technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah.</p>
<p>4. Summary of the new rule or change:</p> <p>This amendment removes references to payment by mail, as contribution payments must be paid online.</p>

Fiscal Information

<p>5. Aggregate anticipated cost or savings to:</p>
<p>A) State budget:</p> <p>This rule change is not expected to have any significant fiscal impact on state government revenues or expenditures. However, the Department had one-time costs to implement the online filing requirement and currently pays all associated processing charges for online payments. The Department believes it will recoup these costs with efficiencies gained from spending less time on opening and processing mail.</p>
<p>B) Local governments:</p> <p>This rule change is expected to have an indirect fiscal benefit on local governments' revenues or expenditures in that it may save local government employer's costs associated with paying contributions via cash or check payments. The full impact to local governments cannot be estimated as the necessary data concerning the cost savings to local governments is unavailable.</p>
<p>C) Small businesses ("small business" means a business employing 1-49 persons):</p> <p>This rule change is expected to have an indirect fiscal benefit on small businesses' revenues or expenditures in that it may save small business employer's costs associated with paying contributions via cash or check payments. The full impact to small businesses cannot be estimated as the necessary data concerning the cost savings to small businesses is unavailable.</p>
<p>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</p> <p>This rule change is expected to have some fiscal impact on non-small businesses' revenues or expenditures in that it may save non-small business employer's costs associated with paying contributions via cash or check payments. The full impact to non-small businesses cannot be estimated as the necessary data concerning the cost savings to non-small businesses is unavailable.</p>

<p>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):</p> <p>This rule change is expected to have an indirect fiscal benefit on other person's revenues or expenditures, in that it may save other person's costs associated with paying contributions via cash or check payments. The full impact to other persons cannot be estimated as the necessary data concerning the cost savings to other persons is unavailable.</p>

<p>F) Compliance costs for affected persons:</p> <p>This rule change is not expected to cause compliance costs for affected persons because there are no processing charges for online payments.</p>

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

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Workforce Services, Casey R. Cameron, has reviewed and approved this fiscal analysis.

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

After a thorough analysis, it was determined that this proposed rule change will not result in a measurable fiscal impact to businesses.

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

Casey R. Cameron, Executive Director

Citation Information

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

Section 35A-4-302

Public Notice Information

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

A) Comments will be accepted until: 04/14/2021

10. This rule change MAY become effective on: 04/22/2021

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

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron, Executive Director	Date:	03/01/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R994-302-103	Filing No.	53337
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Agency Information

1. Department:	Workforce Services	
Agency:	Unemployment Insurance	
Building:	Olene Walker Building	
Street address:	140 E Broadway (300 S)	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state, zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda McPeck	801-517-4709	ampeck@utah.gov

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

General Information

2. Rule or section catchline:
R994-302-103. Contribution Payments

3. Purpose of the new rule or reason for the change:
This rule change requires that all employer payments to the Department of Workforce Services (Department) be made electronically on the Department's website. Mail-in payments are no longer accepted. This change will increase operational efficiency and enhance payment security and timeliness. This rule change also makes technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah.

4. Summary of the new rule or change:
This amendment removes references to payment by mail, as contributions payments must be paid online.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
This rule change is not expected to have any significant fiscal impact on state government revenues or expenditures. However, the Department did have one-time costs to implement the online filing requirement and currently pays all associated processing charges for online payments. The Department believes it will recoup these costs with efficiencies gained from spending less time on opening and processing mail.

B) Local governments:			
This rule change is expected to have an indirect fiscal benefit on local governments' revenues or expenditures in that it may save local government employers costs associated with paying contributions via cash or check payments. The full impact to local governments cannot be estimated as the necessary data concerning the cost savings to local governments is unavailable.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
This rule change is expected to have an indirect fiscal benefit on small businesses' revenues or expenditures in that it may save small business employers costs associated with paying contributions via cash or check payments. The full impact to small businesses cannot be estimated as the necessary data concerning the cost savings to small businesses is unavailable.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
This rule change is expected to have an indirect fiscal benefit on non-small businesses' revenues or expenditures in that it may save non-small business employers costs associated with paying contributions via cash or check payments. The full impact to non-small businesses cannot be estimated as the necessary data concerning the cost savings to non-small businesses is unavailable.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
This rule change is expected to have an indirect fiscal benefit on other person's revenues or expenditures in that it may save other persons costs associated with paying contributions via cash or check payments. The full impact to other persons cannot be estimated as the necessary data concerning the cost savings to other persons is unavailable.			
F) Compliance costs for affected persons:			
This rule change is not expected to cause compliance costs for affected persons because there are no processing charges for online payments.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023

State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Workforce Services, Casey R. Cameron, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
After a thorough analysis, it was determined that this proposed rule change will not result in a measurable fiscal impact to businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Casey R. Cameron, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 35A-4-302		

Public Notice Information

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

A) Comments will be accepted until:	04/14/2021
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10. This rule change MAY become effective on:	04/21/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron, Executive Director	Date:	03/01/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R994-302-104	Filing No. 53338

Agency Information

1. Department:	Workforce Services	
Agency:	Unemployment Insurance	
Building:	Olene Walker Building	
Street address:	140 E Broadway (300 S)	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state, zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda McPeck	801-517-4709	ampeck@utah.gov

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

General Information

2. Rule or section catchline:
R994-302-104. Due Dates for Filing Contribution and Equivalent Reports

3. Purpose of the new rule or reason for the change:
This rule change removes a sentence no longer necessary to this rule due to the Department of Workforce Services (Department) no longer accepting paper filings. This change will increase operational efficiency and timeliness of reports. This rule change also makes technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah.

4. Summary of the new rule or change:
This amendment removes references to reports received through the mail.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have any significant fiscal impact on state government revenues or expenditures. However, the Department did have one-time costs to implement the online filing requirement. The Department believes it will recoup these costs with efficiencies gained from spending less time on opening and processing mail.

