

UTAH PSTATE 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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EXECUTIVE DOCUMENTS

Under authority granted by the Utah Constitution and various federal and state statutes, the Governor periodically issues **EXECUTIVE DOCUMENTS**, which can be categorized as either Executive Orders, Proclamations, and Declarations. Executive Orders set policy for the executive branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. Proclamations call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. Declarations designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Office of Administrative Rules for publication and distribution.

EXECUTIVE ORDER 2021-14

Declaring a State of Emergency Due to Flooding

WHEREAS, the State of Utah has experienced an extremely active summer monsoon season across the state, with thunderstorms and heavy rains resulting in flooding events;

WHEREAS, numerous damaging flood events have impacted multiple counties throughout the state between June 15th through September 1st, with some communities being flooded multiple times; and

WHEREAS, the consecutive and ongoing weather events have caused flooding with significant damage to public infrastructure and residences, with statewide damage totals expected to be in the millions of dollars; and

WHEREAS, historic drought conditions, record low water levels, low soil moisture, high temperatures, and prolonged dry conditions have contributed to a formidable wildfire season, with burn scars and drought hardened ground surfaces increasing flash flood and debris flow risk; and

WHEREAS, these drought and wildfire conditions have contributed to and exacerbated flooding events throughout the state; and

WHEREAS, storm impacts such as flash flooding and debris flows are a threat to public safety; and

WHEREAS, these damaging monsoonal season flood conditions are expected to continue; and

WHEREAS, many local communities have declared local states of emergency and have requested resources and support from the State of Utah's departments and agencies to assist them in dealing with these flood emergencies; and

WHEREAS, these conditions create a state of emergency within the intent of the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code; and

WHEREAS, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency; and

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures the purpose of securing compliance with orders made pursuant to the Disaster Response and Recovery Act; and give direction to state and local officers and agencies that are reasonable and necessary for;

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, declare a state of emergency due to the aforesaid circumstances requiring aid, assistance, and relief available from State resources and hereby order:

EXECUTIVE DOCUMENTS

1. The continued execution of the state Emergency Operations Plan and assistance from state government as needed and coordinated by the Department of Public Safety.

This Order is effective immediately, and shall remain in effect until modified, amended, rescinded, or superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 9th of September 2021.

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

2021/14/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between August 17, 2021, 12:00 a.m., and September 01, 2021, 11:59 p.m. are included in this, the September 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 October 15, 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 January 13, 2022, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State 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.):	R162-2c	Filing ID 53856

Agency Information

1. Department:	Commerce	
Agency:	Real Estate	
Room no.:	2nd Floor	
Building:	Heber M Wells	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 146711	
City, state and zip:	Salt Lake City, UT 84114-6711	
Contact person(s):		
Name:	Phone:	Email:
Justin Barney	801-530-6603	justinbarney@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R162-2c. Utah Residential Mortgage Practices and Licensing Rules
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of the proposed rule amendment is to correct and clarify references in this rule, to eliminate references to "good moral character" and "moral turpitude", and to coordinate certain state requirements with national requirements so as to eliminate the expense to licensees for unnecessary and mostly redundant criminal background checks and credit reports.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The proposed rule amendment would: 1) replace the requirement that an applicant evidence "good moral character" with statutory requirements of honesty, integrity, and truthfulness and would correct a reference to a statutory subsection in Section R162-2c-201; 2) eliminate subsection headings; references to "moral turpitude and moral character;" and would eliminate references to unnecessary and now irrelevant dates in Section R162-2c-202;

3) eliminate subsection headings and references to "moral character", clarify the available formats for Utah-specific education instruction, including traditional classroom, virtual-live, distance education, and other formats, and also clarify that the 20 hours of instruction required to renew an instructor certification is not limited to classroom instruction in Section R162-2c-203;
4) eliminate subsection headings and references to "moral character", and coordinate the timing for state required fingerprinting for a criminal background check and submission of a credit report with national requirements, eliminating the expense to licensees for unnecessary and mostly redundant criminal background checks and credit reports in Section R162-2c-204; and
5) delete Section R162-2c-301b which is outdated.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The Division of Real Estate (Division) has the staff and budget in place to administer this proposed amendment. The proposed amendment would save existing employees time and therefore, allow them to focus more time on other job duties and responsibilities and allow them to better serve the licensees. After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal impact affect those resources or result in any additional cost or savings to the state budget.
B) Local governments:
Local governments are not required to comply with or enforce the Utah Residential Mortgage Practices and Licensing Rules. After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal impact to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed amendment does not create new obligations for small businesses nor does it increase the cost associated with any existing obligation. After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal impact to small business.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed amendment does not create new obligations for non-small businesses and non-small businesses are under no obligation due to the current rule or the proposed amendment. The proposed amendment would eliminate the need for some licensees to pay to obtain a second set of fingerprints as well as the need for some licensees to pay for a second credit report. As a

result, licensees would not need to purchase those services through the National Mortgage Licensing System (NMLS) and the proposed rule amendment would result in a loss of income to the NMLS in an estimated annual amount of \$19,275. (The NMLS does not keep these fees but passes the fees to agencies who perform the criminal background checks and to credit reporting agencies, which are non-small businesses.) The Division estimates that the loss of income to the NMLS would be essentially the same amount as the cost savings to licensees who will not be required to purchase these mostly duplicative services, if the proposed rule is amended.

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

The proposed amendment does not create new obligations for persons other than small businesses, non-small businesses, state, or local government entities and these persons are under no obligation due to the current rule or the proposed amendment. After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal impact to persons other than small businesses, businesses, or local government entities.

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

The proposed rule amendment does not create new obligations for affected persons subject to the administrative rule nor does it increase the cost associated with any existing obligation. However, because the current state rule and the national rule do not overlap completely, the Division estimates that under the present rule approximately 300 licensees obtain unnecessary criminal background checks and 300 licensees pay for unnecessary credit reports. These 300 licensees will benefit each year from the proposed rule amendment which would eliminate the requirement for these mostly duplicative services. The NMLS charges a licensee \$36.25 for a criminal background check. The NMLS charges a licensee \$28 for a credit report. Affected licensees will not need to pay the NMLS twice for the background checks and credit reports if the proposed rule amendment is approved. If 300 licensees pay for unnecessary criminal background checks under the current rule, the total costs to licensees would be \$10,875. If 300 licensees pay for unnecessary credit reports, the total costs to licensees would be \$8,400. After conducting a thorough analysis, it was determined that the proposed rule amendment will result in a total fiscal benefit to licensees of an estimated amount of \$19,275 per year.

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 proposed amendment does not create new obligations for non-small businesses and non-small businesses are under no obligation due to the current rule or the proposed amendment. The proposed amendment would eliminate the need for some licensees to pay to obtain a second set of fingerprints as well as the need for some licensees to pay for a second credit report. As a result, licensees would not need to purchase those services through the NMLS and the proposed rule amendment would result in a loss of income to the NMLS in an estimated annual amount of \$19,275. (The NMLS does not keep these fees but passes the fees to agencies who perform the criminal background checks and to credit reporting agencies, which are non-small businesses.) The Division estimates that the loss of income to the NMLS would be essentially the same amount as the cost savings to licensees who will not be required to purchase these mostly duplicative services, if the proposed rule is amended.

(By way of clarification, the projected loss of revenues of an estimated \$19,275 a year for non-small businesses who will lose revenues from fewer credit reports and background checks, will be off-set on a dollar-for-dollar basis by individual licensees who will not be required to pay for such duplicative services. The Division does not know if the fees for the duplicative services are reimbursed by the small business and non-small business employers of the licensees. Therefore, the offsetting dollar amount is reflected in the "other persons" line item of the table and not in the line items for small businesses and non-small businesses.)

Margaret Busse, Executive Director

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

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$19,275	\$19,275	\$19,275
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$19,275	\$19,275	\$19,275
Fiscal Benefits			
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	\$19,275	\$19,275	\$19,275
Total Fiscal Benefits	\$19,275	\$19,275	\$19,275
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret Busse, 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 61-2c-103(3)	Section 61-2c-202	Section 61-2c-203
Section 61-2c-204.1		

Public Notice Information

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

A) Comments will be accepted until: 10/15/2021

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

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

Agency Authorization Information

Agency head or designee, and title:	Jonathan Stewart, Director	Date:	07/12/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R162-2h	Filing ID 53635

Agency Information

1. Department:	Commerce	
Agency:	Real Estate	
Room no.:	2nd Floor	
Building:	Heber M Wells	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT	
Mailing address:	PO Box 146711	
City, state and zip:	Salt Lake City, UT 84114-6711	
Contact person(s):		
Name:	Phone:	Email:
Justin Barney	801-530-6603	justinbarney@uath.gov

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

General Information

2. Rule or section catchline:
R162-2h. Affiliated Title Business Rule

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

The purpose of this new proposed rule is to establish an administrative rule for affiliated title business as authorized by Sections 31A-23a-1002, 31A-23a-1004, and 31A-23a-1006. The proposed rule requires an affiliated business to notify the Division of Real Estate (Division) in writing within 30 days of the date of affiliation.

