

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Sunnie Burningham, Managing Editor

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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

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between July 16, 2021, 12:00 a.m., and August 02, 2021, 11:59 p.m. are included in this, the August 15, 2021, issue of the *Utah State 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 September 14, 2021. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through December 13, 2021, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State 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: Amendment       |       |                 |
| Utah Admin. Code Ref (R no.): | R25-2 | Filing ID 53749 |

#### Agency Information

|  |                                    |                  |
|--|------------------------------------|------------------|
| <b>1. Department:</b>  | Government Operations              |                  |
| <b>Agency:</b>   | Finance                            |                  |
| <b>Room no.:</b>   | Floor 3                            |                  |
| <b>Building:</b>   | Taylorsville State Office Building |                  |
| <b>Street address:</b>   | 4315 S 2700 W                      |                  |
| <b>City, state and zip:</b>  | Taylorsville, UT 84129-2128        |                  |
| <b>Mailing address:</b>  | PO Box 141031                      |                  |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84114-1031      |                  |
| <b>Contact person(s):</b>  |                                    |                  |
| <b>Name:</b>   | <b>Phone:</b>                      | <b>Email:</b>    |
| Janica Gines   | 801-957-7727                       | jmgines@utah.gov |
| Please address questions regarding information on this notice to the agency. |                                    |                  |

#### General Information

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

#### Fiscal Information

|   |
|---|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>  |
| <b>A) State budget:</b>   |
| There is no anticipated cost of savings to the state budget. The Division cannot determine if there will be costs to state agencies. There is no way to anticipate if an agency will have a hearing.  |
| <b>B) Local governments:</b>  |
| There are no anticipated cost or savings to local governments. The Division cannot determine if there will be costs to local governments. There is no way to anticipate if a local government will have a hearing.  |
| <b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>  |
| There are not anticipated cost or savings to small businesses. This rule applies to state and local governments only.   |
| <b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>  |
| There are no costs to non-small businesses. This rule applies to state and local governments only.  |
| <b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b> |
| This rule applies to state and local government entities only. There is not anticipated cost or savings to other persons.   |
| <b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>  |
| This rule does not impose compliance costs on persons.  |
| <b>G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):</b>  |
| I have reviewed this fiscal analysis, and agree with the described fiscal impacts associated with this rule. Jenney Rees, Executive Director  |
| <b>6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)</b>                            |



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

**Citation Information**

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

**Public Notice Information**

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

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

**Agency Authorization Information**

|  |                        |             |            |
|--|------------------------|-------------|------------|
| <b>Agency head or designee, and title:</b> | Janica Gines, Director | <b>Date</b> | 07/09/2021 |
|--|------------------------|-------------|------------|

**NOTICE OF PROPOSED RULE**

|                                      |               |                  |              |
|--------------------------------------|---------------|------------------|--------------|
| <b>TYPE OF RULE:</b> Amendment       |               |                  |              |
| <b>Utah Admin. Code Ref (R no.):</b> | <b>R68-22</b> | <b>Filing ID</b> | <b>53755</b> |

**Agency Information**

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

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R68-22. Industrial Hemp Research  |
| <b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>   |
| Changes are needed to expand this rule to include a certificate for research involving industrial hemp processing rather than just cultivation. This is needed because universities are currently doing research that |

involves industrial hemp processing and guidance regarding program requirements are not currently set in rule.

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

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

**Fiscal Information**

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

**A) State budget:**

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

**B) Local governments:**

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

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

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

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

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

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

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

other persons, including universities who operate under this research program.

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

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

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

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

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

**Regulatory Impact Table**

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

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

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

**Citation Information**

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

|                  |  |  |
|------------------|--|--|
| Section 4-41-103 |  |  |
|------------------|--|--|

**Public Notice Information**

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

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 09/14/2021 |
|--|------------|

|  |            |
|--|------------|
| <b>10. This rule change MAY become effective on:</b> | 09/21/2021 |
|--|------------|

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

**Agency Authorization Information**

|  |                                |              |            |
|--|--------------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Craig W. Butters, Commissioner | <b>Date:</b> | 07/22/2021 |
|--|--------------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE       |          |                 |
|-------------------------------|----------|-----------------|
| TYPE OF RULE: Amendment       |          |                 |
| Utah Admin. Code Ref (R no.): | R277-726 | Filing ID 53648 |

**Agency Information**

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

| Contact person(s): |               |                                  |
|--------------------|---------------|----------------------------------|
| <b>Name:</b>       | <b>Phone:</b> | <b>Email:</b>                    |
| Angie Stallings    | 801-538-7830  | Angie.stallings@schools.utah.gov |

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

**General Information**

**2. Rule or section catchline:**  
R277-726. Statewide Online Education Program

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

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

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

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

**Fiscal Information**

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

**A) State budget:**  
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The amendments are due to S.B. 226 and S.B. 234 (2021).

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

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

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

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments are due to S.B. 226 and S.B. 234 (2021).

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

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

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, State Superintendent

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

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

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

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

**Citation Information**

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

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

**Incorporations by Reference Information**

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

|   | <b>First Incorporation</b>   |
|---|--|
| <b>Official Title of Materials Incorporated (from title page)</b> | LEA SOEP Provider Application & Statewide Services Agreement (Primary Agreement) |
| <b>Publisher</b>  | State Board of Education   |
| <b>Date Issued</b>  | 6/22/2021  |
| <b>Issue, or version</b>  | Version 1  |

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

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

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

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

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

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

**Public Notice Information**

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

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 09/14/2021 |
|--|------------|

|  |            |
|--|------------|
| <b>10. This rule change MAY become effective on:</b> | 09/21/2021 |
|--|------------|

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

**Agency Authorization Information**

|  |  |              |            |
|--|--|--------------|------------|
| <b>Agency head or designee, and title:</b> | Angie Stallings, Deputy Superintendent of Policy | <b>Date:</b> | 07/29/2021 |
|--|--|--------------|------------|

**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** New

|                                      |                |                  |              |
|--------------------------------------|----------------|------------------|--------------|
| <b>Utah Admin. Code Ref (R no.):</b> | <b>R357-40</b> | <b>Filing ID</b> | <b>53767</b> |
|--------------------------------------|----------------|------------------|--------------|

**Agency Information**

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

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

**General Information**

**2. Rule or section catchline:**

R357-40. Broadband Access Grant Program Rule

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

H.B. 348 passed during the 2021 General Session and established the broadband access grant program administered by the Governor's Office of Economic

Opportunity. The purpose of this rule is to establish the criteria to receive broadband access grant funds.

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

This rule will codify definitions, authority, eligibility criteria, contract requirements, contract modification process, funding distribution, and reporting requirements.

**Fiscal Information**

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

**A) State budget:**

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

**B) Local governments:**

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

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

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

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

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

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

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

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

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

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

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

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

**Regulatory Impact Table**

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

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

The Executive Director of the Governor's Office of Economic Development, Dan Hemmert, has reviewed and approved this fiscal analysis.

**Citation Information**

|   |  |  |
|---|--|--|
| <b>7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b> |  |  |
| Section<br>63N-17-302   |  |  |

**Public Notice Information**

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

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

**Agency Authorization Information**

|  |                                    |              |            |
|--|------------------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Dan Hemmert,<br>Executive Director | <b>Date:</b> | 07/30/2021 |
|--|------------------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE              |         |                           |
|--------------------------------------|---------|---------------------------|
| <b>TYPE OF RULE:</b> New             |         |                           |
| <b>Utah Admin. Code Ref (R no.):</b> | R357-41 | <b>Filing ID</b><br>53759 |

**Agency Information**

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

**General Information**

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

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A) State budget:</b>  |
| There is no new aggregate anticipated cost or savings to the state budget. This rule is merely establishing the process to receive broadband access grant funds.   |
| <b>B) Local governments:</b>   |
| There is no new aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.   |
| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):   |
| There is no new aggregate anticipated cost or savings to small businesses because this proposed rule does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation.   |
| <b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):   |
| There is no new aggregate anticipated cost or savings to non-small businesses because this proposed rule does not create new obligations for non-small businesses, nor does it increase the costs associated with any existing obligation.   |
| <b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ): |

NOTICES OF PROPOSED RULES

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

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

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

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

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

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

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

|                              |            |            |            |
|------------------------------|------------|------------|------------|
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

The Executive Director of the Governor's Office of Economic Development, Dan Hemmert, has reviewed and approved this fiscal analysis.