B) Local governments:
This rule change is expected to have an indirect fiscal benefit on local governments' revenues or expenditures in that it may save local government employers costs associated with paper filings of reports. The full impact to local governments cannot be estimated as the necessary data concerning the cost savings to local governments is unavailable.

C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is expected to have an indirect fiscal benefit on small businesses' revenues or expenditures in that it may save small business employers costs associated with paper filings of reports. The full impact to small businesses cannot be estimated as the necessary data concerning the cost savings to small businesses is unavailable.

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

This rule change is expected to have indirect fiscal benefits on non-small businesses' revenues or expenditures in that it may save non-small business employers costs associated with paper filings of reports. The full impact to non-small businesses cannot be estimated as the necessary data concerning the cost savings to non-small businesses are unavailable.

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

This rule change is expected to have an indirect fiscal benefit on other persons' revenues or expenditures in that it may save other persons costs associated with paper filings of reports. The full impact to other persons cannot be estimated as the necessary data concerning the cost savings to other persons are unavailable.

F) Compliance costs for affected persons:

This rule change is not expected to cause compliance costs for affected persons because the amendment removes the requirement to file paper reports.

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

Regulatory Impact Table

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

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Workforce Services, Casey R. Cameron, has reviewed and approved this fiscal analysis.

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

After a thorough analysis, it was determined that these proposed rule change will not result in a measurable fiscal impact to businesses.

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

Casey R. Cameron, Executive Director

Citation Information

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

Section 35A-4-302

Public Notice Information

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

A) Comments will be accepted until: 04/14/2021

10. This rule change MAY become effective on: 04/21/2021

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

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron, Executive Director	Date:	03/01/2021
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End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

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

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends April 14, 2021.

From the end of the 30-day waiting period through July 13, 2021, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Utah Admin. Code Ref (R no.):	R317-8	Filing No. 53240

Agency Information

1. Department:	Environmental Quality	
Agency:	Water Quality	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144870	
City, state, zip:	Salt Lake City, UT 84114-4870	
Contact person(s):		
Name:	Phone:	Email:
Donald Hall	801-536-4492	dghall@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:		
R317-8. Utah Pollutant Discharge Elimination System (UPDES)		
3. Change in Proposed Rule:		
Changes FILING Name, Publication date of prior filing:	R317-8, Utah Pollutant Discharge Elimination System (UPDES), originally published on 01/01/2021	
4. Reason for this change:		
Minor changes are made in response to public notice comments.		
5. Summary of this change:		
In Subsection R317-8-10(10.2), changes the "Certified Nutrient Management Planner" definition. This change allows for additional certified nutrient management planner training programs, not just programs through Natural Resources Conservation Service and Division of Water Quality (DWQ), that are approved by the Director. This change will allow DWQ to work closely with the Utah Department of Agriculture and Food in development of a training program and providing that training for nutrient management planner certification.		
In Subsection R317-8-10(10.2), changes the "Small CAFO" definition. This proposed change requires consultation with the Chair of the Utah Conservation Commission when the Director considers designating a small animal feeding operation (AFO) as a concentrated		

animal feeding operation (CAFO). The current rule requires notification instead of consultation with the Chair of the Commission when an AFO is designated as a CAFO.

This is a public notice only. No additional comments are being solicited. The initial amendment along with this Change in Proposed Rule (CPR) should become effective at the end of the notice period, April 15, 2021. (EDITOR'S NOTE: The original proposed amendment upon which this CPR was based was published in the January 1, 2021, issue of the Utah State Bulletin, on page 30. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

6. Aggregate anticipated cost or savings to:
A) State budget:
None--The rule changes would have no net effect on the state budget or the budget of the DWQ. There would be no additional costs or savings implementing the changes in the Certified Nutrient Management Planner definition. The DWQ would approve training programs instead of individual certified planners. Any new labor for a training program would be performed by existing employees. Any new material costs, which would be minimal, would come from budgets for office supplies. There will only be 5 to 15 trained certified planners and any new training program would mostly use or entirely use free internet educational resources from the U.S. Department of Agriculture, Natural Resource Conservation Service.
The Small CAFO definition is just a change in how DWQ communicates with the Utah Department of Agriculture and Food in CAFO designation decisions.
B) Local government:
None--There would be no effect on costs or savings to local governments. Local governments do not have oversight of AFOs and CAFOs as pertaining to the state rule.
C) Small businesses ("small business" means a business employing 1-49 persons):
None--The rule changes would have no effect on costs or savings to the regulated community and no effect on other small businesses. The definitions only effect state agency interactions and programs.

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

None--There are 5 or fewer businesses in the regulated community employing 50 or more persons. The rule changes would have no effect on costs to the regulated community and have no effect on other non-small businesses. The changes would effect only state agencies, the DWQ and the Utah Department of Agriculture and Food.

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

None--There should be no costs to any person or agency. The changes could only affect the state agencies that may provide certified planner training and CAFO designation decision making.

F) Compliance costs for affected persons:

None--There will be no compliance costs to AFOs and CAFOs, the regulated community. There currently are no costs for the affected persons and there would be no new costs if the rule changes are implemented.

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

Regulatory Impact Table

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

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Utah Department of Environmental Quality, Kim Shelley, has reviewed and approved this regulatory impact analysis and fiscal analysis.

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

The proposed rule changes would not affect non-animal agriculture businesses financially, either positively or negatively. Also, the regulated community would not have additional costs from the proposed rule changes.