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

Section R162-2h-101 names the chapter the "Affiliated Title Business Rule" and recites statutory authority for this rule.

Section R162-2h-102 establishes definitions for words and terms used in this rule.

Section R162-2h-201 requires each new or newly affiliated title entity to notify the Division in writing within 30 days of the date of affiliation.

Section R162-2h-202 provides that the names of affiliated businesses are public, and the Division may display,

report, or publish a list of the names of affiliated businesses.

Fiscal Information

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

A) State budget:

The Division has the budget and staff to carry out the requirements of this proposed rule. After conducting a thorough analysis, it is anticipated that this proposed rule will not result in a cost or savings to the state budget.

B) Local governments:

Local governments are not required to comply with or enforce the Affiliated Title Business Rule. After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to local governments.

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

This proposed rule is not expected to impact small business revenues or expenditures as the costs are either inestimable or there is no fiscal impact.

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

This proposed rule does not create new obligations for non-small businesses, nor does it increase the cost associated with any existing obligation. After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact 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 proposed rule does not create new obligations for persons other than small businesses, non-small businesses, state, or local government entities, nor does it increase the cost associated with any existing obligation. After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities.

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

The proposed rule requires an affiliated business to notify the Division in writing within 30 days of the date of affiliation. The affected person may accomplish this notice requirement by writing a letter or sending an email communication. This cost is very minor and inestimable.

After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to affected persons that can be estimated.

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

I have reviewed the proposed filing for the above-referenced rule and considered the fiscal impact that this rule may have on businesses. I direct that my comments about the rule's fiscal impact on businesses be inserted at the appropriate place on the notice form to be filed with the Office of Administrative Rules for publication of the rulemaking action. Margaret Busse, Executive Director

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

Regulatory Impact Table

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

B) Department head approval of regulatory impact analysis:

NOTICES OF PROPOSED RULES

The Executive Director of the Department of Commerce, Margaret Busse, 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-23a-1002	Section 31A-23a-1004	Section 31A-23a-1006
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Public Notice Information

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

A) Comments will be accepted until:	10/15/2021
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10. This rule change MAY become effective on:	10/22/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Jonathan Stewart, Director	Date:	05/18/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R307-121	Filing ID 53891

Agency Information

1. Department:	Environmental Quality
Agency:	Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

Contact person(s):		
Name:	Phone:	Email:
Mat Carlile	385-306-3565	mcarlile@utah.gov

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

General Information

2. Rule or section catchline:
R307-121. General Requirements: Clean Air and Efficient Vehicle Tax Credit

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

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.

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

This rule is repealed in its entirety.

Fiscal Information

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

A) State budget:

There are no anticipated costs or savings to the state budget because the tax credit no longer exists.

B) Local governments:

There are no anticipated costs or savings to local governments because this rulemaking is not applicable to them.

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

There are no anticipated costs or savings to small businesses because the tax credit no longer exists.

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

There are no anticipated costs or savings to non-small businesses because the tax credit no longer exists.

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

There are no anticipated costs or savings for persons other than small businesses, and non-small businesses, state, or local government because the tax credit no longer exists.

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 anticipated compliance costs for affected persons.

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

The Department does not expect any measurable fiscal impacts on businesses due to this rule repeal. Kimberly D. Shelley, Executive Director

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

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

Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved of this impact 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 59-7-605	Section 59-10-1009	Section 19-2-104
Section 19-1-402		

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:	10/15/2021
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10. This rule change MAY become effective on:	10/22/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Bryce C. Bird, Director	Date:	08/17/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R357-29	Filing ID 53890

Agency Information

1. Department:	Governor
Agency:	Economic Opportunity
Building:	World Trade Center
Street address:	60 E South Temple

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

General Information

2. Rule or section catchline:
R357-29. Rural County Grant Program Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
During the 2020 General Session, S.B. 95 passed and created the Rural County Grant Program, and later a portion of the program was unfunded. This rule filing will clarify the standards for participation in the now funded portion of the program. Additionally, during the 2021 General Session, H.B. 348 passed and changed the Governor's Office of Economic Development (GOED) to the Governor's Office of Economic Opportunity (Go Utah) and modified the statute so that the references in this rule need to be updated. This rule also makes technical changes to comply with Executive Order No. 2021-12.
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 filing establishes the criteria to participate in Part B: Competitive Awards under the Rural County Grant Program; amends references of "Development" to "Opportunity"; amends statutory references so that they are correct; and makes technical changes to comply with the Office of Administrative Rules' Rulewriting Manual for Utah as required by Executive Order No. 2021-12.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no aggregate anticipated cost or savings to the state budget. This rule is merely creating the requirements for the Rural County Grant Program Part B: Competitive Grants that was created by the passing of S.B. 95 (2020) and makes technical changes.
B) Local governments:
There is no aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.

C) Small businesses ("small business" means a business employing 1-49 persons):								
There is no 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. Participation in the program is optional.								
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):								
There is no 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.								
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):								
There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed 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 compliance costs for affected persons because participation in the program is optional.								
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):								
The purpose of this rule filing is to establish the standards and review process for participation in the Part B: Rural County Grant Program and make technical changes. 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								
<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					

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Executive Director of Governor's Office of Economic Opportunity, Dan Hemmert, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 63N-4-104	Section 17-54-103	

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.)	
A) Comments will be accepted until:	10/15/2021
10. This rule change MAY become effective on:	10/22/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency	

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

Agency Authorization Information

Agency head or designee, and title:	Dan Hemmert, Executive Director	Date:	09/01/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New			
Utah Admin. Code Ref (R no.):	R357-42	Filing ID	53895

Agency Information

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

General Information

2. Rule or section catchline:
R357-42. Redeveloping Matching Grant Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
During the 2021 First Special Session, S.B. 1001 passed and created the Redeveloping Matching Grant program. The purpose of this rule is to establish the criteria to participate in this program.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule will codify definitions, authority, eligibility criteria, contract requirements, contract modification process, funding distribution, and reporting requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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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 redeveloping matching grant funds.
B) Local governments:
Local governments may receive a total of \$35,000,000 in grant funds if they allow higher density housing as a permitted use.
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 participation in the Redeveloping Matching Grant program. This rule will have no negative impact on businesses. Dan Hemmert, Executive Director

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

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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Subsection 63G-3-201(2)(d)		
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Public Notice Information

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

A) Comments will be accepted until:	10/15/2021
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10. This rule change MAY become effective on:	10/22/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Dan Hemmert, Executive Director	Date:	09/01/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	R414-29	Filing ID 53836

Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact person(s):		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R414-29. Client Review/Education and Restriction Policy

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

The purpose of this change is to implement, by rule, current Medicaid policy for the Restriction Program.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
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All requirements of the repealed rule are reenacted in the proposed rule. In contrast to the repealed rule, this new rule specifies in greater detail the criteria to place members in the Restriction Program. It also details the provisions, rights, and obligations of restriction members, specifies provisions that govern providers and pharmacies, and spells out notice requirements and provisions that regulate the length of restriction. This new rule further elaborates on member enrollment and the Department of Health's authority to regulate Medicaid members who overutilize Medicaid services.

Fiscal Information

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

A) State budget:

There is no impact to the state budget as this change only clarifies and implements current Medicaid policy by rule. It neither affects member services nor provider reimbursement.

B) Local governments:

There is no impact on local governments because they neither fund nor determine eligibility for the Restriction Program.

C) Small businesses ("small business" means a business employing 1-49 persons):
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There is no impact on small businesses as this change only clarifies and implements current Medicaid policy by rule. It neither affects member services nor provider reimbursement.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
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There is no impact on non-small businesses as this change only clarifies and implements current Medicaid policy by rule. It neither affects member services nor provider reimbursement.

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):
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NOTICES OF PROPOSED RULES

There is no impact on Medicaid providers and Medicaid members as this change only clarifies and implements current Medicaid policy by rule. It neither affects member services nor provider reimbursement.

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

There is no impact on a single Medicaid provider or Medicaid member as this change only implements Medicaid policy by rule. It neither affects member services nor provider reimbursement.

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):

Businesses will see neither costs nor revenue as this change only implements Medicaid policy by rule. Nate Checketts, Executive Director

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

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

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

The Executive Director of the Department of Health, Nate Checketts, has reviewed and approved this fiscal analysis.

Citation Information

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

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

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

A) Comments will be accepted until:	10/15/2021
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10. This rule change MAY become effective on:	10/22/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Nate Checketts, Executive Director	Date:	08/13/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R495-882	Filing ID 53889

Agency Information

1. Department:	Human Services
Agency:	Administration
Room no.:	DHS Administration Office
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	195 N 1950 W

City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Jodi Witte	801-741-7417	jwitte@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	801-538-4225	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R495-882. Termination of Parental Rights
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Pursuant to Executive Order No. 2021-12, this rule is being amended to become consistent with the current edition of the Office of Administrative Rules' Rulewriting Manual.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule is being amended to meet the standards found in the Administrative Rules' Rulewriting Manual, pursuant to Executive Order No. 2021-12.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The amendment to this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this amendment would create a fiscal cost or saving to the state budget.
B) Local governments:
The amendment to this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this amendment would create a fiscal cost or saving to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):

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

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

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

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

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

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

There are no compliance costs associated with the amendment of this rule; it is technical in nature and does not reflect substantive changes to current practices or procedures.