**Citation Information**

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

|                      |  |  |
|----------------------|--|--|
| Section<br>63N-3-702 |  |  |
|----------------------|--|--|

**Public Notice Information**

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

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

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

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

**Agency Authorization Information**

|  |                                    |              |           |
|--|------------------------------------|--------------|-----------|
| <b>Agency head or designee, and title:</b> | Dan Hemmert,<br>Executive Director | <b>Date:</b> | 7/30/2021 |
|--|------------------------------------|--------------|-----------|

**NOTICE OF PROPOSED RULE**

|                                      |                |                                  |
|--------------------------------------|----------------|----------------------------------|
| <b>TYPE OF RULE:</b> Amendment       |                |                                  |
| <b>Utah Admin. Code Ref (R no.):</b> | <b>R590-94</b> | <b>Filing ID</b><br><b>53752</b> |

**Agency Information**

|                       |                                   |
|-----------------------|-----------------------------------|
| <b>1. Department:</b> | Insurance                         |
| <b>Agency:</b>        | Administration                    |
| <b>Room no.:</b>      | Suite 2300                        |
| <b>Building:</b>      | Taylorville State Office Building |



|  |                               |                 |
|--|-------------------------------|-----------------|
| <b>Street address:</b>   | 4315 S 2700 W                 |                 |
| <b>City, state and zip:</b>  | Taylorsville, UT 84129        |                 |
| <b>Mailing address:</b>  | PO Box 146901                 |                 |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84114-6901 |                 |
| <b>Contact person(s):</b>  |                               |                 |
| <b>Name:</b>   | <b>Phone:</b>                 | <b>Email:</b>   |
| Steve Gooch  | 801-957-9322                  | sgooch@utah.gov |
| Please address questions regarding information on this notice to the agency. |                               |                 |

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R590-94. Rule Permitting Smoker/Nonsmoker Mortality Tables For Use In Determining Minimum Reserve Liabilities and Nonforfeiture Benefits  |
| <b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>   |
| This rule is being changed as a result of Executive Order 2021-12. During the review of this rule, the Department of Insurance (Department) discovered that the rule language was too broadly applied, and also found numerous items that need to be fixed due to changes in language and rulewriting standards.  |
| <b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>  |
| This filing restricts the applicability of this rule to apply only to life insurers. The language as currently written applies to all insurers; however, the Department has only applied this rule to life insurers due to the content of this rule. The filing also fixes a number of style issues to bring this rule text more in line with current rulewriting standards and updates Section R590-94-6 to use the Department's current language. |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A) State budget:</b>  |
| There is no anticipated cost or savings to the state budget. This rule is being changed to make it clear that this rule only applies to life insurers and will require no more and no less work or cost on the state's part. |

| <b>B) Local governments:</b>  |             |        |        |        |                  |     |     |     |
|---|-------------|--------|--------|--------|------------------|-----|-----|-----|
| There is no anticipated cost or savings to local governments. This rule is being changed to make it clear that this rule only applies to life insurers.   |             |        |        |        |                  |     |     |     |
| <b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>  |             |        |        |        |                  |     |     |     |
| There is no anticipated cost or savings to small businesses. This rule is being changed to make it clear that this rule only applies to life insurers.  |             |        |        |        |                  |     |     |     |
| <b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>  |             |        |        |        |                  |     |     |     |
| There is no anticipated cost or savings to non-small businesses. This rule is being changed to make it clear that this rule only applies to life insurers. Life insurers to which this rule applies are already regulated according to this rule; any other insurer that would have been formerly regulated according to this rule have not been and will continue to not be. |             |        |        |        |                  |     |     |     |
| <b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>   |             |        |        |        |                  |     |     |     |
| There is no anticipated cost or savings to any other persons. This rule is being changed to make it clear that this rule only applies to life insurers.   |             |        |        |        |                  |     |     |     |
| <b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>  |             |        |        |        |                  |     |     |     |
| There is no anticipated compliance cost for any affected persons. This rule is being changed to make it clear that this rule only applies to life insurers. Insurers affected by this rule are already required to comply with this rule.   |             |        |        |        |                  |     |     |     |
| <b>G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):</b>  |             |        |        |        |                  |     |     |     |
| After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. Jonathan T. Pike, Commissioner  |             |        |        |        |                  |     |     |     |
| <b>6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)</b>  |             |        |        |        |                  |     |     |     |
| <b>Regulatory Impact Table</b>  |             |        |        |        |                  |     |     |     |
| <table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2022</th> <th>FY2023</th> <th>FY2024</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>   | Fiscal Cost | FY2022 | FY2023 | FY2024 | State Government | \$0 | \$0 | \$0 |
| Fiscal Cost   | FY2022      | FY2023 | FY2024 |        |                  |     |     |     |
| State Government  | \$0         | \$0    | \$0    |        |                  |     |     |     |

NOTICES OF PROPOSED RULES

|  |            |            |            |
|--|------------|------------|------------|
| Local Governments  | \$0        | \$0        | \$0        |
| Small Businesses   | \$0        | \$0        | \$0        |
| Non-Small Businesses   | \$0        | \$0        | \$0        |
| Other Persons  | \$0        | \$0        | \$0        |
| <b>Total Fiscal Cost</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Fiscal Benefits</b>   |            |            |            |
| State Government   | \$0        | \$0        | \$0        |
| Local Governments  | \$0        | \$0        | \$0        |
| Small Businesses   | \$0        | \$0        | \$0        |
| Non-Small Businesses   | \$0        | \$0        | \$0        |
| Other Persons  | \$0        | \$0        | \$0        |
| <b>Total Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>B) Department head approval of regulatory impact analysis:</b>  |            |            |            |
| The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis. |            |            |            |

**Citation Information**

|   |                    |  |
|---|--------------------|--|
| <b>7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b> |                    |  |
| Section 31A-2-201   | Section 31A-22-408 |  |

**Public Notice Information**

|   |            |
|---|------------|
| <b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.) |            |
| <b>A) Comments will be accepted until:</b>  | 09/14/2021 |
| <b>10. This rule change MAY become effective on:</b>  | 09/21/2021 |
| NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency   |            |

must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

**Agency Authorization Information**

|  |   |              |            |
|--|---|--------------|------------|
| <b>Agency head or designee, and title:</b> | Steve Gooch, Public Information Officer | <b>Date:</b> | 07/22/2021 |
|--|---|--------------|------------|

**NOTICE OF PROPOSED RULE**

|                                      |                |                  |              |
|--------------------------------------|----------------|------------------|--------------|
| <b>TYPE OF RULE:</b> Amendment       |                |                  |              |
| <b>Utah Admin. Code Ref (R no.):</b> | <b>R590-95</b> | <b>Filing ID</b> | <b>53753</b> |

**Agency Information**

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

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

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R590-95. Rule to Permit the Same Minimum Nonforfeiture Standards for Men and Women Insureds Under the 1980 CSO and 1980 CET Mortality Tables   |
| <b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>  |
| This rule is being changed as a result of Executive Order 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended. |
| <b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>             |
| The majority of the changes are being done to fix style issues to bring this rule text more in line with current   |

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

**Fiscal Information**

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

**A) State budget:**

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

**B) Local governments:**

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

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

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

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

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

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

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

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

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

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

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

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

**Regulatory Impact Table**

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

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

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

**Citation Information**

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

|                   |                    |  |
|-------------------|--------------------|--|
| Section 31A-2-201 | Section 31A-22-408 |  |
|-------------------|--------------------|--|

NOTICES OF PROPOSED RULES

**Public Notice Information**

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

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

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

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

**Agency Authorization Information**

|  |   |              |            |
|--|---|--------------|------------|
| <b>Agency head or designee, and title:</b> | Steve Gooch, Public Information Officer | <b>Date:</b> | 07/22/2021 |
|--|---|--------------|------------|

| NOTICE OF PROPOSED RULE              |                |                                  |
|--------------------------------------|----------------|----------------------------------|
| <b>TYPE OF RULE:</b> Amendment       |                |                                  |
| <b>Utah Admin. Code Ref (R no.):</b> | <b>R590-96</b> | <b>Filing ID</b><br><b>53754</b> |