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

Kim Shelley, Executive Director

Citation Information

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

Title 19, Chapter 5	40 CFR 122	40 CFR 124
40 CFR 412	40 CFR 503	

Public Notice Information

11. This rule change MAY become effective on:

04/14/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 11, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

NOTICES OF CHANGES IN PROPOSED RULES

Agency Authorization Information

Agency head or designee, and title:	Erica B. Gaddis, DWQ Director	Date:	03/01/2021
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NOTICE OF CHANGE IN PROPOSED RULE

Utah Admin. Code Ref (R no.):	R384-415	Filing No. 53257
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Agency Information

1. Department:	Health	
Agency:	Disease Control and Prevention, Health Promotion	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142106	
City, state, zip:	Salt Lake City, UT 84114-2106	
Contact person(s):		
Name:	Phone:	Email:
Braden Ainsworth	801-538-6187	tobaccorulescomments@utah.gov
Christy Cushing	801-538-6260	tobaccorulescomments@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:		
R384-415. Electronic Cigarette Substance Standards		
3. Change in Proposed Rule:		
Changes FILING Name, Publication date of prior filing:	FILING R384-415. Electronic Cigarette Substance Standards, published 01/15/2021	
4. Reason for this change:		
Utah Department of Health (UDOH) reviewed and evaluated the comments received between January 15, 2021, and February 15, 2021, and seeks to incorporate the following four changes to the original rule filing.		
5. Summary of this change:		
There are four changes in this change in proposed rule (CPR). First is eliminating the requirement for nicotine-free labeling on manufacturer sealed electronic cigarette substances in Subsections R384-415-3(3) and R384-415-3(8)(b), second is correcting a reference error in Subsection R384-415-3(6), third is clarifying the prohibition language in Subsection R384-415-4(2), and		

fourth is eliminating the 3% or 36mg/mL manufacturer sealed electronic cigarette substance nicotine content requirements in Subsection R384-415-5(1)(b). (EDITOR'S NOTE: The original proposed amendment upon which this CPR was based was published in the January 15, 2021, issue of the Utah State Bulletin, on page 20. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

6. Aggregate anticipated cost or savings to:
A) State budget:
Enactment of this CPR is not expected to have any fiscal costs to the state budget. Manufacturer sealed electronic cigarette substances should have been excluded from the nicotine free labeling, as the federal law only mandates child-resistant packaging for containers that are meant to be refilled or that are able to be opened by an adult; therefore, a manufacturer sealed container is exempt from the Poison Prevention Packaging Act of 1970.
B) Local government:
Enactment of this CPR is not expected to have any fiscal impact on the local government budgets, as local health departments will continue to conduct retail observations and investigations in accordance with respective state tobacco control laws, state administrative rules, and local health department regulations using existing allocated resources to enforce the amended rule.
C) Small businesses ("small business" means a business employing 1-49 persons):
Enactment of this CPR may result in a direct cost to small businesses that employ fewer than 50 employees and choose to sell manufacturer sealed electronic cigarette substances with nicotine concentrations higher than either 5% by weight per container or exceed 59 mg/ml concentration of nicotine.
The rule amendment may result in a direct fiscal cost to small businesses that primarily rely on the sale of tobacco products (retail tobacco specialty businesses) and operate under the North American Industry Classification System (NAICS) codes of 453991, 424940. Other small businesses that sell manufacturer sealed electronic cigarette substances among other products they choose to sell include (445120) convenience stores, (447110) gas stations with convenience stores, (445110) supermarkets and other grocery stores, (452319) general merchandise and discount stores, (447190) other gasoline stations,

(453991) tobacco stores, (424940) tobacco product merchant wholesalers, (453220) gift, novelty, and souvenir stores, (721110) hotels, (813410) civic and social organizations. A review of UDOH combined local health department tobacco retail compliance check logs for fiscal year 2020 and cross-referenced with Utah Department of Workforce Services (DWS) Firm Find Data, shows that there are approximately 1,175 small businesses that sell some type of electronic cigarette substances in Utah, or approximately 88% of Utah tobacco retailers.

UDOH does not know how many of these 1,175 small businesses sell manufacturer sealed electronic cigarette substances with nicotine concentrations higher than either 5% by weight per container or exceed 59 mg/ml concentration of nicotine. Only tobacco retailers that currently sell manufacturer sealed electronic cigarette substances with a higher nicotine concentration may experience a direct fiscal impact.

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

Enactment of this CPR may result in a direct cost to non-small businesses that employ more than 50 employees and choose to sell manufacturer sealed electronic cigarette substances with nicotine concentrations higher than either 5% by weight per container or exceed 59 mg/ml concentration of nicotine.

The rule amendment may result in a direct fiscal cost to non-small businesses that sell manufacturer sealed electronic cigarette substances among other products they choose to sell include (445120) convenience stores, (447110) gas stations with convenience stores, (445110) supermarkets and other grocery stores, (452319) general merchandise and discount stores, (447190) other gasoline stations, and (453220) gift, novelty, and souvenir stores. A review of UDOH combined local health department tobacco retail compliance check logs for fiscal year 2020 and cross-referenced with Utah Department of Workforce Services (DWS) Firm Find Data, shows that there are approximately 208 non-small businesses that sell some type of electronic cigarette substances in Utah, or approximately 12% of Utah tobacco retailers.

UDOH does not know how many of these 208 non-small businesses sell manufacturer sealed electronic cigarette substances with nicotine concentrations higher than either 5% by weight per container or exceed 59 mg/ml concentration of nicotine. Only tobacco retailers that currently sell manufacturer sealed electronic cigarette substances with a higher nicotine concentration may experience a direct fiscal impact.

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

Enactment of this CPR may result in an indirect cost or indirect benefit to persons, which can include both consumers who buy manufacturer sealed electronic cigarette substances with nicotine concentrations higher than either 5% by weight per container or exceed 59 mg/ml concentration of nicotine and individuals who work for small businesses or non-small businesses that sell manufacturer sealed electronic cigarette substances with nicotine concentrations higher than either 5% by weight per container or exceed 59 mg/ml concentration of nicotine.

The indirect costs or indirect benefits to persons is unknown and difficult to determine, as the potential impact on consumers is unknown as they could choose to vape manufacturer sealed electronic cigarette substances with a lower nicotine concentration, or they may choose to quit using manufacturer sealed electronic cigarettes because of enactment of this CPR.

Likewise, the indirect costs or indirect benefits to persons employed at tobacco retail businesses is unknown and it is difficult to determine the impact on individual tobacco retail employees, who may be employed at either small businesses or non-small businesses which could be impacted as already indicated in 5C. and 5D above, because of enactment of this CPR.