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

After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to businesses. Tracy Gruber, Executive Director

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

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 62A-1-111	Section 62A-1-117	Section 62A-11-107
Section 78A-6-356		

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:	10/15/2021
10. This rule change MAY become effective on:	10/22/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Tracy Gruber, Executive Director	Date:	08/27/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal			
Utah Admin. Code Ref (R no.):	R512-1	Filing ID	53851

Agency Information

1. Department:	Human Services	
Agency:	Child and Family Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R512-1. Description of Division Services, Eligibility, and Service Access
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
In this repeal, the Division of Child and Family Services has determined that the language in this rule is covered in other sections of Utah statute and administrative rules, so this rule is redundant and not needed.
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):
There will be no significant impact due to this repeal because the language in this rule is covered in other sections of statute and administrative rules. Therefore, this rule is repealed in its entirety.

Fiscal Information

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

A) State budget:

There will be no increase in cost or savings to the state budget because these proposed changes do not increase nor decrease workload that would require additional staff or other costs.

B) Local governments:

Local governments have no responsibility for services offered by Child and Family Services and are therefore, not affected by this rule and will have no fiscal impact.

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

Small businesses have no responsibility for services offered by Child and Family Services and are therefore, not affected by this rule and will have no fiscal impact.

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

Non-small businesses have no responsibility for services offered by Child and Family Services and are therefore, not affected by this rule and will have no fiscal impact.

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**):

Persons other than small businesses, non-small businesses, state, or local government entities have no responsibility for services offered by Child and Family Services and are therefore, not affected by this rule and will have no fiscal impact.

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

Child and Family Services determined that there will be no compliance costs for affected persons because there are no specific costs involved with the changes being made to this rule.

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

After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to businesses because this rule is being repealed. Tracy Gruber, Executive Director

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

Regulatory Impact Table

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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Human Services, Tracy Gruber, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 62A-4a-102	Section 62A-4a-103	Section 62A-4a-105
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Public Notice Information

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

A) Comments will be accepted until:	10/15/2021
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10. This rule change MAY become effective on:	10/22/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	08/19/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal			
Utah Admin. Code Ref (R no.):	R512-204	Filing ID	53852

Agency Information

1. Department:	Human Services	
Agency:	Child and Family Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R512-204. Child Protective Services, New Caseworker Training
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
In this repeal, the Division of Child and Family Services has determined that the language in this rule is only applicable to Child and Family Services staff and is therefore not needed.
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 has not been utilized in several years because the language is not applicable to any persons other than Child and Family Services staff. Therefore, there will be no significant impact of this repeal and it is repealed in its entirety.

Fiscal Information

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

A) State budget:

There will be no increase in cost or savings to the state budget because these proposed changes do not increase nor decrease workload that would require additional staff or other costs.

B) Local governments:

Local governments have no responsibility for services offered by Child and Family Services and are therefore, not affected by this rule and will have no fiscal impact.

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

Small businesses have no responsibility for services offered by Child and Family Services and are therefore, not affected by this rule and will have no fiscal impact.

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

Non-small businesses have no responsibility for services offered by Child and Family Services and are therefore, not affected by this rule and will have no fiscal impact.

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*):

Persons other than small businesses, non-small businesses, state, or local government entities have no responsibility for services offered by Child and Family Services and are therefore, not affected by this rule and will have no fiscal impact.

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

Child and Family Services determined that there will be no compliance costs for affected persons because there are no specific costs involved with the changes being made to this rule.

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

After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to businesses because this rule is being repealed. Tracy Gruber, Executive Director

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

Regulatory Impact Table

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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Human Services, Tracy Gruber, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 62A-4a-102	Section 62A-4a-105	Section 62A-4a-107
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Public Notice Information

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

A) Comments will be accepted until: 10/15/2021

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

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

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	08/19/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal

Utah Admin. Code Ref (R no.):	R525-5	Filing ID	53883
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Agency Information

1. Department:	Human Services		
Agency:	Substance Abuse and Mental Health		
Room no.:	Second Floor		
Building:	Multi Agency State Office Building		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT		
Mailing address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Contact person(s):			
Name:	Phone:	Email:	
Thom Dunford	801-538-4181	tdunford@utah.gov	
Jonah Shaw	801-538-4219	jshaw@utah.gov	

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

General Information

2. Rule or section catchline:
R525-5. Background Checks
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Division of Substance Abuse and Mental Health (Division) is repealing this rule because the Utah State Hospital (USH) has a much more detailed policy on the requirements of background checks for employees. Also, these requirements already exist in statute and rule per Section 62A-1-118 and Rule R495-885. The Division currently uses a general rule writing authority to enforce these requirements, but there is no specific statutory authority requirement for this 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):
The rule is repealed in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule outlined procedural requirements pertaining to the acquisition and use of background checks on all employee at the USH. No financial obligations are associated with these requirements other than those that would already exist, which would include the cost of time for a state employee to process the background checks. This requirement will continue to remain in force because of statutory and departmental rule requiring background checks on all employees that provide services to children and vulnerable adults. No budgetary costs or savings are associated with this repeal.
B) Local governments:
This rule outlined procedural requirements pertaining to the acquisition and use of background checks on all employee at the USH and does not pertain to employees of local governments and political subdivisions. No financial obligations to local governments are associated with these requirements, and no budgetary costs or savings are associated with this repeal.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule outlined procedural requirements pertaining to the acquisition and use of background checks on all employee at the USH and does not pertain to employees of small businesses. No financial obligations are associated with these requirements, and no budgetary costs or savings are associated with this repeal.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):												
This rule outlined procedural requirements pertaining to the acquisition and use of background checks on all employee at the USH and does not pertain to employees of non-small businesses. No financial obligations are associated with these requirements, and no budgetary costs or savings are associated with this repeal.												
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 outlined procedural requirements pertaining to the acquisition and use of background checks on all employee at the USH and pertains to other persons who would be seeking employment. The financial obligations already associated with these requirements will not change due to this repeal, because individuals seeking and obtaining employment at the USH will continue to submit to background checks per statute and departmental rule requirements.												
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):												
The procedural requirements of background checks for employees at the USH have no associated financial obligations. Individuals seeking and obtaining employment at the USH have their fingerprints taken, and the processing of background checks are both performed by USH staff. These requirements will continue to remain in force because of statutory and department level rules that require background check for employee who are in contact with children and vulnerable adults. No costs are passed onto the new employee, but rather those costs are built into the USH budget.												
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):												
Businesses do not have a role in processing fingerprints and background checks on individuals employed at the USH; therefore, enforcement of the requirements in this rule has no financial obligation or impact placed on businesses. Tracy S. Gruber, Executive Director												
6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)												
Regulatory Impact Table												
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2022</th> <th>FY2023</th> <th>FY2024</th> </tr> </thead> <tbody> <tr> <td>State</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Government</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Fiscal Cost	FY2022	FY2023	FY2024	State	\$0	\$0	\$0	Government			
Fiscal Cost	FY2022	FY2023	FY2024									
State	\$0	\$0	\$0									
Government												

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 62A-15-105		

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:	10/15/2021

10. This rule change MAY become effective on:	10/22/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Tracy Gruber, Executive Director	Date:	08/26/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal			
Utah Admin. Code Ref (R no.):	R525-7	Filing ID	53884

Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT	
Mailing address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov

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

General Information

2. Rule or section catchline:
R525-7. Complaints/Suggestions/Concerns

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

The Division of Substance Abuse and Mental Health (Division) is repealing this rule because the Utah State Hospital (USH) has a much more detailed policy on the requirements of submitting complaints, suggestions, and concerns. The Division currently uses a general rulewriting authority to enforce these requirements, but there is no specific statutory authority requirement for this 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 repealed in its entirety.

Fiscal Information

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

A) State budget:

This rule outlined procedural requirements pertaining to submitting complaints, suggestions, and concerns at the USH. The requirements in this rule will continue to be enforced through policy and procedures. No financial obligations are associated with these requirements; therefore, no budgetary costs or savings are associated with this repeal.

B) Local governments:

This rule outlined procedural requirements pertaining to submitting complaints, suggestions, and concerns at the USH. Local governments have been able to realize the benefits of this rule in other forums that have no associated cost, but also have the ability to express their needs using the process outlined in this rule. No financial obligations are associated with these requirements; therefore, no budgetary costs or savings to local governments are associated with this repeal.

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

This rule outlined procedural requirements pertaining to submitting complaints, suggestions, and concerns at the USH. No financial obligations are associated with these requirements; therefore, no budgetary costs or savings to small businesses are associated with this repeal.

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

This rule outlined procedural requirements pertaining to submitting complaints, suggestions, and concerns at the USH. No financial obligations are associated with these requirements; therefore, no budgetary costs or savings to non-small businesses are associated with this repeal.

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**):

Other persons affected by this rule include anyone who would be associated with the USH including patients and their families members, friends, and associates, as well as the community at large, special interests groups, and practicum students from colleges throughout the State. This rule outlined procedural requirements pertaining to submitting complaints, suggestions, and concerns at the USH. No financial obligations are associated with these requirements; therefore, no costs or savings are associated with this repeal.