**Agency Information**

|  |                                    |                 |
|--|------------------------------------|-----------------|
| <b>1. Department:</b>  | Insurance                          |                 |
| <b>Agency:</b>   | Administration                     |                 |
| <b>Room no.:</b>   | Suite 2300                         |                 |
| <b>Building:</b>   | Taylorsville State Office Building |                 |
| <b>Street address:</b>   | 4315 S 2700 W                      |                 |
| <b>City, state and zip:</b>  | Taylorsville, UT 84129             |                 |
| <b>Mailing address:</b>  | PO Box 146901                      |                 |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84114-6901      |                 |
| <b>Contact person(s):</b>  |                                    |                 |
| <b>Name:</b>   | <b>Phone:</b>                      | <b>Email:</b>   |
| Steve Gooch  | 801-957-9322                       | sgooch@utah.gov |
| Please address questions regarding information on this notice to the agency. |                                    |                 |

**General Information**

**2. Rule or section catchline:**  
R590-96. Rule to Recognize New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities

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

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

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

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

**Fiscal Information**

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

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

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

**C) Small businesses** ("small business" means a business employing 1-49 persons):  
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature and will not affect small businesses.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):  
There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature and will not affect non-small businesses.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):  
There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

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

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

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

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

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

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

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

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

**Citation Information**

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

|                   |                    |  |
|-------------------|--------------------|--|
| Section 31A-2-201 | Section 31A-17-505 |  |
|-------------------|--------------------|--|

**Public Notice Information**

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

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 09/14/2021 |
|--|------------|

|  |            |
|--|------------|
| <b>10. This rule change MAY become effective on:</b> | 09/21/2021 |
|--|------------|

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

**Agency Authorization Information**

|  |   |              |            |
|--|---|--------------|------------|
| <b>Agency head or designee, and title:</b> | Steve Gooch, Public Information Officer | <b>Date:</b> | 07/22/2021 |
|--|---|--------------|------------|

**NOTICE OF PROPOSED RULE**

|                                      |                 |                                  |
|--------------------------------------|-----------------|----------------------------------|
| <b>TYPE OF RULE:</b> Amendment       |                 |                                  |
| <b>Utah Admin. Code Ref (R no.):</b> | <b>R602-2-3</b> | <b>Filing ID</b><br><b>53751</b> |

**Agency Information**

|                             |                               |                       |
|-----------------------------|-------------------------------|-----------------------|
| <b>1. Department:</b>       | Labor Commission              |                       |
| <b>Agency:</b>              | Adjudication                  |                       |
| <b>Building:</b>            | Heber Wells                   |                       |
| <b>Street address:</b>      | 160 E 300 S, 3rd FL           |                       |
| <b>City, state and zip:</b> | Salt Lake City, UT 84111-2305 |                       |
| <b>Mailing address:</b>     | PO Box 146615                 |                       |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-6615 |                       |
| <b>Contact person(s):</b>   |                               |                       |
| <b>Name:</b>                | <b>Phone:</b>                 | <b>Email:</b>         |
| Aurora Holley               | 801-530-6865                  | auroraholley@utah.gov |

NOTICES OF PROPOSED RULES

|  |              |                     |
|--|--------------|---------------------|
| Sara Danielson   | 801-530-6953 | sdanielson@utah.gov |
| Chris Hill   | 801-362-3113 | chill@utah.gov      |
| Please address questions regarding information on this notice to the agency. |              |                     |

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R602-2-3. Compensation for Medical Panel Services   |
| <b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>   |
| The purpose of this rule change is to modify the rate of compensation earned by medical panel members and chairs.   |
| <b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>        |
| This change increases medical panel chair compensation from \$137.50 per half hour to \$167.50 per half hour and medical panel members' compensation from \$125 per half hour to \$155 per half hour. |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A) State budget:</b>  |
| The increase is not funded by the state budget, so no impact to the state budget.  |
| <b>B) Local governments:</b>   |
| Local governments will not be impacted by this change.   |
| <b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>   |
| Small businesses will not be impacted by the medical panel compensation increasing. The medical panels incur no fees paid by small businesses. |
| <b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>   |
| Non-small businesses will not be impacted by this rule change. The medical panel process does not involve non-small businesses.                |

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

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

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

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

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

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

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

| <b>Regulatory Impact Table</b> |               |               |               |
|--------------------------------|---------------|---------------|---------------|
| <b>Fiscal Cost</b>             | <b>FY2022</b> | <b>FY2023</b> | <b>FY2024</b> |
| State Government               | \$0           | \$0           | \$0           |
| Local Governments              | \$0           | \$0           | \$0           |
| Small Businesses               | \$0           | \$0           | \$0           |
| Non-Small Businesses           | \$0           | \$0           | \$0           |
| Other Persons                  | \$0           | \$0           | \$0           |
| <b>Total Fiscal Cost</b>       | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |

|  |            |            |            |
|--|------------|------------|------------|
| <b>Fiscal Benefits</b>   |            |            |            |
| State Government   | \$0        | \$0        | \$0        |
| Local Governments  | \$0        | \$0        | \$0        |
| Small Businesses   | \$0        | \$0        | \$0        |
| Non-Small Businesses   | \$0        | \$0        | \$0        |
| Other Persons  | \$0        | \$0        | \$0        |
| <b>Total Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>B) Department head approval of regulatory impact analysis:</b>  |            |            |            |
| The Commissioner of the Labor Commission, Jaceson R. Maughan, has reviewed and approve this fiscal analysis. |            |            |            |

**Citation Information**

|   |                   |  |
|---|-------------------|--|
| <b>7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b> |                   |  |
| Section 34A-1-301   | Section 63G-4-102 |  |

**Public Notice Information**

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

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

**Agency Authorization Information**

|  |                                  |              |            |
|--|----------------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Jaceson R. Maughan, Commissioner | <b>Date:</b> | 07/21/2021 |
|--|----------------------------------|--------------|------------|

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

**Agency Information**

|  |                                      |                      |
|--|--------------------------------------|----------------------|
| <b>1. Department:</b>  | Natural Resources                    |                      |
| <b>Agency:</b>   | Geological Survey                    |                      |
| <b>Room no.:</b>   | Suite 3110                           |                      |
| <b>Building:</b>   | Utah Department of Natural Resources |                      |
| <b>Street address:</b>   | 1594 W North Temple                  |                      |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84116             |                      |
| <b>Mailing address:</b>  | PO Box 146100                        |                      |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84114-6100        |                      |
| <b>Contact person(s):</b>  |                                      |                      |
| <b>Name:</b>   | <b>Phone:</b>                        | <b>Email:</b>        |
| Michael Hylland  | 801-537-3382                         | mikehylland@utah.gov |
| Bill Keach   | 801-537-3301                         | billkeach@utah.gov   |
| Please address questions regarding information on this notice to the agency. |                                      |                      |

**General Information**

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

**Fiscal Information**

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

**A) State budget:**

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

**B) Local governments:**

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

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

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

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

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

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

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

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

None--As stated in Subsection R638-1-5(1), "this rule applies to geoscience information provided voluntarily by individuals or organizations to the Survey. Therefore, sources of information have no mandated costs in order to comply with these provisions." Also as stated in Subsection R638-1-5(2), "the Survey will allocate sufficient funds from its operating budget to accomplish the purposes and objectives of this rule."

