

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed September 16, 2021, 12:00 a.m. through October 01, 2021, 11:59 p.m.

Number 2021-20
October 15, 2021

Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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Utah state digest.

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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 2021-15

State Employee Leave For Mental and Emotional Health Treatment & Education

WHEREAS, mental health issues in the workplace have increased significantly over the past decade;

WHEREAS, mental health includes emotional, psychological, and social well-being, which affects how we think, feel, act, handle stress, relate to others, and make choices;

WHEREAS, caring for mental health allows us to maintain relationships, take care of ourselves, our families, our physical bodies, and respond and adapt to daily life challenges;

WHEREAS, the COVID-19 pandemic has amplified mental health challenges;

WHEREAS, work-related concerns left more than 40 percent of employees feeling hopeless, burned out or exhausted as they grappled with challenges due to the effects of the COVID-19 pandemic;

WHEREAS, 37% of employees state they haven't done anything to treat or cope with depression-related symptoms;

WHEREAS, during the course of the pandemic, there has been a 36% increase in calls to the Utah Crisis Line;

WHEREAS, not prioritizing mental health leads to devastating impacts on the well-being of employees with 61% of workers saying their productivity was affected by their mental health;

WHEREAS, in the United States roughly 217 million days are lost to absenteeism and presenteeism from mental health conditions every year;

WHEREAS, mental health and the well-being of state employees is critical to providing effective and high-quality service to the citizens of Utah;

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do hereby order the following:

1. Application
 - a. This executive order applies to all agencies that are subject to the rulemaking authority of the Division of Human Resource Management.
2. Definitions
 - a. As used in this order, "agency":
 - i. means a department, division, office, bureau, or other organization within the state executive branch, including the State Tax Commission, the National Guard, and the Board of Pardons and Parole; and

EXECUTIVE DOCUMENTS

- ii. does not include:
 1. an institution of higher education;
 2. the Utah Board of Higher Education;
 3. the State Board of Education;
 4. an independent entity as defined in Utah Code § 63E-1-102;
 5. the Attorney General's Office;
 6. the State Auditor's Office;
 7. the State Treasurer's Office; or
 8. the Legislative Branch.

b. "Division of Human Resource Management" means the Utah Division of Human Resource Management created in Title 63A, Chapter 17, Section 105.

3. Specific Requirements

a. Agencies

i. Effective January 1, 2022, all agencies shall allow a benefitted employee up to four (4) hours of Administrative Leave, as defined in Division of Human Resource Management rule, per fiscal year for mental health care and/or mental health care education, including but not limited to:

1. coordinated visit(s) with a licensed mental health professional;
2. group educational sessions;
3. professionally facilitated webinars hosted by mental health professionals;
4. self-assessment education created or led by mental health professionals; and
5. financial wellness programs.

i. An employee must receive supervisory approval before using leave for these purposes to minimize disruptions to operations, however a medical note for proof of attendance or participation is not required before or after the leave is used. The mental health treatment and education leave can be broken into hourly segments as long as the leave for this purpose does not exceed four hours.

ii. Effective immediately, agency management shall inform all department employees that pursuant to DHRM rule R477-7-4, agency management may approve the use of sick leave for "preventive health care," which includes mental health care.

b. The Division of Human Resource Management

i. The Division of Human Resource Management shall issue or amend rules to ensure implementation of this order.

This Order is effective immediately and shall remain in effect until otherwise 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 12th of October 2021.

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

2021/15/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 September 16, 2021, 12:00 a.m., and October 01, 2021, 11:59 p.m. are included in this, the October 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 November 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 February 12, 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.):	R27-1	Filing ID 53956

Agency Information

1. Department:	Government Operations	
Agency:	Fleet Operations	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact person(s):		
Name:	Phone:	Email:
Cory Weeks	801-957-7261	coryweeks@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R27-1. Definitions
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Subsequent to a five-year review, the Division of Fleet Operations determined that certain technical clarifying amendments are needed. In addition, technical changes are made to conform this rule with the Rulewriting Manual for Utah.
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):
Technical changes made in order to have administrative rules comply with current version of the Rulewriting Manual for Utah.