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

The procedural requirements of submitting complaints, suggestions, and concerns at the USH have no associated costs or financial obligations; therefore, no compliance costs or savings can be identified with this repeal.

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 procedural requirements of submitting complaints, suggestions, and concerns at the USH have no associated costs or financial obligations; therefore, no costs or savings can be identified for businesses. Tracy S. Gruber, Executive Director

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

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

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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Human Services, Tracy S. Gruber, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 62A-15-105		
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Public Notice Information

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

A) Comments will be accepted until:	10/15/2021
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10. This rule change MAY become effective on:	10/22/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Tracy Gruber, Executive Director	Date:	08/26/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R527-3	Filing ID 53888

Agency Information

1. Department:	Human Services	
Agency:	Recovery Services	
Street address:	515 E 100 S	
City, state and zip:	Salt Lake City, UT 84102-4211	
Mailing address:	PO Box 45033	
City, state and zip:	Salt Lake City, UT 84145-0033	
Contact person(s):		
Name:	Phone:	Email:
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	801-538-4225	jshaw@utah.gov

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

General Information

2. Rule or section catchline:
R527-3. Definitions

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

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

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

Pursuant to Executive Order No. 2021-12, this rule is being amended to become consistent with the current edition of the Office of Administrative Rules' Rulewriting Manual. Also, several terms defined in this rule are being removed because they are defined in other rules or are not used in other rules within Title R527.

Fiscal Information

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

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

B) Local governments:
The amendment of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this amendment would create a fiscal cost or savings to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
The amendment of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this amendment would create a fiscal cost or savings to small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The amendment of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this amendment would create a fiscal cost or savings to non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
The amendment of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this amendment would create a fiscal cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs associated with the amendment of this rule, it is technical in nature and does not reflect substantive changes to current practices or procedures.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to businesses. Tracy Gruber, Executive Director
6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Executive Director of Human Services, Tracy Gruber, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 62A-1-111	Section 62A-11-103	Section 62A-11-107
Section 62A-11-303	Section 62A-11-401	Section 78B-14-102

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:	10/15/2021

10. This rule change MAY become effective on:	10/22/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Tracy Gruber, Executive Director	Date:	08/27/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R527-37	Filing ID 53887

Agency Information

1. Department:	Human Services	
Agency:	Recovery Services	
Street address:	515 E 100 S	
City, state and zip:	Salt Lake City, UT 84102-4211	
Mailing address:	PO Box 45033	
City, state and zip:	Salt Lake City, UT 84145-0033	
Contact person(s):		
Name:	Phone:	Email:
Mary Burgener	801-741-7465	mburgene@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	801-538-4225	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R527-37. Closure Criteria for Support Cases
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being repealed as no additional value is provided since the CFR provides sufficient law.

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

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The repeal of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this repeal would create a fiscal cost or savings to the state budget.
B) Local governments:
The repeal of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this repeal would create a fiscal cost or savings to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
The repeal of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this repeal would create a fiscal cost or savings to small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The repeal of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this repeal would create a fiscal cost or savings to non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
The repeal of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this repeal would create a fiscal cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs associated with the repeal of this rule, it is technical in nature and does not reflect substantive changes to current practices or procedures.

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

After conducting a thorough analysis, it was determined that this proposed repeal will not result in a fiscal impact to businesses. Tracy Gruber, Executive Director

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

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

B) Department head approval of regulatory impact analysis:

The Executive Director of Human Services, Tracy Gruber, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 62A-11-107	45 CFR 303.11	Section 62A-1-111
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Public Notice Information

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

A) Comments will be accepted until:	10/15/2021
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10. This rule change MAY become effective on:	10/22/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Tracy Gruber, Executive Director	Date:	08/27/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R527-253	Filing ID 53882

Agency Information

1. Department:	Human Services	
Agency:	Recovery Services	
Street address:	515 E 100 S	
City, state and zip:	Salt Lake City, UT 84102-4211	
Mailing address:	PO Box 45033	
City, state and zip:	Salt Lake City, UT 84145-0033	
Contact person(s):		
Name:	Phone:	Email:
Scott Weight	801-741-7435	Sweigh2@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov

Jonah Shaw	801-538-4225	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R527-253. Collection of Child Support Judgments
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Pursuant to Executive Order No. 2021-12, this rule is being repealed as the result of the review of the rule against the current edition of the Office of Administrative Rules' Rulewriting Manual. ORS authority to set payment schedules and ORS authority to use the collection methods listed in this rule is covered in statute or federal regulations. Statute does not prohibit ORS from utilizing multiple collection remedies concurrently. The content of this rule, therefore, is redundant.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule is repealed in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The repeal of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this repeal would create a fiscal cost or savings to the state budget.
B) Local governments:
The repeal of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this repeal would create a fiscal cost or savings to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
The repeal of this rule is due to Executive Order No. 2021-12, it is technical in nature and does not reflect substantive changes to current practices or procedures. It is not anticipated that this repeal would create a fiscal cost or savings to small businesses.

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

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

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

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

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

There are no compliance costs associated with the repeal of this rule, it is technical in nature and does not reflect substantive changes to current practices or procedures.

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

After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to businesses because this rule is being repealed. Tracy Gruber, Executive Director

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

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

NOTICES OF PROPOSED RULES

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 62A-11-107	Section 62A-1-111	Section 62A-11-320

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:	10/15/2021

10. This rule change MAY become effective on:	10/22/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Tracy Gruber, Executive Director	Date:	08/27/2021
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NOTICE OF PROPOSED RULE
TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R590-70	Filing ID	53857
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Agency Information

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

General Information

2. Rule or section catchline:
R590-70. Insurance Holding Companies
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 No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Others are changes to make the language of this rule more clear, and Section R590-70-22 is being updated to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature and will not change how the Department functions.

B) Local governments:			
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature and will not affect local governments.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature and will not affect small businesses.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature and will not affect non-small businesses.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There are no compliance costs for any affected persons. The changes are largely clerical in nature.			
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):			
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. Jonathan T. Pike, Commissioner			
6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

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

B) Department head approval of regulatory impact analysis:
 The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 31A-2-201	Section 31A-16-116	
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Public Notice Information

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

A) Comments will be accepted until:	10/15/2021
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10. This rule change MAY become effective on:	10/22/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	08/26/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-103	Filing ID 53858

Agency Information

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

General Information

2. Rule or section catchline:
R590-103. Security Deposits
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 No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Others are changes to make the language of this rule more clear. It also updates Section R590-103-5 to use the Department's current language. It does not add, remove, or change any regulations or requirements.

Fiscal Information

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

A) State budget:

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

B) Local governments:

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

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

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

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

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

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

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

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

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

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

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

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

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 31A-2-201(3)	Subsection 31A-2-206(17)	

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:	10/15/2021
10. This rule change MAY become effective on:	10/22/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency	

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

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	08/26/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R590-120	Filing ID	53859

Agency Information

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

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

General Information

2. Rule or section catchline:
R590-120. Surety Bond Forms
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 No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Others are changes to make the language of this rule more clear and Section R590-120-4

is being updated to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

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

A) State budget:

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

B) Local governments:

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

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

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

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

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

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

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

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

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

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

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

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

Regulatory Impact Table

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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Subsection 31A-2-201(3)	Subsection 31A-21-101(5)	
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Public Notice Information

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

A) Comments will be accepted until: 10/15/2021

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

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

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	08/26/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R590-124	Filing ID	53878
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Agency Information

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

General Information

2. Rule or section catchline:
R590-124. Loss Information Rule

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 No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.

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

The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Others are changes to make the language of this rule more clear, and the proposed Section R590-124-5 is being updated to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

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

A) State budget:

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

B) Local governments:

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

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

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

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

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

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

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

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

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

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

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

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

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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Section 31A-2-201	Section 31A-23a-402	
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Public Notice Information

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

A) Comments will be accepted until:	10/15/2021
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10. This rule change MAY become effective on:	10/22/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	08/30/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-127	Filing ID 53879

Agency Information

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

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

General Information

2. Rule or section catchline:
R590-127. Rate Filing Exemptions

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 No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Others are changes to make the language of this rule more clear and the proposed Section R590-127-8 is being updated to use the Department's current language. A portion of the proposed Section R590-127-3 is being removed because it is an editorial aside that does not belong in this rule. Section R590-127-9 is being removed because penalties are already provided for in statute. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTICES OF PROPOSED RULES

Net Benefits	Fiscal \$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 31A-2-201	Section 31A-19a-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.)	
A) Comments will be accepted until:	10/15/2021

10. This rule change MAY become effective on:	10/22/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	08/30/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-129	Filing ID 53880

Agency Information

1. Department:	Insurance
Agency:	Administration
Room no.:	Suite 2300
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state and zip:	Taylorville, UT 84129
Mailing address:	PO Box 146901

City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R590-129. Unfair Discrimination Based Solely Upon Blindness or Physical or Mental Impairment
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 No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Others are changes to make the language of this rule more clear, and to add Section R590-129-5. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature and will not change how the Department functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature and will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature and will not affect small businesses.