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

This proposed rule changes will have no fiscal impact on businesses. Brian Steed, Executive Director

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

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

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

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

**Citation Information**

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

|                        |                        |  |
|------------------------|------------------------|--|
| Subsection 79-3-202(2) | Subsection 79-3-303(5) |  |
|------------------------|------------------------|--|



**Public Notice Information**

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

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 09/14/2021 |
|--|------------|

|  |            |
|--|------------|
| <b>10. This rule change MAY become effective on:</b> | 09/21/2021 |
|--|------------|

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

**Agency Authorization Information**

|  |  |              |            |
|--|--|--------------|------------|
| <b>Agency head or designee, and title:</b> | Michael Hylland,<br>UGS Deputy<br>Director | <b>Date:</b> | 07/26/2021 |
|--|--|--------------|------------|

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



## NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

| NOTICE OF EMERGENCY (120-DAY) RULE |            |                  |
|------------------------------------|------------|------------------|
| Utah Admin. Code Ref (R no.):      | R990-200-5 | Filing ID: 53766 |

### Agency Information

|  |                                   |                 |
|--|-----------------------------------|-----------------|
| <b>1. Department:</b>  | Workforce Services                |                 |
| <b>Agency:</b>   | Housing and Community Development |                 |
| <b>Building:</b>   | Olene Walker Building             |                 |
| <b>Street address:</b>   | 140 E 300 S                       |                 |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84111          |                 |
| <b>Mailing address:</b>  | PO Box 45244                      |                 |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84145-0244     |                 |
| <b>Contact person(s):</b>  |                                   |                 |
| <b>Name:</b>   | <b>Phone:</b>                     | <b>Email:</b>   |
| Amanda B. McPeck   | 801-517-4709                      | ampeck@utah.gov |
| Please address questions regarding information on this notice to the agency. |                                   |                 |

### General Information

|  |
|--|
| <b>2. Rule or section catchline:</b>           |
| R990-200-5. Criteria for Allocating Volume Cap |
| <b>3. Effective Date:</b>                      |
| 08/02/2021                                     |

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

Under the current rule, if a recipient of a volume cap allocation needs additional volume cap, it must first relinquish the volume cap it has already been awarded and submit a new application. At that point, the previously allocated volume cap goes back in the fund and the recipient will be graded as a new applicant. Depending on the number and score of the pending applications, there may not be enough available volume cap for the recipient to receive the additional volume cap needed, leaving the recipient not only without the additional volume cap, but without any volume cap at all. There is, therefore, a risk that compliance with the current rule will impair or prevent the completion of worthy projects in the public interest. This rule change allows the Private Activity Bond Review Board to award additional volume cap as appropriate.

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

This rule change eliminates the need for a recipient to relinquish a volume cap allocation before submitting an application for a larger allocation. This rule change allows the Private Activity Bond Review Board to award additional volume cap as appropriate, without the need for the recipient to relinquish its initial allocation or complete a new application.

### 6. A) The agency finds that regular rulemaking would:

|                                     |   |
|-------------------------------------|---|
| <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  |
| place the agency in violation of federal or state law.  |
| <b>B) Specific reasons and justifications for this finding:</b>   |
| There are currently two projects that need to exchange bonds for funds in a short period of time. Those projects require additional volume cap to be completed. The additional volume cap will fund the construction of 218 apartment units, 100% of which will be set aside for affordable housing as defined in Subsection R990-200-3(1). However, due to the tight timeline, compliance with regular rulemaking procedures would render it impossible to award additional volume cap before the project's closing date. Failure to amend this rule on an emergency basis will therefore negatively affect the public welfare by resulting in the loss of a significant housing opportunity for our area's low-income residents. The Private Activity Bond Review Board plans to review this rule and submit changes through regular rulemaking once this emergency situation is addressed. |

**Fiscal Information**

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

|  |
|--|
| <b>A) State budget:</b>  |
| This emergency rule change is not expected to have any fiscal impact on state revenues or expenditures. There are no additional state employees or resources needed to oversee this rule change. This rule change will not increase workload and can be carried out with existing budget. This rule change does not change the current available bond cap. |

|   |
|---|
| <b>B) Local governments:</b>  |
| This emergency rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because the program does not rely on local governments for funding, administration, or enforcement. |

|  |
|--|
| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):   |
| This emergency rule change may have a positive fiscal impact for a project that is able to receive additional funding with this rule change. However, this rule change does not change the current available bond cap. |

|  |
|--|
| <b>D) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ): |
| This emergency rule change may have a positive fiscal impact for a project that is able to receive additional funding with the rule change. However, this rule change does not change the current available bond cap.  |
| <b>E) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):   |
| This emergency rule change is not expected to cause any compliance costs for affected persons because the change does not create any new administrative fees.  |
| <b>F) Comments by the department head on the fiscal impact this rule may have on businesses</b> (Include the name and title of the department head):   |
| This emergency rule change will have a positive fiscal impact on businesses that qualify for additional funding but will not change the available bond cap. Casey R. Cameron, Executive Director   |

**Citation Information**

|   |
|---|
| <b>8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b> |
| Section<br>35A-8-2104   |

**Agency Authorization Information**

|  |                                      |              |            |
|--|--------------------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Casey R. Cameron, Executive Director | <b>Date:</b> | 08/02/2021 |
|--|--------------------------------------|--------------|------------|

**End of the Notices of 120-Day (Emergency) Rules Section**

## FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at [adminrules.utah.gov](http://adminrules.utah.gov). The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

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

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |        |                  |
|--|--------|------------------|
| Utah Admin. Code Ref (R no.):                            | R25-14 | Filing ID: 53490 |

### Agency Information

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

### General Information

|  |   |  |
|--|---|--|
| 2. Rule catchline:   | R25-14. Payment of Attorney's Fees in Death Penalty Cases |  |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |   |  |

Subsection 78B-9-202(3) directs the Division of Finance (Division) to establish rules governing the payment of attorney fees and litigation expenses for indigent post-conviction death penalty petitioners.

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

There have been no written comments received during and since the last five-year review.

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

Subsection 78B-9-202(3) continues to require this rule. The Division continues to make payments under this program as required by the courts. Therefore, this rule should be continued.

### Agency Authorization Information

|                                     |                        |       |            |
|-------------------------------------|------------------------|-------|------------|
| Agency head or designee, and title: | Janica Gines, Director | Date: | 07/19/2021 |
|-------------------------------------|------------------------|-------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |        |                  |
|--|--------|------------------|
| Utah Admin. Code Ref (R no.):                            | R151-3 | Filing ID: 50231 |

### Agency Information

|                |                    |
|----------------|--------------------|
| 1. Department: | Commerce           |
| Agency:        | Administration     |
| Building:      | Heber M Wells Bldg |

|  |                               |                   |
|--|-------------------------------|-------------------|
| <b>Street address:</b>   | 160 E 300 S                   |                   |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84111      |                   |
| <b>Mailing address:</b>  | PO Box 146701                 |                   |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84114-6701 |                   |
| <b>Contact person(s):</b>  |                               |                   |
| <b>Name:</b>   | <b>Phone:</b>                 | <b>Email:</b>     |
| Masuda Medcalf   | 801-530-7663                  | mmedcalf@utah.gov |
| Please address questions regarding information on this notice to the agency. |                               |                   |

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R151-3. Americans With Disabilities Act Rule  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>   |
| This rule is adopted under the authority of 28 CFR 35, Section 13-1-6, and Subsection 63G-3-201(3) and implements Title II of the Americans With Disabilities Act (ADA), which provides that no individual shall be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by the Department of Commerce, because of a disability. |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>  |
| No comments have been received.   |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>  |
| This rule should be continued as it is required by federal law, and it provides necessary procedures for the resolution of ADA complaints of noncompliance.   |

**Agency Authorization Information**

|  |                                       |              |            |
|--|---------------------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Margaret W. Busse, Executive Director | <b>Date:</b> | 07/16/2021 |
|--|---------------------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |         |                         |
|--|---------|-------------------------|
| <b>Utah Admin. Code Ref (R no.):</b>                     | R151-35 | <b>Filing ID: 50227</b> |

**Agency Information**

|  |                               |                   |
|--|-------------------------------|-------------------|
| <b>1. Department:</b>  | Commerce                      |                   |
| <b>Agency:</b>   | Administration                |                   |
| <b>Building:</b>   | Heber M Wells Bldg            |                   |
| <b>Street address:</b>   | 160 E 300 S                   |                   |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84111      |                   |
| <b>Mailing address:</b>  | PO Box 146701                 |                   |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84114-6701 |                   |
| <b>Contact person(s):</b>  |                               |                   |
| <b>Name:</b>   | <b>Phone:</b>                 | <b>Email:</b>     |
| Masuda Medcalf   | 801-530-7663                  | mmedcalf@utah.gov |
| Please address questions regarding information on this notice to the agency. |                               |                   |

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R151-35. Powersport Vehicle Franchise Act Rule  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>   |
| Section 13-35-104 of the Powersport Vehicle Franchise Act (PVFA) authorizes the Utah Powersport Vehicle Franchise Advisory Board and the Department of Commerce to promulgate rules regarding the administration of the PVFA. |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>  |
| No comments have been received.   |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>  |
| This rule should be continued as it is necessary to administer the registration requirements for franchisees and franchisors of powersport vehicles and to conduct proceedings before the agency.                             |

**Agency Authorization Information**

|  |                                       |              |            |
|--|---------------------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Margaret W. Busse, Executive Director | <b>Date:</b> | 07/16/2021 |
|--|---------------------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |          |                  |
|--|----------|------------------|
| Utah Admin. Code Ref (R no.):                            | R277-317 | Filing ID: 53682 |

**Agency Information**

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

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R277-317. Incentives for National Board Certification   |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>   |
| This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Utah State Board of Education (Board); Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; Section 53F-5-202, which requires the Board to make rules to specify procedures and timelines for reimbursing educators for the cost to attain or renew a National Board certification; and Section 53F-2-521, which requires the Board to implement a salary supplement for National Board-certified teachers. |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>  |
| There were no written comments received.  |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>  |
| This rule continues to be necessary because it specifies procedures and timelines for reimbursements to educators under Section 53F-5-202; and applications for the salary  |

supplement under Section 53F-2-521. Therefore, this rule should be continued.