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 because the changes are only clarifying and technical.

B) Local governments:																												
There is no impact to local governments because local governments do not fall within the scope of this rule.																												
C) Small businesses ("small business" means a business employing 1-49 persons):																												
There is no impact to small businesses because small businesses do not fall within the scope of this rule.																												
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																												
There is no impact to non-small businesses because non-small businesses do not fall within the scope of this rule.																												
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):																												
There is no impact to any other persons because no other persons fall within the scope of this rule.																												
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):																												
There are no compliance costs because the changes are only clarifying and technical.																												
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):																												
Because this rule does not affect businesses, there should be no fiscal impact on businesses. Jenney Rees, 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.)																												
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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 Government Operations, Jenney Rees, 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 63A-9-401(1)(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:	11/15/2021
--	------------

10. This rule change MAY become effective on:	11/22/2021
--	------------

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:	Cory Weeks, Director	Date:	09/15/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R27-2	Filing ID 53957

Agency Information

1. Department:	Government Operations	
Agency:	Fleet Operations	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact person(s):		
Name:	Phone:	Email:
Cory Weeks	801-957-7261	coryweeks@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R27-2. Fleet Operations Adjudicative Proceedings
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Subsequent to a five-year review, the Division of Fleet Operations determined that certain technical clarifying amendments are needed. In addition, technical changes are made to conform this rule with the Rulewriting Manual for Utah.
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):
Technical changes made in order to have administrative rules comply with current version of the Rulewriting Manual for Utah.

Fiscal Information

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

A) State budget:
 This rule will have an indeterminate cost to state budgets. The reason the impact is indeterminate is because this rule will require processes taking work-hours for employees; however, the pay rates and the number of hours cannot be determined.

B) Local governments:

There is no impact to local governments because local governments do not fall within the scope of this rule.

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

There is no impact to small businesses because small businesses do not fall within the scope of this rule.

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

There is no impact to non-small businesses because non-small businesses do not fall within the scope of this rule.

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

There is no impact to any other persons because no other persons fall within the scope of this rule.

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

Compliance will have an attached cost associated with work-hours impacting state budgets. Those amounts cannot 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):

Because this rule does not affect businesses, there should be no fiscal impact on businesses. Jenney Rees, 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 Government Operations, Jenney Rees, 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 63G-4-102		
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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:	11/15/2021
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10. This rule change MAY become effective on:	11/22/2021
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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:	Cory Weeks, Director	Date:	09/15/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R27-3	Filing ID 53958

Agency Information

1. Department:	Government Operations	
Agency:	Fleet Operations	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact person(s):		
Name:	Phone:	Email:
Cory Weeks	801-957-7261	coryweeks@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R27-3. Vehicle Use Standards
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Subsequent to a five-year review, the Division of Fleet Operations determined that certain technical clarifying amendments are needed. In addition, technical changes are made to conform this rule with the Rulewriting Manual for Utah.
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):
Technical changes made in order to have administrative rules comply with current version of the Rulewriting Manual for Utah.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is little impact to the state budget because the changes are only clarifying and technical. Any impact would come from agencies' time spent in ensuring enforcement. That time cannot be estimated.

B) Local governments:																								
There is no impact to local governments because local governments do not fall within the scope of this rule.																								
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There are minimal compliance costs because the changes are only clarifying and technical. State government agencies will have an indeterminable cost associated with enforcement of this rule.																								
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NOTICES OF PROPOSED RULES

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 Government Operations, Jenney Rees, 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 63A-9-401(1)(d)		

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:	11/15/2021

10. This rule change MAY become effective on:	11/22/2021
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:	Cory Weeks, Director	Date:	09/15/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R68-30	Filing ID 53989

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
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