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

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

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

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

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

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

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

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

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

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

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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Subsection 31A-2-201(3)	Subsection 31A-23a-402(8)	
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Public Notice Information

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

A) Comments will be accepted until: 10/15/2021

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

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

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	08/30/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R657-10	Filing ID	53885
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Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources

Room no.:	2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R657-10. Taking Cougar
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule regulating the take of Cougars.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The proposed amendments to this rule: 1) eliminate text under legal weapon requirements to make them consistent with Rule R657-5 Taking Big Game; 2) replace "written permission" with "authorization" to remove dead cougar accidentally caught in a trap; 3) remove "cougar control permits"; 4) remove the call in hotline for reporting cougar take; and 5) make technical changes and housekeeping as needed.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed rule amendments simplify weapon restriction language and types of cougar permits available. These changes can be initiated within the current workload and resources of DWR, therefore, the DWR determines that these amendments do not create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:			
Since the proposed amendments only clarify weapon restrictions and eliminates cougar control permits and the accompany language, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
The proposed rule amendments will not directly impact small businesses nor is there a service required of them.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):			
These amendments do not have the potential to create a cost impact to those individuals wishing to participate in taking cougar in the state as they do not require either a service or a purchased good from them.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
DWR has determined that this amendment could not create additional costs for those pursuing or taking cougar in Utah as they do not require either a service or a purchased good from them.			
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 small businesses. Brian Steed, Executive Director			
6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 23-14-18	Section 23-14-19	

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:	10/15/2021
10. This rule change MAY become effective on:	10/22/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of	

Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Justin Shirley, Wildlife Director	Date:	08/30/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R657-41-9	Filing ID	53886

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room no.:	2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R657-41-9. Conservation Permit Funds and Reporting
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule regulating Conservation and Sportsman Permits.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The proposed amendments to this rule: 1) set the requirements for direct purchase of permits; and 2) make technical changes as needed.

Fiscal Information

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

A) State budget:

The proposed rule amendments clarify the direct purchase of Conservation and Sportsman permits for conservation groups, these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR determines that these amendments do not create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since the proposed amendments only clarify direct purchase requirements, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses nor is there a service required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in applying for or purchasing Conservation or Sportsman permits as they do not require either a service or a purchased good from them.

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

DWR has determined that this amendment could not create additional costs for those participating in the Conservation or Sportsman permit program as they do require either a service or a purchased good from them.

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 small businesses. Brian Steed, Executive Director

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

Regulatory Impact Table

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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

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

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

A) Comments will be accepted until:	10/15/2021
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10. This rule change MAY become effective on:	10/22/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Justin Shirley, Wildlife Director	Date:	08/30/2021
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End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

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

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends October 15, 2021.

From the end of the 30-day waiting period through January 13, 2022, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Utah Admin. Code Ref (R no.):	R539-11	Filing ID: 53734

Agency Information

1. Department:	Human Services	
Agency:	Services for People with Disabilities	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Phone:
Kelly Thomson	435-669-4855	kthomson@utah.gov
Jonah Shaw		jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R539-11. Intermediate Care Facility Advisory Committee
3. Publication date of previous proposed rule or change in proposed rule:
08/01/2021
4. Reason for this change (Why is the agency submitting this filing?):
The new name more accurately reflects the purpose and authority of the Intermediate Care Facility Advisory Committee (Committee).
5. Summary of this change (What does this filing do?):
The change renames the Committee to the Strategy Report Advisory Committee. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the August 1, 2021, issue of the Utah State Bulletin, on page 27. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

6. Aggregate anticipated cost or savings to:
A) State budget:
The change is a nonsubstantive change that will not affect the operation of the Committee. No anticipated cost or savings to the state budget.
B) Local government:
The change is a nonsubstantive change that will not affect the operation of the Committee. No anticipated cost or savings to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
The change is a nonsubstantive change that will not affect the operation of the Committee. No anticipated cost or savings to small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The change is a nonsubstantive change that will not affect the operation of the Committee. No anticipated cost or savings to non-small businesses.
E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
The change is a nonsubstantive change that will not affect the operation of the Committee. No anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.
F) Compliance costs for affected persons:
The change is a nonsubstantive change that will not affect the operation of the Committee. No anticipated compliance costs for affected persons.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
After conducting a thorough analysis, it was determined that this proposed new rule and this change will not result in a fiscal impact to businesses. Tracy Gruber, Executive Director
6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			

The Executive Director of the Department of Human Services, Tracy Gruber, 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 62A-5-103(2)(b)	Subsection 62A-5-103(2)(r)	Subsection 62A-5-103(2)(n)
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Public Notice Information

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

A) Comments will be accepted until:	No formal comment period
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10. This rule change MAY become effective on:	10/15/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Tracy Gruber, Executive Director	Date:	08/27/2021
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End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text (~~example~~). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R68-29	Filing ID: 53855

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

Agency Information

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

General Information

2. Rule or section catchline:
R68-29. Quality Assurance Testing on Cannabis
3. Effective Date:
08/24/2021
4. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
A clarification is needed in this rule to ensure that a cannabis testing laboratory is not required to test for all of the microbial contaminants listed in Table 2. Due to laboratory equipment shortages testing for some of the specific microbials listed in Table 2 is not currently possible. A second emergency rule is needed because the testing equipment in question is still not available. The Department is hopeful that equipment will be available soon.
5. Summary of the new rule or change (What does this filing do?):

NOTICES OF 120-DAY (EMERGENCY) RULES

Language has been added to Section R68-29-8, Microbial Standards, to clarify that specific microbial testing requirements will be at the discretion of the Department of Agriculture and Food (Department). The requirement for microbial testing generally and the limitations in Table 2 will remain in place.

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

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

B) Specific reasons and justifications for this finding:

If this rule is not clarified, the Department may not be able to allow cannabis products to be sold because all required testing cannot be performed. This could cause imminent financial harm to the cannabis industry and limit their ability to sell the products they have produced. It could also threaten the health and welfare of the public because patients will have less access to the medically prescribed cannabis products they need.

Fiscal Information

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

A) State budget:

There would be an anticipated savings to the state budget due to less required testing. The Department estimates that this would amount to a savings of \$50 per sample and a reduction in the cost of testing 900 samples per year, for a total of \$45,000. There would also be a reduction in fee revenue collected at an estimated \$50 per sample and 900 samples per year, or \$45,000. This reduced fee revenue would be due to the Department charging \$70 per sample rather than \$120 due to reduced testing requirements given this change.

B) Local governments:

There is no anticipated cost or savings to local governments because they do not operate as cannabis licensees or laboratories.

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

There would be a savings to small businesses due to the reduced cost of testing in the Department cannabis laboratory, from \$120 per sample to \$70 per sample. The Department estimates that 75% of the samples tested per year are tested for small businesses, for a total savings of \$33,750 (675 samples at a savings of \$50 per sample).

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

There would be a savings to non-small businesses due to the reduced cost of testing in the Department cannabis laboratory, from \$120 per sample to \$70 per sample. The Department estimates that 25% of the samples tested per year are tested for non-small businesses, for a total savings of \$11,250 (225 samples at a savings of \$50 per sample).

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

Compliance costs for affected persons would be reduced due to the reduced cost of testing a cannabis sample. Cost would go from \$120 per sample to \$70 sample for a reduction of \$50 per sample.

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

This rule change will not have a fiscal impact on businesses. Craig W. Buttars, Commissioner

Citation Information

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

Subsection		
4-41a-701(3)		

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	08/25/2021
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End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at 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.):	R277-101	Filing ID: 52770

Agency Information

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

General Information

2. Rule catchline:	R277-101. Public Participation in Utah State Board of Education Meetings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	

This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Title 52, Chapter 4, Open and Public Meetings Act, directs that the deliberations and actions of the Board be conducted openly; Section 52-4-207 allows the Board to adopt a rule governing the use of electronic meetings; and Subsection 53E-3-401(4) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

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

There were no written comments received.

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

This rule continues to be necessary because it describes procedures to be followed by the Board in its conduct of the public's business in order to hear from those who desire to be heard on public education matters in the state; effectively and efficiently utilize the time of the Board; balance desire for public information with other demands on the Board's time; and allow the Board to conduct electronic meetings as needed. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	08/19/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-407	Filing ID: 53187

Agency Information

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

General Information

2. Rule catchline:
R277-407. School Fees
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized under the Utah Constitution, Article X, Section 3 which vests general control and supervision over public education in the Board; Utah Constitution, Article X, Section 2 provides that public elementary schools shall be free; and secondary schools shall be free, unless the Legislature authorizes the imposition of fees; Subsection 53E-3-401(4) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; Subsection 53G-7-503(2) requires the Board to adopt rules regarding student fees; and Subsection 53G-7-504 authorizes waiver of fees for eligible students with appropriate documentation. This rule also serves to comply with the order arising from the Permanent Injunction issued in Doe v. Utah State Board of Education, Civil No. 920903376 (3rd District 1994).
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 permits the orderly establishment of a system of reasonable fees, provides adequate notice to students and families of fees and fee waiver requirements, and practices that would exclude those unable to pay from participation in school-sponsored activities or create a burden on a student or family as to have a detrimental impact on participation. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	08/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-409	Filing ID: 52835

Agency Information

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

General Information

2. Rule catchline:
R277-409. Public School Memberships in Association
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; and Subsection 53E-3-401(4) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

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

There were no written comments received.