**Agency Authorization Information**

|  |  |              |            |
|--|--|--------------|------------|
| <b>Agency head or designee, and title:</b> | Angie Stallings, Deputy Superintendent of Policy | <b>Date:</b> | 07/28/2021 |
|--|--|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |          |                  |
|--|----------|------------------|
| Utah Admin. Code Ref (R no.):                            | R277-404 | Filing ID: 53546 |

**Agency Information**

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

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R277-404. Requirements for Assessments of Student Achievement   |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>   |
| This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the State Board of Education (Board); Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; Section 53E-4-302, which directs the Board to adopt rules for the administration of statewide assessments; and Subsection 53G-6-803(9)(b), which requires the Board to adopt rules to establish a statewide procedure for exempting a student from taking certain assessments. |

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

There were no written comments received.

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

This rule continues to be necessary because it provides consistent definitions; and assign responsibilities and procedures for the administration of statewide assessments, as required by state and federal law. Therefore, this rule should be continued.

**Agency Authorization Information**

|  |  |              |            |
|--|--|--------------|------------|
| <b>Agency head or designee, and title:</b> | Angie Stallings, Deputy Superintendent of Policy | <b>Date:</b> | 07/28/2021 |
|--|--|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |          |                  |
|--|----------|------------------|
| Utah Admin. Code Ref (R no.):                            | R277-477 | Filing ID: 53547 |

**Agency Information**

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

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b> |

This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the State Board of Education (Board); Subsection 53F-2-404(2)(d), which allows the Board to adopt rules regarding the time and manner in which a student count shall be made for allocation of funds; and Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law. In accordance with Section 53D-2-202, through representation on the Land Trusts Protection and Advocacy Committee, the Board exercises trust oversight of: the Common School Trust; the School for the Deaf Trust; and the School for the Blind Trust. The Board implements the School LAND Trust program and provides oversight, support, and training for school community councils and Charter Trust Land Councils consistent with Section 53G-7-1206, Rule R277-491, and this Rule R277-477.

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

There were no written comments received.

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

This rule continues to be necessary because it provides financial resources to a public school to implement a component of a school's Teacher and Student Success Plan in order to enhance and improve student academic achievement; provides a means to involve a parent of a school's student in decision-making regarding the expenditure of School LAND Trust program funds allocated to the school; provides direction in the distribution of funds from the Trust Distribution Account, as funded in Section 53F-2-404; provides for appropriate and adequate oversight of the expenditure and use of funds by an approving entity, school administration, and the Board; provides for proper allocation of funds as stated in Section 53F-2-404, and the appropriate and timely distribution of the funds; enforces compliance with statutory and rule requirements, including the responsibility for a school community council to notify school community members regarding the use of funds; and defines the roles, duties, and responsibilities of the Superintendent with regards to the School Children's Trust. Therefore, this rule should be continued.

**Agency Authorization Information**

|  |  |              |            |
|--|--|--------------|------------|
| <b>Agency head or designee, and title:</b> | Angie Stallings, Deputy Superintendent of Policy | <b>Date:</b> | 07/28/2021 |
|--|--|--------------|------------|



| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |          |                  |
|--|----------|------------------|
| Utah Admin. Code Ref (R no.):                            | R277-491 | Filing ID: 53548 |

**Agency Information**

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

**General Information**

|  |
|--|
| <b>2. Rule catchline:</b>  |
| R277-491. School Community Councils  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>  |
| This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the State Board of Education (Board); and Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.   |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>   |
| There were no written comments received.   |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>   |
| This rule continues to be necessary because it provides procedures and clarifying information to a school community council to assist the council in fulfilling school community council responsibilities consistent with Sections 53G-7-1202 through 53G-7-1203; provides direction to a local school board, school, and school district in establishing and maintaining a school community council; provides a framework and support for improved academic achievement of students that is locally driven from within an individual school; encourages increased |

participation of a parent, school employee, and others to support the mission of a school community council; increases public awareness of: school trust lands; the permanent State School Fund; and educational excellence; and enforces compliance with the laws governing a school community council. Therefore, this rule should be continued.

This rule does not apply to charter schools.

**Agency Authorization Information**

|  |  |              |            |
|--|--|--------------|------------|
| <b>Agency head or designee, and title:</b> | Angie Stallings, Deputy Superintendent of Policy | <b>Date:</b> | 07/28/2021 |
|--|--|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |          |                  |
|--|----------|------------------|
| Utah Admin. Code Ref (R no.):                            | R642-100 | Filing ID: 51555 |

**Agency Information**

|  |                                     |                        |
|--|-------------------------------------|------------------------|
| <b>1. Department:</b>  | Natural Resources                   |                        |
| <b>Agency:</b>   | Oil, Gas and Mining; Administration |                        |
| <b>Building:</b>   | Department of Natural Resources     |                        |
| <b>Street address:</b>   | 1594 W North Temple, Suite 1210     |                        |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84114            |                        |
| <b>Mailing address:</b>  | 1594 W North Temple, Suite 1210     |                        |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84114            |                        |
| <b>Contact person(s):</b>  |                                     |                        |
| <b>Name:</b>   | <b>Phone:</b>                       | <b>Email:</b>          |
| Natasha Ballif   | 801-538-5328                        | natashaballif@utah.gov |
| Please address questions regarding information on this notice to the agency. |                                     |                        |

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R642-100. Records of the Division and Board of Oil, Gas and Mining  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b> |
| Subsection 63G-2-701(2) allows each political subdivision to adopt a policy applicable throughout its jurisdiction to information practices.                    |

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

No written comments have been received on this rule.

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

While Rule R642-100 overlaps with Utah Code, there are sections specific to the Division of Gas and Mining (Division), such as Section R642-100-700, which states that transcripts of the Board and the Division proceedings prepared by a Certified Court Reporter will be considered to be the property of the Reporter. Therefore, this rule should be continued.

**Agency Authorization Information**

|  |                     |              |            |
|--|---------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | John Baza, Director | <b>Date:</b> | 07/28/2021 |
|--|---------------------|--------------|------------|

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

|                                      |        |                   |       |
|--------------------------------------|--------|-------------------|-------|
| <b>Utah Admin. Code Ref (R no.):</b> | R649-1 | <b>Filing ID:</b> | 53303 |
|--------------------------------------|--------|-------------------|-------|

**Agency Information**

|                             |                                  |                        |  |
|-----------------------------|----------------------------------|------------------------|--|
| <b>1. Department:</b>       | Natural Resources                |                        |  |
| <b>Agency:</b>              | Oil, Gas and Mining; Oil and Gas |                        |  |
| <b>Building:</b>            | Department of Natural Resources  |                        |  |
| <b>Street address:</b>      | 1594 W North Temple, Suite 1210  |                        |  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114         |                        |  |
| <b>Contact person(s):</b>   |                                  |                        |  |
| <b>Name:</b>                | <b>Phone:</b>                    | <b>Email:</b>          |  |
| Natasha Ballif              | 801-538-5328                     | natashaballif@utah.gov |  |

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

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R649-1. Oil and Gas Definitions   |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b> |
| Subsection 40-6-5(2) states that the Board shall make rules and orders necessary to administer the Oil and Gas program.   |

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

There has been one written comment in support of this rule.

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

There is ongoing operational activity, and this rule specifically sets up all the definitions used throughout the Title R649 rules. Therefore, this rule should be continued.