F) Compliance costs for affected persons:

Enactment of this CPR may result in an indirect cost or indirect benefit to persons, which can include both consumers who buy manufacturer sealed electronic cigarette substances with nicotine concentrations higher than either 5% by weight per container or exceed 59 mg/ml concentration of nicotine and individuals who work for small businesses or non-small businesses that sell manufacturer sealed electronic cigarette substances with nicotine concentrations higher than either 5% by weight per container or exceed 59 mg/ml concentration of nicotine.

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

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

NOTICES OF CHANGES IN PROPOSED RULES

Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.			
7. A) Comments by the department head on the fiscal impact the rule may have on businesses:			
The fiscal impact of this CPR is inestimable because retailers have the option to sell manufacturer sealed electronic cigarette substances with nicotine concentrations equal to or less than 5% by weight per container or 59 mg/ml concentration of nicotine.			
B) Name and title of department head commenting on the fiscal impacts:			
Richard G. Saunders, Executive Director			

Citation Information

8. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Subsection 26-57-103(2)		

Public Notice Information

10. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it

receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	04/14/2021

11. This rule change MAY become effective on:	04/21/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 11, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	02/25/2021
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NOTICE OF CHANGE IN PROPOSED RULE

Utah Admin. Code Ref (R no.):	R414-12	53099
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Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
Mailing address:	PO Box 143102	
City, state, zip:	Salt Lake City, UT 84114-3102	
Contact person(s):		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R414-12. Laboratory Services

3. Change in Proposed Rule:		
Changes FILING Name, Publication date of prior filing:	FILING R414-12. Laboratory Services, Published 10/15/2020	
4. Reason for this change:		
This change is based on public comment and internal review.		
5. Summary of this change:		
This change in proposed rule clarifies coverage procedures for urine drug testing. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the October 15, 2020, issue of the Utah State Bulletin, on page 27. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)		

Fiscal Information

6. Aggregate anticipated cost or savings to:
A) State budget:
There is no impact to the state budget as this change solely clarifies coverage procedures for urine drug testing. It neither includes additional services nor removes existing ones.
B) Local government:
There is no impact to local governments as they neither fund nor provide laboratory services under the Medicaid program.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no impact to small businesses as this change solely clarifies coverage procedures for urine drug testing. It neither includes additional services nor removes existing ones.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no impact to non-small businesses as this change solely clarifies coverage procedures for urine drug testing. It neither includes additional services nor removes existing ones.

E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There is no impact to Medicaid providers and Medicaid members as this change solely clarifies coverage procedures for urine drug testing. It neither includes additional services nor removes existing ones.
F) Compliance costs for affected persons:
There is no impact to a single Medicaid provider or Medicaid member as this change solely clarifies coverage procedures for urine drug testing. It neither includes additional services nor removes existing ones.
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

NOTICES OF CHANGES IN PROPOSED RULES

H) Department head approval of regulatory impact analysis:

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

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

This clarification to the proposed rule will not result in a fiscal impact to businesses.

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

Richard G. Saunders, Executive Director

Citation Information

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

Section 26-1-5	Section 26-18-3	
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Public Notice Information

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

A) Comments will be accepted until:	04/14/2021
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11. This rule change MAY become effective on:	05/01/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 11, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	01/26/2021
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End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R850-80	Filing No. 53333

Agency Information

1. Department:	School and Institutional Trust Lands	
Agency:	Administration	
Room no.:	Suite 500	
Street address:	675 E 500 S	
City, state, zip:	Salt Lake City, UT 84102-2818	
Contact person(s):		
Name:	Phone:	Email:
Michelle McConkie	801-538-5183	meastmconkie@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R850-80. Sale of Trust Lands
3. Effective Date:
02/26/2021

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

Due to the COVID-19 epidemic, restrictions for a public gathering at a land sale auction are limited.

5. Summary of the new rule or change:

This rule change allows the sale procedure to be conducted electronically, as well as orally, limiting a public gathering due to COVID-19 epidemic's restrictions.

6. Regular rulemaking would:

- cause an imminent peril to the public health, safety, or welfare;
- cause an imminent budget reduction because of budget restraints or federal requirements; or
- place the agency in violation of federal or state law.

Specific reason and justification:

Due to the COVID-19 epidemic and subsequent restrictions on the size of public gatherings, an in-person public land sale auction would cause peril to public health and would violate local requirements. The agency, therefore, desires for the public auction to be held electronically.

The proposed rule changes to replace the previous emergency rule was not submitted to and approved by the School and Institutional Trust Lands Administration (SITLA) Board before the ending of the previous 120-days of the emergency rule that was effective November 1, 2020. Therefore, an additional 120-days emergency rule is required to avoid any lapsed in the SITLA surface sale

procedures.

(EDITOR'S NOTE: The previous 120-day emergency rule (Filing No. 53098), that was effective on November 1, 2020, expired on 03/01/2021.)

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

The purpose of this rule change is to establish an electronic bidding process for public land sales. The contractor the agency will use for the online auction charges 3% of the sales price for their services. The agency has increased the minimum sales prices for the auction parcels to account for the 3%. Since the price for these services will be included in the final purchase price of each parcel and will therefore be passed on to the successful bidder of the parcel, it is not anticipated that any additional costs will be incurred by the state due to this rule change.

B) Local governments:

The purpose of this rule change is to establish an electronic bidding process for public lands sales. It is not anticipated that local governments will be affected as a result of this rule change because local governments typically do not participate in land sale auctions.

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

The purpose of this rule change is to establish an electronic bidding process for public land sales. If a small business is the successful bidder for a parcel, then the 3% contractor charge would be passed along to that bidder. These costs are unknown since the final purchase price of a parcel will not be determined until the close of the auction.

Potential bidders (including small businesses) may save money as a result of this rule change if they would have ordinarily paid to travel to an in-person public auction held by the agency since these expenses would no longer be required for online bidding.