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

This rule continues to be necessary because it places limitations on public school membership in certain associations with rules or policies that conflict with Board policies. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	08/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R277-419	Filing ID: 53607
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Agency Information

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

General Information

2. Rule catchline:
R277-419. Pupil Accounting
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-

401(4) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; Subsection 53E-3-501(1)(e) directs the Board to establish rules and standards regarding cost-effectiveness, school budget formats and financial, statistical, and student accounting requirements; Subsection 53E-3-602(2) requires a local school board's auditing standards to include financial accounting and student accounting; Subsection 53E-3-301(3)(d) requires the Superintendent to present to the Governor and the Legislature data on the funds allocated to LEAs; Section 53G-4-404 requires annual financial reports from all school districts; and Subsection 53G-5-404(4) requires charter schools to make the same annual reports required of other public schools.

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

There were no written comments received.

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

This rule continues to be necessary because it specifies pupil accounting procedures used in apportioning and distributing state funds for education. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	08/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R277-445	Filing ID: 53208
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Agency Information

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

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-445. Classifying Small Schools as Necessarily Existent
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53F-2-304(3) requires the Board to adopt rules that govern the approval of necessarily existent small schools consistent with state law, and ensures that districts are not building secondary schools in close proximity to one another where economy and efficiency would be better served by one school meeting the needs of secondary students in a designated geographical area; Subsection 53F-2-304(7) requires the Board to define isolating conditions, which may qualify a non-NESS school for additional funding; and Subsection 53E-3-401(4) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no written comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule continues to be necessary because it specifies the standards for schools and districts to received funding under the Necessarily Existent Small School (NESS) program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	08/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R277-460	Filing ID:	52852

Agency Information

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

General Information

2. Rule catchline:
R277-460. Distribution of Substance Abuse Prevention Account
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Section 53G-10-405 directs the Board to adopt rules providing for instruction on the harmful effects of alcohol, tobacco, electronic cigarette products, and controlled substances; Subsection 53E-3-401(4) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Section 51-9-405 provides for funds from the Substance Abuse Prevention Account to be allocated to the Board for substance abuse prevention and education, substance abuse prevention training for teachers and administrators, and LEA programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.
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 for the distribution of the Board's share of the money from the Substance Abuse Prevention Account. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	08/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-488	Filing ID: 52962

Agency Information

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

General Information

2. Rule catchline:
R277-488. Dual Language Immersion Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Section 53F-2-502 requires the Board to establish a Dual Language Immersion program; and Subsection 53E-3-401(4) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no written comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule continues to be necessary because it establishes criteria and procedures for distributing funds to elementary and secondary schools participating in the Dual Language Immersion Program, increases the number of students who reach proficiency in world languages, builds overall world language capacity in the , and increases the number of biliterate and bilingual students. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	08/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-489	Filing ID: 52779

Agency Information

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

General Information

2. Rule catchline:
R277-489. Kindergarten Entry and Exit Assessment - Enhanced Kindergarten Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4) permits the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law; and Section 53F-2-507 directs the Board to distribute funds appropriated for the

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

enhanced kindergarten program to local education agencies (LEAs) that apply for the funds.

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 requires LEAs to administer a kindergarten entry and exit assessment and establishes criteria and procedures to administer the enhanced kindergarten program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	08/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R277-800	Filing ID:	53281
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Agency Information

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

General Information

2. Rule catchline:
R277-800. Utah Schools for the Deaf and the Blind

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

This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Section 53E-8-204 authorizes the Board to make rules regarding the administration of the Utah Schools for the Deaf and the Blind (USDB); Section 53E-8-402 directs the Board to establish entrance policies and procedures to be considered, consistent with the Individuals with Disabilities Education Act (IDEA), for student placement recommendations at the USDB; Section 53E-8-409 directs the Board to establish the Utah State Instructional Materials Access Center (USIMAC) and outline collaboration and operating procedures for USIMAC and USDB resources; and Subsection 53E-3-401(4) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

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

There were no written comments received.

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

This rule continues to be necessary because it provides standards and procedures for the operation of the USDB and the USDB outreach programs and services. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	08/23/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R512-2	Filing No.:	51219
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Agency Information

1. Department:	Human Services
Agency:	Child and Family Services
Building:	MASOB
Street address:	195 N 1950 W
City, state, zip:	Salt Lake City, UT 84116

Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R512-2. Title IV-B Child Welfare/Family Preservation and Support Services and Title IV-E Foster Care, Adoption, and Independent Living
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including adopting federal requirements applicable to Titles IV-B and IV-E of the Social Security Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to adopt federal requirements applicable to Titles IV-B and IV-E of the Social Security Act.

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	04/27/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R512-31	Filing ID:	51214

Agency Information

1. Department:	Human Services
Agency:	Child and Family Services
Building:	MASOB
Street address:	195 N 1950 W

City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R512-31. Foster Parent Due Process
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including defining the due process rights of foster parents when a decision is made to remove a foster child from their home.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to define the due process rights of foster parents when a decision is made to remove a foster child from their home.

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	05/03/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R512-32	Filing ID:	51223

Agency Information

1. Department:	Human Services
Agency:	Child and Family Services
Building:	MASOB

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R512-32. Children with Reportable Communicable Diseases
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including establishing standards for confidentiality and testing of children with reportable communicable diseases.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to establish standards for confidentiality and testing of children with reportable communicable diseases.

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	05/17/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R512-40	Filing ID: 53821

Agency Information

1. Department:	Human Services
Agency:	Child and Family Services

Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R512-40. Recruitment, Home Studies, and Approval of Adoptive Families for Children in the Custody of Child and Family Services
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 62A-4a-102 authorizes the Division of Child and Family Services to establish criteria for recruitment of adoptive families, standards for conducting adoptive home studies, and requirements for approval of adoptive homes.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to establish criteria for recruitment of adoptive families, standards for conducting adoptive home studies, and requirements for approval of adoptive homes.

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	05/17/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R512-42	Filing ID: 53823

Agency Information

1. Department:	Human Services
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Agency:	Child and Family Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R512-42. Adoption by Relatives
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 62A-4a-102 authorizes the Division of Child and Family Services to specify requirements for relatives to adopt a child in the custody of Child and Family Services.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Continuation of this rule is necessary in order for the Division of Child and Family Services to specify requirements for relatives to adopt a child in the custody of Child and Family Services.

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	05/17/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R512-51	Filing ID: 51221

Agency Information

1. Department:	Human Services
Agency:	Child and Family Services
Building:	MASOB

Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R512-51. Fee Collection for Criminal Background Screening for Prospective Foster and Adoptive Parents and for Employees of Other Department of Human Services Licensed Programs
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 62A-4a-102 authorizes the Division of Child and Family Services to collect fees for processing criminal background screenings.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Continuation of this rule is necessary in order for the Division of Child and Family Services to collect fees for processing criminal background screenings.

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	05/18/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R512-80	Filing ID: 52801

Agency Information

1. Department:	Human Services
Agency:	Child and Family Services
Building:	MASOB
Street address:	195 N 1950 W

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R512-80. Definitions of Abuse, Neglect, and Dependency
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 62A-4a-102 authorizes the Division of Child and Family Services to specify definitions utilized by the Division of Child and Family Services.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Continuation of this rule is necessary in order for the Division of Child and Family Services to specify definitions utilized by the Division of Child and Family Services.

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	05/17/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R527-3	Filing ID: 51269

Agency Information

1. Department:	Human Services
Agency:	Recovery Services
Street address:	515 E 100 S
City, state and zip:	Salt Lake City, UT 84102-4211

Mailing address:	PO Box 45033	
City, state and zip:	Salt Lake City, UT 84145-0033	
Contact person(s):		
Name:	Phone:	Email:
Scott Weight	801-741-7435	sweigh2@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R527-3. Definitions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 62A-1-111 gives the Department of Human Services (DHS) the authority to create rules necessary to carry out its responsibilities. Section 62A-11-107 gives the Office of Recovery Services (ORS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law. Sections 62A-11-103, 62A-11-303, 62A-11-401, and 78B-14-102 provide definitions of terms and acronyms used by the ORS.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no comments received during or 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:
It is necessary to continue this rule to provide the public with knowledge of commonly used acronyms and terms associated with ORS or its programs that are not available in statute.