**Agency Authorization Information**

|  |                     |              |            |
|--|---------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | John Baza, Director | <b>Date:</b> | 07/28/2021 |
|--|---------------------|--------------|------------|

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

|                                      |        |                   |       |
|--------------------------------------|--------|-------------------|-------|
| <b>Utah Admin. Code Ref (R no.):</b> | R649-2 | <b>Filing ID:</b> | 52805 |
|--------------------------------------|--------|-------------------|-------|

**Agency Information**

|                             |                                  |                        |  |
|-----------------------------|----------------------------------|------------------------|--|
| <b>1. Department:</b>       | Natural Resources                |                        |  |
| <b>Agency:</b>              | Oil, Gas and Mining; Oil and Gas |                        |  |
| <b>Building:</b>            | Department of Natural Resources  |                        |  |
| <b>Street address:</b>      | 1594 W North Temple, Suite 1210  |                        |  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114         |                        |  |
| <b>Contact person(s):</b>   |                                  |                        |  |
| <b>Name:</b>                | <b>Phone:</b>                    | <b>Email:</b>          |  |
| Natasha Ballif              | 801-538-5328                     | natashaballif@utah.gov |  |

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

**General Information**

|  |
|--|
| <b>2. Rule catchline:</b>  |
| R649-2. General Rules  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>    |
| Subsection 40-6-5(2) states that the Board shall make rules and orders necessary to administer the Oil and Gas program.  |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b> |

There has been one written comment in support of this rule.

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

There is ongoing operational activity, and this rule provides the general rules of the program, such as different applications, designation of operators, the Division of Oil and Gas' right to inspect sites, and how to measure production. Therefore, this rule should be continued.

**Agency Authorization Information**

|  |                     |              |            |
|--|---------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | John Baza, Director | <b>Date:</b> | 07/28/2021 |
|--|---------------------|--------------|------------|

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

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|--------------------------------------|---------------|-------------------------|
| <b>Utah Admin. Code Ref (R no.):</b> | <b>R649-3</b> | <b>Filing ID: 52806</b> |
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**Agency Information**

|                             |                                  |                        |
|-----------------------------|----------------------------------|------------------------|
| <b>1. Department:</b>       | Natural Resources                |                        |
| <b>Agency:</b>              | Oil, Gas and Mining; Oil and Gas |                        |
| <b>Building:</b>            | Department of Natural Resources  |                        |
| <b>Street address:</b>      | 1594 W North Temple, Suite 1210  |                        |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114         |                        |
| <b>Contact person(s):</b>   |                                  |                        |
| <b>Name:</b>                | <b>Phone:</b>                    | <b>Email:</b>          |
| Natasha Ballif              | 801-538-5328                     | natashaballif@utah.gov |

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

**General Information**

|  |
|--|
| <b>2. Rule catchline:</b>                |
| R649-3. Drilling and Operating Practices |

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

Subsection 40-6-5(2) states that the Board shall make rules and orders necessary to administer the Oil and Gas program.

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

There has been one written comment in support of this rule.

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

There is ongoing operational activity, and this rule provides bonding requirements, permitting rules, and various drilling operations for vertical and horizontal drilling. Therefore, this rule should be continued.

**Agency Authorization Information**

|  |                     |              |            |
|--|---------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | John Baza, Director | <b>Date:</b> | 07/28/2021 |
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

|                                      |               |                         |
|--------------------------------------|---------------|-------------------------|
| <b>Utah Admin. Code Ref (R no.):</b> | <b>R649-5</b> | <b>Filing ID: 51598</b> |
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**Agency Information**

|                             |                                  |                        |
|-----------------------------|----------------------------------|------------------------|
| <b>1. Department:</b>       | Natural Resources                |                        |
| <b>Agency:</b>              | Oil, Gas and Mining; Oil and Gas |                        |
| <b>Building:</b>            | Department of Natural Resources  |                        |
| <b>Street address:</b>      | 1594 W North Temple, Suite 1210  |                        |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114         |                        |
| <b>Contact person(s):</b>   |                                  |                        |
| <b>Name:</b>                | <b>Phone:</b>                    | <b>Email:</b>          |
| Natasha Ballif              | 801-538-5328                     | natashaballif@utah.gov |

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

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R649-5. Underground Injection Control of Recovery Operations and Class 11 Injection Wells |

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

Subsection 40-6-5(2) states that the Board shall make rules and orders necessary to administer the Oil and Gas program. There are also federal UIC Primacy regulations the Division of Oil and Gas must follow to administer Rule R649-5.

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| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>  |
| There has been one written comment in support of this rule.   |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>  |
| There is ongoing operational activity, and this rule provides requirements for injection of fluids, water disposal, and storage, as well as approval, testing, and monitoring of injection wells. Therefore, this rule should be continued. |

**Agency Authorization Information**

|  |                     |              |            |
|--|---------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | John Baza, Director | <b>Date:</b> | 07/28/2021 |
|--|---------------------|--------------|------------|

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| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>                         |
| There has been one written comment in support of this rule.  |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>                             |
| There is ongoing operational activity, and this rule provides a comprehensive list and explanation for all the forms in the Oil and Gas program. Therefore, this rule should be continued. |

**Agency Authorization Information**

|  |                     |              |            |
|--|---------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | John Baza, Director | <b>Date:</b> | 07/28/2021 |
|--|---------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |               |                         |
|--|---------------|-------------------------|
| <b>Utah Admin. Code Ref (R no.):</b>                     | <b>R649-8</b> | <b>Filing ID: 51610</b> |

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |               |                         |
|--|---------------|-------------------------|
| <b>Utah Admin. Code Ref (R no.):</b>                     | <b>R649-9</b> | <b>Filing ID: 51607</b> |

**Agency Information**

|  |                                  |                        |
|--|----------------------------------|------------------------|
| <b>1. Department:</b>  | Natural Resources                |                        |
| <b>Agency:</b>   | Oil, Gas and Mining; Oil and Gas |                        |
| <b>Building:</b>   | Department of Natural Resources  |                        |
| <b>Street address:</b>   | 1594 W North Temple, Suite 1210  |                        |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84114         |                        |
| <b>Contact person(s):</b>  |                                  |                        |
| <b>Name:</b>   | <b>Phone:</b>                    | <b>Email:</b>          |
| Natasha Ballif   | 801-538-5328                     | natashaballif@utah.gov |
| Please address questions regarding information on this notice to the agency. |                                  |                        |

**Agency Information**

|  |                                  |                        |
|--|----------------------------------|------------------------|
| <b>1. Department:</b>  | Natural Resources                |                        |
| <b>Agency:</b>   | Oil, Gas and Mining; Oil and Gas |                        |
| <b>Building:</b>   | Department of Natural Resources  |                        |
| <b>Street address:</b>   | 1594 W North Temple, Suite 1210  |                        |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84114         |                        |
| <b>Contact person(s):</b>  |                                  |                        |
| <b>Name:</b>   | <b>Phone:</b>                    | <b>Email:</b>          |
| Natasha Ballif   | 801-538-5328                     | natashaballif@utah.gov |
| Please address questions regarding information on this notice to the agency. |                                  |                        |

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R649-8. Reporting and Report Forms  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b> |
| Subsection 40-6-5(2) states that the Board shall make rules and orders necessary to administer the Oil and Gas program.   |

**General Information**

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| <b>2. Rule catchline:</b>   |
| R649-9. Waste Management and Disposal   |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b> |
| Subsection 40-6-5(2) states that the Board shall make rules and orders necessary to administer the Oil and Gas program.   |

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

There has been one written comment in support of this rule.

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

There is ongoing operational activity, and this rule provides specific informational and procedural requirements for waste management and disposal, permitting of disposal facilities, and the cleanup required for such sites. Therefore, this rule should be continued.