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

General Information

2. Rule or section catchline:
R68-30. Independent Cannabis Testing Laboratory
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
A change is needed to this rule because, through management of the program, the Department of Agriculture and Food (Department) has learned that it is difficult for laboratories to obtain ISO certification within 18 months of becoming licensed as required by this current 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):
Subsection R68-30-4(8)(b) has been updated to allow an independent cannabis testing laboratory to become licensed and obtain ISO certification within 24 months.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:			
This change will not have an impact on the state budget. The cost of administering or participating in the cannabis program will not change.			
B) Local governments:			
This change will not impact local governments because they do not participate in or administer the medical cannabis program.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
This change will make it easier for small businesses to become licensed laboratories and will not fiscally impact them.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
This change will make it easier for non-small businesses to become licensed laboratories and will not fiscally impact 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):			
Other persons do not participate in the medical cannabis program and will not be impacted by the change.			
F) 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 will not be impacted by this change. The fees charged by the Department will not change.			
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):			
This rule change will not have a fiscal impact on businesses. Craig W. Butters, 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 Utah Department of Agriculture and Food, Craig W. Butters, has reviewed and approved this fiscal analysis.			

Citation Information

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

Section 4-41a-103	Section 4-41a-405	Section 4-41a-801
Section 4-41a-302	Section 4-41a-701	Section 4-41a-404

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:	11/15/2021
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10. This rule change MAY become effective on:	11/22/2021
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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

NOTICES OF PROPOSED RULES

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:	Craig W. Butters, Commissioner, Utah Department of Agriculture and Food	Date:	09/23/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R156-4a	Filing ID 53992

Agency Information

1. Department:	Commerce		
Agency:	Occupational and Professional Licensing		
Building:	Heber M Wells		
Street address:	160 E 300 S		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 146741		
City, state and zip:	Salt Lake City, UT 84114		
Contact person(s):			
Name:	Phone:	Email:	
Kelli Jacobsen	801-530-6291	kellijacobsen@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R156-4a. Utah Professionals Health Program Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
H.B. 285, passed by the Legislature during the 2020 General Session, created the Utah Professionals Health Program (UPHP). Title 58, Chapter 4a, Utah Professionals Health Program, requires the Division of Occupational and Professional Licensing (Division) to promulgate rules to implement and administer the UPHP. The purpose of this new rule filing is to establish the standards for participation in the UPHP in accordance with the advice and recommendations of the UPHP executive advisory committee created under Section 58-4a-104.

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 UPHP provides an alternative to public disciplinary action for licensees who have substance use disorders. This rule will help implement the UPHP by establishing the standards for licensee entry into the UPHP, participation in the UPHP, successful completion of the UPHP, expulsion from the UPHP, and disqualification from participation in the UPHP.

Rule Hearing will be electronically only via Google Meet: meet.google.com/yrn-yusy-naz
Join by phone: (US) + 1 617-675-4444, PIN: 650 691 681 2864#

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 new rule is establishing the requirements for the UPHP that was created by the passing of H.B. 285 (2020). Any costs to the state budget were already considered in the passage of H.B. 285 (2020).

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 new 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 new rule does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation. Individual participation in the UPHP is voluntary and 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 non-small businesses because this proposed new rule does not create new obligations for non-small businesses, nor does it increase the costs associated with any existing obligation. Individual participation in the UPHP is voluntary and optional.

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 other persons because this proposed new rule does not create new obligations for persons, nor does it increase the costs associated with any existing obligation. Individual participation in the UPHP is voluntary and optional.

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 UPHP is voluntary and 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 Division proposes this Utah Professionals Health Program Rule. The Division is filing this rule in conformance with H.B. 285 (2020). This rule's purpose is to clarify the standards for participation in the UPHP in accordance with the advice and recommendations of the UPHP executive advisory committee created under Section 58-4a-104.

Small Business (less than 50 employees): The proposed rule is not expected to impact small businesses' revenues or expenditures. Further, no fiscal impact is expected for small business as the costs are either inestimable or there is no fiscal impact.