Agency Authorization Information

Agency head or designee, and title:	Liesa Stockdale, ORS Director	Date:	06/25/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R527-253	Filing ID: 51286

Agency Information

1. Department:	Human Services	
Agency:	Recovery Services	
Street address:	515 E 100 S	
City, state and zip:	Salt Lake City, UT 84102-4211	
Mailing address:	PO Box 45033	
City, state and zip:	Salt Lake City, UT 84145-0033	
Contact person(s):		
Name:	Phone:	Email:
Scott Weight	801-741-7435	sweigh2@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R527-253. Collection of Child Support Judgments
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Pursuant to Section 62A-11-107, the Office of Recovery Services (ORS) is authorized to adopt, amend and enforce rules as necessary to provide services. Under Section 62A-11-320, ORS is given the authority to demand payment in full or to set or reset payment schedules to collect past-due support. This rule makes it clear that the interests of the state determine whether immediate payment in full should be required, or if it is in the best interest of the state to set or reset payment schedules to collect the past-due support. It also provides a listing of some of the legal remedies available to collect a judgment.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no comments received during or since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The state laws and federal regulations cited in this rule are still in effect. This rule also clarifies that the office is not limited to taking only one legal remedy at a time. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Liesa Stockdale, ORS Director	Date:	06/25/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R527-258	Filing ID: 52710

Agency Information

1. Department:	Human Services	
Agency:	Recovery Services	
Street address:	515 E 100 S	
City, state and zip:	Salt Lake City, UT 84102-4211	
Mailing address:	PO Box 45033	
City, state and zip:	Salt Lake City, UT 84145-0033	
Contact person(s):		
Name:	Phone:	Email:
Scott Weight	801-741-7435	sweigh2@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R527-258. Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 62A-11-107 gives the Office of Recovery Services (ORS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law.

Section 62A-11-320 allows ORS to establish support payment schedules for ex-prisoner obligors or obligors in or just released from a mental health or substance abuse treatment program and the conditions under which an obligor may contest a payment schedule. Section 62A-11-320 is also the basis for this rule in working with IV-A child support debts that may accrue during a period of incarceration or enrollment in an in-patient treatment program. Section 62A-11-326.1 provides the requirements for ORS to issue a notice to a parent's or legal guardian's employer to enroll a dependent child in the insurance plan available, which is available through the parent's or legal guardian's employer, and that ORS will also provide notice to the parent or legal guardian that the notice was sent to the employer.

45 CFR 303.31 and 45 CFR 303.32 respectively provide the requirements for ORS to include private health insurance in new or modified orders for support and to establish written criteria to identify orders that do not address health care needs of children and enforce the provision of health care coverage for the children using the federally mandated National Medical Support Notice (NMSN).

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

There have been no comments received during or since the last five-year review of this rule.

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

It is necessary to continue this rule as the federal regulations and state statutes are still in effect. The payment schedule program including the program providing for the discharge of the IV-A debt when support payments are made as required for the year following the NCP's incarceration or enrollment in a treatment program is still beneficial from a child support perspective as well as a corrections/rehabilitation perspective. The rule also provides the procedures for ORS to set up payment schedules and clarifies that the federal NMSN will be used to enroll a dependent child in the parent's or legal guardian's health insurance plan through the parent's or legal guardian's employer, even when the responsible parent has recently been incarcerated or in a treatment program.

Agency Authorization Information

Agency head or designee, and title:	Liesa Stockdale, Director	Date:	07/01/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R671-202	Filing ID: 51808

Agency Information

1. Department:	Pardons (Board of)	
Agency:	Administration	
Street address:	448 E Winchester, Suite 300	
City, state and zip:	Murray, UT 84107	
Contact person(s):		
Name:	Phone:	Email:
Mike Haddon	801-261-6467	mikehaddon@utah.gov

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

General Information

2. Rule catchline:
R671-202. Notification of Hearings

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

Subsection 63G-3-201(2) is a reference to Utah's Administrative Rulemaking Act and outlines specific rulemaking processes. Subsection 77-27-9(5) specifies the general rulemaking authority of the Utah Board of Pardons and Parole (Board). It allows the Board to adopt rules for its government, meetings and hearings, conduct of proceedings, and other statutory responsibilities. Subsection 77-27-7(6) more specifically authorizes the Board to establish rules necessary related to the hearing process, alienist examinations, and petitions for the termination of parole.

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

No written comments have been received by the Board regarding Rule R671-202 during or 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:

This rule needs to continue because it outlines notification to offenders of the date, time, location, and type of hearing being scheduled. This rule provides a minimum of a seven-day notice in advance of the hearing. This rule also notes that the offender can waive this notice and that, under extraordinary circumstance, the hearing can be conducted without the seven-day notice. Finally, this rule

directs the Board to provide public notice of their hearings one week in advance of a scheduled hearing.

Agency Authorization Information

Agency head or designee, and title:	Mike Haddon, Director of Administrative Services	Date:	08/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R671-302	Filing ID:	53263
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Agency Information

1. Department:	Pardons (Board of)	
Agency:	Administration	
Street address:	448 E Winchester, Suite 300	
City, state and zip:	Murray, UT 84107	
Contact person(s):		
Name:	Phone:	Email:
Mike Haddon	801-261-6467	mikehaddon@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R671-302. Public Access to Hearings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 63G-3-201(3) is a reference to Utah's Administrative Rulemaking Act and outlines specific rulemaking processes. Subsection 77-27-9(5) specifies the general rulemaking authority of the Utah Board of Pardons and Parole (Board). It allows the Board to adopt rules for its government, meetings and hearings, conduct of proceedings, and other statutory responsibilities. Subsection 77-27-5(1) is a general statutory reference to the Board's authority.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received by the Board of Pardons and parole regarding Rule R671-302 during or since the last five-year review, including recent notice and public hearing provided when the rule was significantly updated.

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

This rule needs to continue because it establishes specific requirements associated with the public's access to Board hearings. This rule also outlines who can attend hearings and seating priority. This rule also establishes the requirements for those attending in-person Board hearings and assists in making clear unique requirements the media must follow if attending an in-person hearing.

Agency Authorization Information

Agency head or designee, and title:	Mike Haddon, Director of Administrative Services	Date:	08/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R765-431	Filing ID:	53603
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Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Administration	
Building:	Board of Regents Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R765-431. State Authorization Reciprocity Agreement Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Section 53B-16-109.

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:

This rule was recently amended, and no written comments have been received.

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

The continuation of this rule is justified because the Utah Board of Higher Education continues to act as the Portal Agency for the interstate reciprocity agreement referred to as SARA.

Agency Authorization Information

Agency head or designee, and title:	Kevin V. Olsen, Designee and Assistant Attorney General	Date:	09/01/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R916-7	Filing ID: 52113

Agency Information

1. Department:	Transportation	
Agency:	Operations, Construction	
Room no.:	Administrative Suite, 1st Floor	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

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

General Information

2. Rule catchline:

R916-7. Appeals to UDOT Decisions on, and Requesting Compliance with Nighttime Noise Permits

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 72-6-112.5(6) requires the Department of Transportation (Department) to make this rule. The Department makes this rule under Subsections 72-6-112.5(6) and 72-1-201(h).

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

The Department has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

Subsection 72-6-112.5(6) requires the Department to make this rule. The Department must maintain this rule in effect until Subsection 72-6-112.5(6) is repealed or amended to state otherwise. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Bracerias, PE, Executive Director	Date:	08/16/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R933-1	Filing ID: 52150

Agency Information

1. Department:	Transportation	
Agency:	Preconstruction, Right of Way Acquisition	
Room no.:	Administrative Suite, 1st Floor	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT	

Mailing address: PO Box 148455		
City, state and zip: Salt Lake City, UT 84114-8455		
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R933-1. Right of Way Acquisition
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 provides the Department of Transportation's (Department) procedures for relocations required as a result of right of way acquisition (see Section 57-12-9), as well as procedures that ensure that when the Department buys, sells, or exchanges real property the value of the real

property is congruent with the proposed price and other terms of the purchase, sale, or exchange (see Section 72-7-117).

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

The Department has received comments relating to how the Department makes determinations relative to when property is eligible for relocation assistance (i.e., determining when something constitutes personal property).

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

This rule is required by statute. Therefore, this rule should be continued.

The Department disagrees with the comments that it should revise how it determines what constitutes personal property because this determination has been established by longstanding case law, and it would not be appropriate for the Department to revise how this determination is made. Any such change would properly be done by the Legislature, not by an Executive agency.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Braceras, PE, Executive Director	Date:	08/18/2021
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Agriculture and Food

Administration

No. 53652 (Repeal and Reenact) R51-4: ADA Compliant Procedure
Published: 07/15/2021
Effective: 09/01/2021

Animal Industry

No. 53678 (Amendment) R58-1: Admission, Identification, and Inspection of Livestock, Poultry, and Other Animals
Published: 08/01/2021
Effective: 09/08/2021

Plant Industry

No. 53549 (Repeal and Reenact) R68-7: Utah Pesticide Control Rule
Published: 06/01/2021
Effective: 09/01/2021

No. 53549 (Change in Proposed Rule) R68-7: Utah Pesticide Control Rule
Published: 08/01/2021
Effective: 09/01/2021

No. 53567 (Amendment) R68-29: Quality Assurance Testing on Cannabis
Published: 07/01/2021
Effective: 09/01/2021

No. 53567 (Change in Proposed Rule) R68-29: Quality Assurance Testing on Cannabis
Published: 08/01/2021
Effective: 09/01/2021

No. 53637 (Repeal) R68-31: Cannabis Licensing Process
Published: 07/15/2021
Effective: 09/01/2021