**Agency Authorization Information**

|  |                        |              |            |
|--|------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | John Baza,<br>Director | <b>Date:</b> | 07/28/2021 |
|--|------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |                 |                         |
|--|-----------------|-------------------------|
| <b>Utah Admin. Code Ref (R no.):</b>                     | <b>R652-140</b> | <b>Filing No. 51703</b> |

**Agency Information**

|  |                                |                       |
|--|--------------------------------|-----------------------|
| <b>1. Department:</b>  | Natural Resources              |                       |
| <b>Agency:</b>   | Forestry, Fire and State Lands |                       |
| <b>Room no.:</b>   | 352                            |                       |
| <b>Building:</b>   | DNR                            |                       |
| <b>Street address:</b>   | 1594 W. North Temple           |                       |
| <b>City, state, zip:</b>   | Salt Lake City, UT 84116       |                       |
| <b>Mailing address:</b>  | PO BOX 145703                  |                       |
| <b>City, state, zip:</b>   | Salt Lake City, UT 84114-5703  |                       |
| <b>Contact person(s):</b>  |                                |                       |
| <b>Name:</b>   | <b>Phone:</b>                  | <b>Email:</b>         |
| Brianne Emery  | 385-239-0791                   | brianneemery@utah.gov |
| Jamie Barnes   | 385-222-1536                   | jamiebarnes@utah.gov  |
| Please address questions regarding information on this notice to the agency. |                                |                       |

**General Information**

|                                     |
|-------------------------------------|
| <b>2. Rule catchline:</b>           |
| R652-140. Utah Forest Practices Act |

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

This rule is adopted pursuant to the authority of Subsection 65A-1-4(2), which requires the Division of Forestry, Fire and State Lands (Division) to promulgate rules and by Section 65A-8a-101 et seq., to clarify the procedure through which operators must register with the Division and notify the Division of the intent to conduct forest practices.

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

No comments have been received.

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

This rule has been enacted to allow the Division to promulgate rules related to forest practices and outline the procedures that operators must comply with when conducting forest practices. It also clarifies the procedures for the application, approval, implementation, and monitoring of Forest Stewardship Plans. Therefore, this rule should be continued.

**Agency Authorization Information**

|  |                                  |              |            |
|--|----------------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Jamie Barnes,<br>Acting Director | <b>Date:</b> | 07/26/2021 |
|--|----------------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |                |                         |
|--|----------------|-------------------------|
| <b>Utah Admin. Code Ref (R no.):</b>                     | <b>R661-13</b> | <b>Filing ID: 52703</b> |

**Agency Information**

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

**General Information**

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| <b>2. Rule catchline:</b>  |
| R661-13. Veterans' Housing Program Policy  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>  |
| Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money. |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>   |
| No comments have been received since the last five-year review of this rule from interested persons.   |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>   |
| This rule should be continued because it enables the Utah Navajo Trust Fund to fund housing for qualifying Utah Navajo Veterans. No comments in opposition to this rule have been received.                      |

**Agency Authorization Information**

|  |                            |              |            |
|--|----------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Tony Dayish, Administrator | <b>Date:</b> | 07/21/2021 |
|--|----------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |         |                         |
|--|---------|-------------------------|
| <b>Utah Admin. Code Ref (R no.):</b>                     | R661-14 | <b>Filing ID:</b> 51798 |

**Agency Information**

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

**General Information**

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| <b>2. Rule catchline:</b>  |
| R661-14. Heavy Equipment Purchase and Repair Program   |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>  |
| Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money. |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>   |
| No comments have been received since the last five-year review of this rule from interested persons.   |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>   |
| This rule should be continued because it enables the Utah Navajo Trust Fund to fund heavy equipment and repairs for the Utah Navajo Chapters. No comments in opposition to this rule have been received.         |

**Agency Authorization Information**

|  |                            |              |            |
|--|----------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Tony Dayish, Administrator | <b>Date:</b> | 07/21/2021 |
|--|----------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |         |                         |
|--|---------|-------------------------|
| <b>Utah Admin. Code Ref (R no.):</b>                     | R661-15 | <b>Filing ID:</b> 51799 |

**Agency Information**

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

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

**General Information**

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| <b>2. Rule catchline:</b>  |
| R661-15. Indemnification   |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>  |
| Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money.   |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>   |
| No comments have been received since the last five-year review of this rule from interested persons.   |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>   |
| This rule should be continued because it protects the Utah Navajo Trust Fund (UNTF), the , and all their officers, agents, volunteers, and employees from loss, damages, injury, liability suits, and proceedings that arise out of the use of the UNTF funds. |

**Agency Authorization Information**

|  |                            |              |            |
|--|----------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Tony Dayish, Administrator | <b>Date:</b> | 07/27/2021 |
|--|----------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |         |                  |
|--|---------|------------------|
| Utah Admin. Code Ref (R no.):                            | R661-16 | Filing ID: 51800 |

**Agency Information**

|                             |                    |                   |
|-----------------------------|--------------------|-------------------|
| <b>1. Department:</b>       | Navajo Trust Fund  |                   |
| <b>Agency:</b>              | Trustees           |                   |
| <b>Street address:</b>      | 151 E 500 N        |                   |
| <b>City, state and zip:</b> | Blanding, UT 84511 |                   |
| <b>Contact person(s):</b>   |                    |                   |
| <b>Name:</b>                | <b>Phone:</b>      | <b>Email:</b>     |
| Maury Bergman               | 435-678-1461       | mbergman@utah.gov |

|             |              |                  |
|-------------|--------------|------------------|
| Tony Dayish | 435-678-1468 | tdayish@utah.gov |
|-------------|--------------|------------------|

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

**General Information**

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| <b>2. Rule catchline:</b>  |
| R661-16. Health Care Systems Improvement Program   |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>  |
| Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money. |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>   |
| No comments have been received since the last five-year review of this rule from interested persons.   |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>   |
| This rule should be continued because it allows the Utah Navajo Trust Fund to provide funding to help improve health care systems in the Utah Navajo community.  |

**Agency Authorization Information**

|  |                            |              |            |
|--|----------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Tony Dayish, Administrator | <b>Date:</b> | 07/27/2021 |
|--|----------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |         |                  |
|--|---------|------------------|
| Utah Admin. Code Ref (R no.):                            | R661-17 | Filing ID: 51803 |

**Agency Information**

|                             |                    |                   |
|-----------------------------|--------------------|-------------------|
| <b>1. Department:</b>       | Navajo Trust Fund  |                   |
| <b>Agency:</b>              | Trustees           |                   |
| <b>Street address:</b>      | 151 E 500 N        |                   |
| <b>City, state and zip:</b> | Blanding, UT 84511 |                   |
| <b>Contact person(s):</b>   |                    |                   |
| <b>Name:</b>                | <b>Phone:</b>      | <b>Email:</b>     |
| Maury Bergman               | 435-678-1461       | mbergman@utah.gov |

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

|  |              |                  |
|--|--------------|------------------|
| Tony Dayish  | 435-678-1468 | tdayish@utah.gov |
| Please address questions regarding information on this notice to the agency. |              |                  |

|  |              |                  |
|--|--------------|------------------|
| Tony Dayish  | 435-678-1468 | tdayish@utah.gov |
| Please address questions regarding information on this notice to the agency. |              |                  |

**General Information**

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| <b>2. Rule catchline:</b>  |
| R661-17. Office Equipment Purchase Program   |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>  |
| Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money. |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>   |
| No comments have been received since the last five-year review of this rule from interested persons.   |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>   |
| This rule should be continued because it allows the Utah Navajo Trust Fund to provide funding to Utah Navajo Chapters to purchase office equipment and software.   |

**General Information**

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| <b>2. Rule catchline:</b>  |
| R661-18. Outstanding Senior Award Program  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>  |
| Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money. |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>   |
| No comments have been received since the last five-year review of this rule from interested persons.   |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>   |
| This rule should be continued because it allows the Utah Navajo Trust Fund to identify, acknowledge and reward excellence exhibited by eligible Navajo high school seniors.                                      |

**Agency Authorization Information**

|  |                            |              |            |
|--|----------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Tony Dayish, Administrator | <b>Date:</b> | 07/27/2021 |
|--|----------------------------|--------------|------------|

**Agency Authorization Information**

|  |                            |              |            |
|--|----------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Tony Dayish, Administrator | <b>Date:</b> | 07/27/2021 |
|--|----------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |         |                  |
|--|---------|------------------|
| Utah Admin. Code Ref (R no.):                            | R661-18 | Filing ID: 51807 |

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |         |                  |
|--|---------|------------------|
| Utah Admin. Code Ref (R no.):                            | R661-19 | Filing ID: 51810 |

**Agency Information**

|                             |                    |                   |
|-----------------------------|--------------------|-------------------|
| <b>1. Department:</b>       | Navajo Trust Fund  |                   |
| <b>Agency:</b>              | Trustees           |                   |
| <b>Street address:</b>      | 151 E 500 N        |                   |
| <b>City, state and zip:</b> | Blanding, UT 84511 |                   |
| <b>Contact person(s):</b>   |                    |                   |
| <b>Name:</b>                | <b>Phone:</b>      | <b>Email:</b>     |
| Maury Bergman               | 435-678-1461       | mbergman@utah.gov |