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

The purpose of this rule change is to establish an electronic bidding process for public land sales. If a person is the successful bidder for a parcel, then the 3% contractor charge would be passed along to that bidder. These costs are unknown since the final purchase price of a parcel will not be determined until the close of the auction.

Potential bidders may save money as a result of this rule change if they would have ordinarily paid to travel to an in-person public auction held by the agency since these expenses would no longer be required for online bidding.

8. Compliance costs for affected persons:

The purpose of this rule change is to establish an electronic bidding process for public land sales. No compliance costs will be charged by the contractor providing this service or incurred by the agency.

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

The intent of this rule is to provide another mechanism for offering trust lands for sale to the private sector. As such, no adverse fiscal impact for business is anticipated.

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

David Ure, Director

Citation Information

28 Stat. 107-112, Utah Enabling Act of 1894, Sections 6, 8, 10, 12	Subsection 53C-2-201(1)(a)	Subsection 53C-1-302(1)(a)(ii)
Article X	Subsection 53C-4-101(1)	
Article XX	Section 53C-4-102	

Agency Authorization Information

Agency head or designee, and title:	David Ure, Director	Date:	02/25/2021
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R986-700-901	Filing No. 53329
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Agency Information

1. Department:	Workforce Services
Agency:	Employment Development
Building:	Olene Walker Building
Street address:	140 E 300 S
City, state, zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 45244
City, state, zip:	Salt Lake City, UT 84145-0244

Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R986-700-901. Unearned Income, Pandemic
3. Effective Date:
02/19/2021
4. Purpose of the new rule or reason for the change:
The purpose of this rule change is to maintain services for child care subsidy families and providers during the COVID-19 pandemic.
5. Summary of the new rule or change:
This emergency rule changes allow the Department of Workforce Services, Office of Child Care to exclude Lost Wages Assistance and Federal Pandemic Unemployment Compensation from unearned income for purposes of determining eligibility for child care subsidy payments. (EDITOR'S NOTE: A corresponding proposed amendment to Section R986-700-901 is under Filing No. 53330 in this issue, March 15, 2021, of the Bulletin.)
6. Regular rulemaking would:
<input checked="" 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 type="checkbox"/> place the agency in violation of federal or state law.
Specific reason and justification:
Due to the ongoing COVID-19 pandemic there are child care subsidy (CC) customers who have lost employment through no fault of their own and require additional funds in order to care for their children. After the final rule regarding unearned pandemic income was submitted for regular rulemaking, additional federal unearned pandemic income programs were created or continued. On August 8, 2020, President Donald J Trump issued a Presidential Memorandum instructing the Secretary of Homeland Security, acting through FEMA, to make available Lost Wages Assistance (LWA) for certain unemployed persons. On December 27, 2020 the Consolidated Appropriations Act, 2021, was enacted, which included provisions for federal Pandemic Unemployment Compensation (FPUC) under section 203 of the Continued Assistance Act. Excluding the \$300 per week LWA and FPUC payments from CC income eligibility determinations will allow families who are eligible for CC to maintain eligibility while

receiving LWA or FPUC, thus allowing them to return to work more quickly once business resumes. This emergency rule also allows child care providers to continue to receive CC funding based on the enrollment of families covered. This will allow child care providers to have the resources to maintain payroll, pay rent, pay for materials, and meet health and safety requirements for families continuing to need child care. This emergency rule is being put in place until a final rule can be enacted under the regular rulemaking process.

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
The emergency rule change is not expected to have any fiscal impact on state revenues or expenditures. There are no additional state employees or resources needed to oversee the new changes. The new changes will not increase workload and can be carried out with existing budget. Any costs will be paid with funds granted to the state through the federal Child Care and Development Fund.
B) Local governments:
The emergency rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because the program is federally-funded and does not rely on local governments for funding, administration, or enforcement.
C) Small businesses ("small business" means a business employing 1-49 persons):
The majority of child care providers are small businesses (North American Industry Classification System (NAICS) 624410). It is anticipated that these changes will allow approximately 397 families with 725 children to continue to receive child care based on data obtained on April 17, 2020. The average subsidy payment per child each month is \$534 in CY 2020. As a result, this will allow approximately \$387,150 per month to continue to flow to child care providers so they can maintain their businesses. In the absence of the emergency rule change, these programs will lose this funding at a time when enrollment and revenues in programs are dramatically reduced.
D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
It is anticipated that this rule will allow approximately 397 families with 725 children to continue to receive child care based on data obtained on April 17, 2020. The average subsidy payment per child each month is \$534 for CY 2020. The emergency rule change will support low-income parents to maintain their child care arrangements during the COVID-19 pandemic.

8. Compliance costs for affected persons:

The emergency rule change is not expected to cause any compliance costs for affected persons because the change does not create any new administrative fees. Provider compliance responsibilities are not changed with these changes.

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

This emergency rule change is also being submitted through regular rulemaking. The funding for child care is provided by the federal Child Care and Development Block Grant (CCDBG). At this time, child care programs continue to receive subsidy payments for all families that were determined eligible for subsidies at the time of application unless their earnings exceed the federally established income threshold of 85% of the state median income (SMI). The CCDBG Act allows states to establish the definition of "income" for purposes of determining whether a family is at 85% SMI. Utah includes standard unemployment benefits as "income" for purposes of eligibility. This rule will not change that underlying requirement. However, by excluding the \$300 per week Lost Wages Assistance paid pursuant to the Lost Wages Assistance paid pursuant to the August 8, 2020, Presidential Memorandum instructing the Secretary of Homeland Security, acting through FEMA, to make available other needs assistance for lost wages in accordance with Subsection 408(e)(2) of the Stafford Act (42 U.S.C. Subsection 5174(e)(2)), and the \$300 per week Federal Pandemic Unemployment Compensation paid

pursuant to section 203 of the Continued Assistance Act, part of the Consolidated Appropriations Act, 2021, for all qualified UI recipients, Utah will be supporting the child care businesses that rely on family tuition payments to meet most operating expenses by maintain program income through a stable child care subsidy program. This is of great economic importance to Utah given that approximately 38% of licensed centers and 18% of licensed family child care programs temporarily closed during the COVID-19 pandemic due to low enrollment.