No. 53642 (New Rule) R68-36: Industrial Hemp Testing Laboratory
Published: 07/15/2021
Effective: 09/01/2021

Regulatory Services

No. 53656 (Amendment) R70-550: Utah Inland Shellfish Safety Program
Published: 08/01/2021
Effective: 09/08/2021

Education

Administration

No. 53595 (Amendment) R277-309: Appropriate Licensing and Assignment of Teachers
Published: 07/01/2021
Effective: 08/12/2021

No. 53748 (Amendment) R277-317: Incentives for National Board Certification
Published: 06/01/2021
Effective: 08/12/2021

No. 53645 (Repeal) R277-503: Licensing Routes
Published: 07/15/2021
Effective: 08/25/2021

No. 53597 (Amendment) R277-601: Standards for Utah School Buses and Operations
Published: 07/01/2021
Effective: 08/12/2021

No. 53644 (Amendment) R277-605: Coaching Standards and Athletic Clinics
Published: 07/15/2021
Effective: 08/25/2021

NOTICES OF RULE EFFECTIVE DATES

No. 53598 (Amendment) R277-607: Absenteeism and Truancy Prevention
Published: 07/01/2021
Effective: 08/12/2021

No. 53646 (Amendment) R277-607: Absenteeism and Truancy Prevention
Published: 07/15/2021
Effective: 08/25/2021

No. 53647 (Amendment) R277-609: Standards for LEA Discipline Plans and Emergency Safety Interventions
Published: 07/15/2021
Effective: 08/25/2021

No. 53599 (Amendment) R277-700: The Elementary and Secondary School General Core
Published: 07/01/2021
Effective: 08/12/2021

No. 53600 (Amendment) R277-920: School Improvement - Implementation of the School Turnaround and Leadership Development Act
Published: 07/01/2021
Effective: 08/12/2021

No. 53601 (Amendment) R277-925: Effective Teachers in High Poverty Schools Incentive Program
Published: 07/01/2021
Effective: 08/12/2021

No. 53651 (New Rule) R277-930: English Language Learner Software
Published: 07/15/2021
Effective: 08/25/2021

Environmental Quality

Air Quality

No. 53562 (Amendment) R307-840: Lead-Based Paint Program Purpose, Applicability, and Definitions
Published: 07/01/2021
Effective: 09/01/2021

No. 53563 (Amendment) R307-841: Residential Property and Child-Occupied Facility Renovation
Published: 07/01/2021
Effective: 09/01/2021

No. 53564 (Amendment) R307-842: Lead-Based Paint Activities
Published: 07/01/2021
Effective: 09/01/2021

Environmental Response and Remediation

No. 53576 (Amendment) R311-200: Underground Storage Tanks: Definitions.
Published: 07/01/2021
Effective: 09/13/2021

No. 53577 (Amendment) R311-201: Underground Storage Tanks: Certification Programs and UST Operator Training
Published: 07/01/2021
Effective: 09/13/2021

No. 53580 (Amendment) R311-203: Underground Storage Tanks: Technical Standards
Published: 07/01/2021
Effective: 09/13/2021

No. 53581 (Amendment) R311-204: Underground Storage Tanks: Closure and Remediation
Published: 07/01/2021
Effective: 09/13/2021

No. 53582 (Amendment) R311-205: Underground Storage Tanks: Site Assessment Protocol
Published: 07/01/2021
Effective: 09/13/2021

No. 53583 (Amendment) R311-206: Underground Storage Tanks: Certificate of Compliance and Financial Assurance Mechanisms
Published: 07/01/2021
Effective: 09/13/2021

No. 53584 (Amendment) R311-207: Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks
Published: 07/01/2021
Effective: 09/13/2021

No. 53585 (Amendment) R311-208: Underground Storage Tank Penalty Guidance
Published: 07/01/2021
Effective: 09/13/2021

No. 53586 (Amendment) R311-209: Petroleum Storage Tank Cleanup Fund and State Cleanup Appropriation
Published: 07/01/2021
Effective: 09/13/2021

No. 53587 (Amendment) R311-212: Administration of the Petroleum Storage Tank Loan Program
Published: 07/01/2021
Effective: 09/13/2021

Waste Management and Radiation Control, Radiation
No. 53543 (Amendment) R313-19: Transportation
Published: 06/15/2021
Effective: 09/13/2021

Government Operations

Records Committee

No. 53712 (Amendment) R35-1: Procedures for Appeal Hearings
Published: 08/01/2021
Effective: 09/08/2021

Health

Administration

No. 53445 (Repeal) R380-200: Patient Safety Surveillance and Improvement Program (PSSIP)
Published: 06/15/2021
Effective: 08/18/2021

No. 53444 (Repeal) R380-210: Health Care Facility Patient Safety Program
Published: 06/15/2021
Effective: 08/18/2021

Disease Control and Prevention, Health Promotion

No. 53559 (Amendment) R384-415: Electronic Cigarette Substance Standards
Published: 06/15/2021
Effective: 09/09/2021

Health Care Financing, Coverage and Reimbursement Policy

No. 53604 (Amendment) R414-1: Withholding of Payments
Published: 07/01/2021
Effective: 08/16/2021

No. 53579 (Amendment) R414-2a-7: Limitations
Published: 07/01/2021
Effective: 08/13/2021

Patient Safety Program

No. 53439 (New Rule) R429-1: Patient Safety Surveillance and Improvement Program (PSSIP)
Published: 06/15/2021
Effective: 08/18/2021

No. 53440 (New Rule) R429-2: Health Care Facility Patient Safety Program
Published: 06/15/2021
Effective: 08/18/2021

No. 53441 (New Rule) R429-3: Adverse Events from the Administration of Sedation or Anesthesia; Recording and Reporting
Published: 06/15/2021
Effective: 08/18/2021

Family Health and Preparedness, Licensing

No. 53605 (Amendment) R432-30: Adjudicative Procedure
Published: 07/01/2021
Effective: 08/12/2021

No. 53420 (Amendment) R432-725-4: Personal Care Agency Rule
Published: 05/15/2021
Effective: 08/12/2021

Family Health and Preparedness, Primary Care and Rural Health

No. 53443 (Repeal) R434-150: Adverse Events from the Administration of Sedation or Anesthesia; Recording and Reporting
Published: 06/15/2021
Effective: 08/14/2021

Higher Education (Utah Board of)

Administration

No. 53603 (Amendment) R765-431: State Authorization Reciprocity Agreement Rule
Published: 07/01/2021
Effective: 08/19/2021

No. 53591 (Amendment) R765-605: Higher Education Success Stipend Program
Published: 07/01/2021
Effective: 08/19/2021

No. 53592 (Amendment) R765-613: Public Safety Officer Career Advancement Reimbursement (POSCAR)
Published: 07/01/2021
Effective: 08/19/2021

Human Services

Administration

No. 53387 (New Rule) R495-830: Qualifications for Forensic Evaluator
Published: 05/01/2021
Effective: 08/12/2021

Insurance

Title and Escrow Commission

No. 53653 (Amendment) R592-1: Title Insurance Licensing
Published: 07/15/2021
Effective: 08/23/2021

No. 53654 (Amendment) R592-5: Title Insurance Product or Service Approval for a Dual Licensed Title Licensee
Published: 07/15/2021
Effective: 08/23/2021

No. 53655 (Amendment) R592-6: Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business
Published: 07/15/2021
Effective: 08/23/2021

No. 53742 (Amendment) R592-7: Title Insurance Continuing Education
Published: 08/01/2021
Effective: 09/08/2021

No. 53743 (Amendment) R592-11: Title Insurance Producer Annual Reports
Published: 08/01/2021
Effective: 09/08/2021

Labor Commission

Adjudication

No. 53711 (Amendment) R602-1: Official Record
Published: 08/01/2021
Effective: 09/08/2021

No. 53700 (Amendment) R602-2-1: Adjudicative Process
Published: 08/01/2021
Effective: 09/08/2021

NOTICES OF RULE EFFECTIVE DATES

Occupational Safety and Health

No. 53701 (Amendment) R614-1: Incorporation of Federal Standards
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Boiler, Elevator and Coal Mine Safety

No. 53702 (Amendment) R616-3: Safety Codes for Elevators
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Natural Resources

Wildlife Resources

No. 53636 (Amendment) R657-9: Taking Waterfowl, Wilson's Snipe and Coot
Published: 07/15/2021
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Public Safety

Highway Patrol

No. 53703 (New Rule) R714-164: School Bus Inspection, Maintenance and Auditing Requirements
Published: 07/15/2021
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No. 53710 (New Rule) R714-165: Standards for School Buses

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Peace Officer Standards and Training

No. 53740 (Amendment) R728-403: Procedures for Certification
Published: 08/01/2021
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School and Institutional Trust Lands

Administration

No. 53745 (Amendment) R850-6: Government Records Access and Management
Published: 08/01/2021
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No. 53747 (New Rule) R850-13: Confidential Treatment of Proprietary Information
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Workforce Services

Unemployment Insurance

No. 53602 (Amendment) R994-204-405: Remote Service Marketplace Platforms
Published: 07/01/2021
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End of the Notices of Rule Effective Dates Section