**Agency Information**

|                             |                    |                   |
|-----------------------------|--------------------|-------------------|
| <b>1. Department:</b>       | Navajo Trust Fund  |                   |
| <b>Agency:</b>              | Trustees           |                   |
| <b>Street address:</b>      | 151 E 500 N        |                   |
| <b>City, state and zip:</b> | Blanding, UT 84511 |                   |
| <b>Contact person(s):</b>   |                    |                   |
| <b>Name:</b>                | <b>Phone:</b>      | <b>Email:</b>     |
| Maury Bergman               | 435-678-1461       | mbergman@utah.gov |



|  |              |                  |
|--|--------------|------------------|
| Tony Dayish  | 435-678-1468 | tdayish@utah.gov |
| Please address questions regarding information on this notice to the agency. |              |                  |

**General Information**

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| <b>2. Rule catchline:</b>   |
| R661-19. Student Educational Enrichment Program   |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>   |
| Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money.  |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>  |
| No comments have been received since the last five-year review of this rule from interested persons.  |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>  |
| This rule should be continued because it allows the Utah Navajo Trust Fund to augment student interests in academic and/or career endeavors funds are to be used for participation in education-related events or programs, and/or competitive educational expositions. |

**Agency Authorization Information**

|  |                            |              |            |
|--|----------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Tony Dayish, Administrator | <b>Date:</b> | 07/27/2021 |
|--|----------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |         |                         |
|--|---------|-------------------------|
| <b>Utah Admin. Code Ref (R no.):</b>                     | R661-20 | <b>Filing ID:</b> 51814 |

**Agency Information**

|                       |                   |
|-----------------------|-------------------|
| <b>1. Department:</b> | Navajo Trust Fund |
|-----------------------|-------------------|

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

**General Information**

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| <b>2. Rule catchline:</b>  |
| R661-20. Photovoltaic (Solar) Systems Program  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>  |
| Statutory provisions are under Subsection 51-10-205(4). The Trust Administrator shall make rules in accordance with Subsection 51-10-205(96) that establish policies and criteria for expenditure of fund money. |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>   |
| No comments have been received since the last five-year review of this rule from interested persons.   |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>   |
| This rule should be continued because it allows the Utah Navajo Trust Fund to fund solar systems for Utah Navajos  |

**Agency Authorization Information**

|  |                            |              |            |
|--|----------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Tony Dayish, Administrator | <b>Date:</b> | 07/27/2021 |
|--|----------------------------|--------------|------------|

**End of the Five-Year Notices of Review and Statements of Continuation Section**



## NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

**EXTENSIONS** are governed by Subsection 63G-3-305(6).

| NOTICE OF FIVE-YEAR REVIEW EXTENSION |          |                  |
|--------------------------------------|----------|------------------|
| Utah Admin. Code Ref (R no.):        | R307-121 | Filing ID: 50573 |

### Agency Information

|  |                                    |                   |
|--|------------------------------------|-------------------|
| <b>1. Department:</b>  | Environmental Quality              |                   |
| <b>Agency:</b>   | Air Quality                        |                   |
| <b>Building:</b>   | Multi-Agency State Office Building |                   |
| <b>Street address:</b>   | 195 N 1950 W                       |                   |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84116           |                   |
| <b>Mailing address:</b>  | PO Box 144820                      |                   |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84114-4820      |                   |
| <b>Contact person(s):</b>  |                                    |                   |
| <b>Name:</b>   | <b>Phone:</b>                      | <b>Email:</b>     |
| Mat Carlile  | 385-306-6535                       | mcarlile@utah.gov |
| Please address questions regarding information on this notice to the agency. |                                    |                   |

### General Information

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| <b>2. Rule catchline:</b>   |
| R307-121. General Requirements: Clean Air and Efficient Vehicle Tax Credit  |
| <b>3. Reason for requesting the extension and the new deadline date:</b>  |
| During the five-year review analysis, the Division of Air Quality (DAQ) staff determined that this rule is no longer needed because the Utah State Legislature did not renew the sections of the Utah Code that govern and allow the Utah Clean Fuel Tax Credit. The Legislature allowed the Code to lapse as of December 31, 2016. This rule must remain active until January 1, 2022, because Utah law allows taxpayers up to five years to claim the credit. This extension will give the DAQ staff time to repeal this rule instead of allowing it to expire. The new deadline is 01/05/2022. |

### Agency Authorization Information

|  |                         |              |            |
|--|-------------------------|--------------|------------|
| <b>Agency head or designee, and title:</b> | Bryce C. Bird, Director | <b>Date:</b> | 07/20/2021 |
|--|-------------------------|--------------|------------|

**End of the Notices of Five-Year Review Extensions Section**



## NOTICES OF RULE EFFECTIVE DATES

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

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

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

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### Agriculture and Food

#### Plant Industry

No. 53550 (Amendment) R68-27: Cannabis Cultivation  
Published: 06/15/2021  
Effective: 08/09/2021

No. 53566 (Amendment) R68-28: Cannabis Processing  
Published: 07/01/2021  
Effective: 08/09/2021

No. 53565 (Amendment) R68-32: Sale and Transfer of Industrial Hemp Waste Material to Medical Cannabis Cultivators  
Published: 07/01/2021  
Effective: 08/09/2021

### Capitol Preservation Board (State)

#### Administration

No. 53560 (Amendment) R131-3: Use of Magnetometers on Capitol Hill  
Published: 06/15/2021  
Effective: 08/04/2021

### Education

#### Administration

No. 53545 (New Rule) R277-320: Grow Your Own Teacher and School Counselor Pipeline Program  
Published: 06/01/2021  
Effective: 07/20/2021

No. 53596 (New Rule) R277-328: Educational Equity in Schools  
Published: 07/01/2021  
Effective: 08/09/2021

No. 53546 (Amendment) R277-404: Requirements for Assessments of Student Achievement

Published: 06/01/2021  
Effective: 07/20/2021

No. 53547 (Amendment) R277-477: Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program  
Published: 06/01/2021  
Effective: 07/20/2021

No. 53548 (Amendment) R277-491: School Community Councils

Published: 06/01/2021  
Effective: 07/20/2021

### Health

Disease Control and Prevention, Health Promotion

No. 53435 (Amendment) R384-100: Cancer Reporting Rule

Published: 06/01/2021  
Effective: 08/02/2021

Center for Health Data, Vital Records and Statistics

No. 53434 (Repeal and Reenact) R436-18: Adoption Program Procedures, Form Content, and Donations

Published: 06/01/2021  
Effective: 08/03/2021

### Higher Education (Utah Board of)

#### Administration

No. 53422 (Amendment) R765-134: Informal Adjudicative Procedures Under the Utah Administrative Procedures Act

Published: 06/01/2021  
Effective: 07/15/2021

NOTICES OF RULE EFFECTIVE DATES

No. 53423 (Amendment) R765-604: New Century Scholarship  
Published: 06/01/2021  
Effective: 07/15/2021

No. 53424 (Amendment) R765-621: Terrell H. Bell Education Scholarship Program  
Published: 06/01/2021  
Effective: 07/15/2021

No. 53425 (Amendment) R765-622: Career and Technical Education Scholarship Program  
Published: 06/01/2021  
Effective: 07/15/2021

Natural Resources

Wildlife Resources

No. 53588 (Amendment) R657-6: Taking Upland Game  
Published: 07/01/2021  
Effective: 08/09/2021

No. 53589 (Amendment) R657-39: Wildlife Board and Regional Advisory Councils  
Published: 07/01/2021  
Effective: 08/09/2021

Navajo Trust Fund

Trustees

No. 53472 (New Rule) R661-24: Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program

Published: 06/01/2021  
Effective: 08/09/2021

No. 53473 (New Rule) R661-25: Utah Navajo Trust Fund Housing Projects Policy

Published: 06/01/2021  
Effective: 08/09/2021

Public Safety

Administration

No. 53556 (Amendment) R698-8: Local Public Safety and Firefighter Surviving Spouse Trust Fund

Published: 06/15/2021  
Effective: 08/04/2021

Highway Patrol

No. 53610 (New Rule) R714-560: Technology and Equipment for Officer-Involved Critical Incident Investigation

Published: 07/01/2021  
Effective: 08/09/2021

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