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

Casey R. Cameron, Executive Director

Citation Information

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

Section 35A-3-310	Section 53F-5-210	Subsection 35A-3-203(12)
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Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron, Executive Director	Date:	02/19/2021
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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 <https://rules.utah.gov/>. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R65-8	Filing No. 50129

Agency Information

1. Department:	Agriculture and Food	
Agency:	Marketing and Development	
Street address:	350 N Redwood Road	
City, state, zip:	Salt Lake City, UT 84115	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Linda Gillmor	801-982-2354	lgillmor@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R65-8. Management of the Junior Livestock Show Appropriation

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 promulgated under the authority of Subsection 4-2-103(1)(i) which gives the Department of Agriculture and Food (Department) rulemaking power related to laws governing agriculture. The Department also has authority under Subsection 4-2-103(1)(m) that allows the Department to take charge of any agricultural exhibit within the state.

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

No written comments were received.

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

This rule is needed because it establishes a Junior Livestock Show Association to manage and carry out the Junior Livestock Show Appropriation, including developing and maintaining a formula to govern distribution of the appropriation. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	02/19/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R325-1	Filing No. 50789

Agency Information

1. Department:	Fair Corporation (Utah State)	
Agency:	Administration	
Street address:	155 N 1000 W	
City, state, zip:	Salt Lake City UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Larry Mullenax	801-538-8400	lmullenax@utahstatefair.com
Judy Duncombe	801-538-8445	judy@utahstatefair.com
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R325-1. Utah State Fair Competitive Exhibitor Rules
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 63H-6-103 requires the Utah State Fair Corporation to hold an annual exhibition that is called the state fair or a similar name; promotes and highlights agriculture throughout the state; includes exhibitions of livestock, poultry, agricultural, domestic science, horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic animals that in the corporation's opinion will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing of talents among the people of Utah; and includes the award of premiums for the best specimens of the exhibited articles and animals. This requires the corporation to set rules and guidelines for exhibitors, renters, and the public.
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 is no record of written comments having been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The Fair includes over 10,000 competitive entries each year and must have basic guidelines that are enforceable. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Larry R. Mullenax, Executive Director	Date:	02/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R325-2	Filing No. 50793

Agency Information

1. Department:	Fair Corporation (Utah State)	
Agency:	Administration	
Street address:	155 N 1000 W	
City, state, zip:	Salt Lake City UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Larry Mullenax	801-538-8400	lmullenax@utahstatefair.com
Judy Duncombe	801-538-8445	judy@utahstatefair.com
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R325-2. Utah State Fair Commercial Exhibitor Rules
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 63H-6-103 requires the Utah State Fair Corporation to hold an annual exhibition that is called the state fair or a similar name; promotes and highlights agriculture throughout the state; includes exhibitions of livestock, poultry, agricultural, domestic science, horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic animals that in the corporation's opinion will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing of talents among the people of Utah; and includes the award of premiums for the best specimens of the exhibited articles and animals. This requires the corporation to set rules and guidelines for exhibitors, renters, and the public.
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 is no record of written comments having been received.

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

The Fair rents space to over 350 commercial exhibitors each year and must have basic guidelines that are enforceable. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Larry R. Mullenax, Executive Director	Date:	02/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R325-3	Filing No. 50790

Agency Information

1. Department:	Fair Corporation (Utah State)	
Agency:	Administration	
Street address:	155 N 1000 W	
City, state, zip:	Salt Lake City UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Larry Mullenax	801-538-8400	lmullenax@utahstatefair.com
Judy Duncombe	801-538-8445	judy@utahstatefair.com
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R325-3. Utah State Fair Patron Rules
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 63H-6-103 requires the Utah State Fair Corporation to hold an annual exhibition that is called the state fair or a similar name; promotes and highlights agriculture throughout the state; includes exhibitions of livestock, poultry, agricultural, domestic science, horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic animals that in the corporation's opinion will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing of talents among the people of Utah; and includes the award of premiums for the best specimens of the exhibited articles and animals. This requires the corporation to set rules and guidelines for exhibitors, renters, and the public.

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 is no record of written comments having been received.

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

Over 280,000 patrons attend the Fair annually, so the Corporation must have basic guidelines that are enforceable. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Larry R. Mullenax, Executive Director	Date:	02/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R325-4	Filing No. 50799

Agency Information

1. Department:	Fair Corporation (Utah State)	
Agency:	Administration	
Street address:	155 N 1000 W	
City, state, zip:	Salt Lake City UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Larry Mullenax	801-538-8400	lmullenax@utahstatefair.com
Judy Duncombe	801-538-8445	judy@utahstatefair.com
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R325-4. Interim Patron Rules (Other Than Utah State Fair)
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 63H-6-103 requires the Utah State Fair Corporation to hold an annual exhibition that is called the state fair or a similar name; promotes and highlights agriculture throughout the state; includes exhibitions of livestock, poultry, agricultural, domestic science, horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic animals that in the

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

corporation's opinion will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing of talents among the people of Utah; and includes the award of premiums for the best specimens of the exhibited articles and animals. This requires the corporation to set rules and guidelines for exhibitors, renters, and the public.

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 is no record of written comments having been received.

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

Over 150 different events and activities take place at the Fairpark each year, so the Corporation must have basic guidelines that are enforceable. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Larry R. Mullenax, Executive Director	Date:	02/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R325-5	Filing No. 50803
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Agency Information

1. Department:	Fair Corporation (Utah State)	
Agency:	Administration	
Street address:	155 N 1000 W	
City, state, zip:	Salt Lake City UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Larry Mullenax	801-538-8400	lmullenax@utahstatefair.com
Judy Duncombe	801-538-8445	judy@utahstatefair.com
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R325-5. Interim Renters Rules (Other Than Utah State Fair)

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 63H-6-103 requires the Utah State Fair Corporation to hold an annual exhibition that is called the state fair or a similar name; promotes and highlights agriculture throughout the state; includes exhibitions of livestock, poultry, agricultural, domestic science, horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic animals that in the corporation's opinion will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing of talents among the people of Utah; and includes the award of premiums for the best specimens of the exhibited articles and animals. This requires the corporation to set rules and guidelines for exhibitors, renters, and the public.

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 is no record of written comments having been received.

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

Over 150 different events and activities take place at the Fairpark each year, so the Corporation must have basic guidelines that are enforceable. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Larry R. Mullenax, Executive Director	Date:	02/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R444-1	Filing No. 51119
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Agency Information

1. Department:	Health
Agency:	Disease Control and Prevention, Laboratory Improvement
Building:	Unified State Laboratories
Street address:	4431 S Constitution Blvd
City, state, zip:	Taylorsville, UT 84129

Contact person(s):		
Name:	Phone:	Email:
Nancy Heidman	801-965-2531	nheidman@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R444-1. Approval of Clinical Laboratories
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Authority for this rule is from Subsection 26-1-30(2)(m) establish and enforce standards for laboratory services which are provided by any laboratory in the state when the purpose of the services is to protect the public health.
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 responses or comments received since the last five year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Clinical laboratories fall under the jurisdiction of federal law through the Clinical Laboratory Improvement Amendments, 1988. This rule allows Utah to regulate laboratories to the same standard. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	02/25/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R590-144	Filing No. 51361

Agency Information

1. Department:	Insurance
Agency:	Administration
Room no.:	3110
Building:	State Office Building
Street address:	450 N State St
City, state, zip:	Salt Lake City, UT 84114

Mailing address:	PO Box 146901	
City, state, zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-144. Commercial Aviation Insurance Exemption From Rate and From Filings
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 adopt rules to implement the provisions of Title 31A, Insurance Code. Section 31A-19-a-103 authorizes the Insurance Commissioner to exempt any market segment from the provisions of Title 31A, Chapter 19a, Rate Regulation. Subsection 31A-21-101(5) authorizes the Insurance Commissioner to exempt any class of insurance contract or class of insurer from the provisions of Title 31A, Chapter 21, Insurance Contracts in General, and Title 31A, Chapter 22, Contracts in Specific Lines. Taken together, these provisions authorize the Insurance Commissioner to exempt commercial aviation insurance from the requirement to file insurance policy rates and forms with the department.
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 (Department) 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:
Because of the unique nature of commercial aviation risks, aviation insurance premiums rely on individual risk analysis, underwriting judgment, and the negotiation of a sophisticated business transaction between the insurer and an informed insured. These types of risks also require individually tailored manuscript-type policies. Because of the uniqueness of each risk, it is not reasonable to set general rates and forms for them. For this reason, it is important that this rule continue in force, exempting commercial aviation insurance from the requirement to file policy rates and forms with the Department. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	02/25/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R590-177	Filing No. 51393
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Agency Information

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

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

General Information

2. Rule catchline:
R590-177. Life Insurance Illustrations 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:
Subsection 31A-2-201(3)(a) authorizes the Insurance Commissioner to write rules to implement the provisions of Title 31A, Insurance Code. Subsection 31A-22-425(1)(c) authorizes the Insurance Commissioner to make rules to establish standards for illustrations that are used in connection with the solicitation or sale of a life insurance policy or contract. Subsection 31A-23a-402(8) states that a person may not engage in unfair methods of competition or deception in the practice of insurance. This rule describes filing requirements for life illustrations and standards for the format, use, delivery, and retention of life illustrations used in the sale of life policies. Insurers are required to appoint an actuary to certify that their illustrations meet certain standards and requirements.
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 provides consumer protection by stating the requirements and restrictions on the values that can be shown in the projections contained in a life insurance illustration. Unregulated illustrations have been found to provide values that are unrealistic and could entice a consumer into purchasing a product that will never perform as the company has illustrated. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	02/25/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R590-200	Filing No. 51395
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Agency Information

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

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

General Information

2. Rule catchline:
R590-200. Diabetes Treatment and Management
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsections 31A-2-201(1) and 31A-2-201(3)(a) authorize the Insurance Commissioner to write and enforce rules to

implement the provisions of Title 31A, Insurance Code. Section 31A-22-626 authorizes the Insurance Commissioner to establish by rule minimum standards of coverage for diabetes for accident and health policies that provide a health insurance benefit. Section 31A-22-626 also authorizes the Insurance Commissioner to write rules with limits, deductibles, coinsurance, and requirements regarding self-management training and management training that are equitable or identical to coverage provided for the treatment of other diseases or illnesses, as well as requiring coverage for equipment and supplies that are considered to be medically necessary for that care.

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 details the minimum standards for diabetic care that must be covered under health insurance. It includes diabetes education, training, supplies, and prescriptions necessary for a person to manage their diabetes. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	02/25/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R606-1	Filing No. 51494
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Agency Information

1. Department:	Labor Commission	
Agency:	Antidiscrimination	and Labor, Antidiscrimination
Building:	Heber M Wells	
Street address:	160 E 300 S, 3rd Floor	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state, zip:	Salt Lake City, UT 84114-6600	
Contact person(s):		
Name:	Phone:	Email:
Chris Hill	801-530-6113	chill@utah.gov

Kendra Shirey	801-530-6921	kshirey@utah.gov
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Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R606-1. Antidiscrimination

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

This rule is enacted in accordance with the Utah Antidiscrimination Act, Subsection 34A-5-104(1)(b), which provides "[t]he commission may adopt, publish, amend, and rescind rules, consistent with, and for the enforcement of this chapter."

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 regarding this rule since its 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:

This rule must continue to remain in place in order to for the Labor Commission to enforce the Utah Antidiscrimination Act. Rule R606-1 sets forth the process for an employment discrimination case, provides information as to what information obtained during an investigation may be released, and the process for obtaining declaratory orders, as well as how to compute time periods for filing a discrimination complaint.

Agency Authorization Information

Agency head or designee, and title:	Jaceson R. Maughan, Commissioner	Date:	02/17/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R628-12	Filing No. 51527
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Agency Information

1. Department:	Money Management Council
Agency:	Administration
Room no.:	180
Building:	Utah State Capitol
Street address:	350 N State St

City, state, zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 142315	
City, state, zip:	Salt Lake City, UT 84114-2315	
Contact person(s):		
Name:	Phone:	Email:
Ann Pedroza	801-538-1883	apedroza@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R628-12. Certification of Qualified Depositories for Public Funds
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 51-7-3(29) defines a qualified depository as an institution that has met the requirements for this chapter and rules of the Money Management Council (Council) to be eligible to receive deposits of public funds. In Subsection 51-7-18(2)(b), it states that the Council may make rules governing the conditions and procedures for maintaining and revoking a financial institution's designation as a qualified depository.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The Council reviewed this rule for the five-year review continuation in their October 22, 2020, meeting. No comments in opposition to this rule have been received. The statute requires that there be rules in place to govern deposits of Utah public funds in Utah financial institutions. This rule needs to be continued to provide criteria for financial institutions to become qualified to hold Utah public funds. If this rule were not in place, public entities would not be able to use financial institutions to deposit funds.

Agency Authorization Information

Agency head or designee, and title:	Douglas L. DeFries, President	Date:	02/19/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R628-13	Filing No. 51528

Agency Information

1. Department:	Money Management Council	
Agency:	Administration	
Room no.:	180	
Building:	Utah State Capitol	
Street address:	350 N State St	
City, state, zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 142315	
City, state, zip:	Salt Lake City, UT 84114-2315	
Contact person(s):		
Name:	Phone:	Email:
Ann Pedroza	801-538-1883	apedroza@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R628-13. Collateralization of Public Funds
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 51-7-18 allows the Money Management Council (Council) to make rules requiring collateral on public fund deposits from qualified depositories only in the event that the public funds on deposit are more than the maximum uninsured public funds allotment.
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 supporting or opposing this rule have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule needs to be continued to allow the Council to receive collateral in the event that a qualified depository's allotment is reduced or the qualified depository goes over the allotment for reasons described in this rule. Allowing collateral in these instances protects public funds from potential loss. There have been no comments in opposition to this rule for the Council to respond to. The Council reviewed this rule in their December 21, 2020, meeting and agreed to the continuation.

Agency Authorization Information

Agency head or designee, and title:	Douglas L. DeFries, President	Date:	02/22/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R628-16	Filing No. 51522
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Agency Information

1. Department:	Money Management Council	
Agency:	Administraiton	
Room no.:	180	
Building:	Utah State Capitol	
Street address:	350 N State St	
City, state, zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 142315	
City, state, zip:	Salt Lake City, UT 84114-2315	
Contact person(s):		
Name:	Phone:	Email:
Ann Pedroza	801-538-1883	apedroza@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R628-16. Certification as a Dealer

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

Under Section 51-7-18 it is stated that the Money Management Council (Council) may make rules governing the conditions and procedures for maintaining and revoking the status of a certified dealer.

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 since the last 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:

This rule needs to be in place to allow public treasurers that may want to purchase allowable securities to have access to certified dealers that have met minimum requirements to work with public treasurers and have signed that they have read the Utah Money Management Act (Title 51, Chapter 7) and agree to abide by it. Without this rule to provide these minimum requirements, public treasurers would not be able to purchase allowable securities. There have been no comments in opposition to this rule. Therefore, this rule was reviewed in the Council's January 2021 meeting and unanimously agreed on to be continued at that time.

Agency Authorization Information

Agency head or designee, and title:	Douglas L. DeFries, President	Date:	02/25/2021
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Administrative Services

Finance

No. 53269 (Amendment) R25-7: Reimbursement for Transportation
Published: 01/15/2021
Effective: 02/23/2021

Environmental Quality

Administration

No. 53259 (New Rule) R305-10: Local Health Department Minimum Performance Standards
Published: 01/15/2021
Effective: 02/23/2021

Health

Family Health and Preparedness, Children with Special Health Care Needs

No. 53264 (New Rule) R398-15: Adult Autism Treatment Program
Published: 01/01/2021
Effective: 02/10/2021

Health Care Financing, Coverage and Reimbursement Policy

No. 53270 (Amendment) R414-505: Intergovernmental Transfer (IGT) Certification
Published: 01/15/2021
Effective: 02/25/2021

Human Services

Administration

No. 53267 (Repeal) R495-862: Communicable Disease Control Act
Published: 01/15/2021
Effective: 02/24/2021

Administration, Administrative Services, Licensing
No. 53226 (Amendment) R501-14: Human Service Program Background Screening
Published: 12/15/2020
Effective: 02/16/2021

Substance Abuse and Mental Health

No. 53225 (Amendment) R523-2: Local Mental Health Authorities and Local Substance Abuse Authorities
Published: 01/01/2021
Effective: 02/26/2021

Recovery Services

No. 53260 (Amendment) R527-35: Non-IV-A Fee Schedule
Published: 01/15/2021
Effective: 02/24/2021

Insurance

Administration

No. 53272 (Amendment) R590-238: Fee Schedule. Initial Application. Renewal
Published: 01/15/2021
Effective: 02/23/2021

No. 53179 (New Rule) R590-285: Limited Long-Term Care Insurance

Published: 11/15/2020
Effective: 02/23/2021

No. 53179 (Change in Proposed Rule) R590-285: Limited Long-Term Care Insurance

Published: 01/15/2021
Effective: 02/23/2021

NOTICES OF RULE EFFECTIVE DATES

Natural Resources

Wildlife Resources

No. 53242 (Amendment) R657-9: Taking Waterfowl,

Wilson's Snipe and Coot

Published: 01/15/2021

Effective: 02/23/2021

No. 53243 (Amendment) R657-38: Dedicated Hunter
Program

Published: 01/15/2021

Effective: 02/23/2021

End of the Notices of Rule Effective Dates Section