Regulatory Impact to Non-Small Businesses (50 or more employees): This new rule will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small business. These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Margaret W. 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:

The Executive Director of the Department of Commerce, Margaret W. 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 58-1-106(1)	Subsection 58-4a-103(2)	Subsection 58-4a-107(4)
Subsection 58-4a-110(2)		

Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	Physician Health Program Guidelines
Publisher	Federation of State Physician Health Programs
Date Issued	April 16, 2019
Issue, or version	1st Edition

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.)

NOTICES OF PROPOSED RULES

A) Comments will be accepted until:		11/15/2021
B) A public hearing (optional) will be held:		
On:	At:	At:
10/18/2021	10:15 AM	Rule Hearing will be electronically only via Google Meet (see Box 4 above).

10. This rule change MAY become effective on:	11/22/2021
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:	Mark B. Steinagel, Division Director	Date:	09/23/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-71	Filing ID 53994

Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Larry Marx	801-530-6254	lmarx@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-71. Naturopathic Physician Practice Act Rule

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

The Naturopathic Physicians Licensing Board recommends these changes to add a legend medication to the formulary for use by naturopathic physicians in providing patient care and to update the rule in accordance 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):

Subsection R156-71-202(1) is amended to add "68:04 Adrenals" to the formulary, as recommended by the Naturopathic Physicians Licensing Board. In accordance with Executive Order No. 2021-12, formatting changes are made throughout to update and clarify this rule using logical, understandable, and concise language consistent with Office of Administrative Rules current Rulewriting Manual; in particular Sections R156-71-303 and R156-71-304 are amended to clarify the renewal, reinstatement, and continuing professional education requirements under Sections 58-1-308 and R156-1-308g, and citations are updated throughout.

A rule hearing will be held electronically before the Division with Google Meet. Join with Google Meet: meet.google.com/mdo-jkck-pvo
Join by phone: (US) +1 929-367-6961 (PIN: 306254923)

Fiscal Information

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

A) State budget:

State agencies are not expected to experience any costs or savings from these proposed amendments because the amendments will not cause any changes to existing state procedures or processes. Additionally, there are no state government entities acting as businesses that will be impacted, and state government is not involved in the naturopathic formulary.

B) Local governments:

Local governments are not expected to experience any costs or savings from these proposed amendments because the amendments will not cause any changes to existing local governments' procedures or processes. Additionally, there are no local government entities acting as businesses that will be impacted, and local government is not involved in the naturopathic formulary.

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

There are currently 55 Naturopathic Physician licensees in Utah, and it is estimated that most operate private or small group practices in their own offices, and that several

operate in the facilities of others, such as hospitals or HMO medical centers (North American Industry Classification System (NAICS) 621399). The addition to the formulary will allow these Naturopathic Physicians to use an additional legend medication listed in the AHFS Formulary to treat human ailments within their scope of practice. This amendment is therefore expected to benefit small businesses; however, the full fiscal impact cannot be estimated because the data necessary to determine how many licensees will use the additional legend medication is unavailable, and because the benefits the businesses may experience from any resulting use will vary depending on patient needs.

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

There are currently several Naturopathic Physicians who operate in larger facilities such as hospitals or HMO medical centers (NAICS 621399). The addition to the formulary will allow these Naturopathic Physicians to use an additional legend medication listed in the AHFS Formulary to treat human ailments within their scope of practice. This amendment is therefore expected to indirectly benefit non-small businesses; however, the full fiscal impact cannot be estimated because the data necessary to determine how many licensees will use the additional legend medication is unavailable, and because the benefits the non-small businesses may experience from any resulting use will vary depending on patient needs.

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 amendments apply to persons licensed as Naturopathic Physicians in Utah. There are currently 55 Naturopathic Physician licensees in Utah; it is estimated that most operate private or small group practices in their own offices, and that several operate in the facilities of others, such as hospitals or HMO medical centers (NAICS 621399). The proposed amendment that will allow these Naturopathic Physicians to use an additional legend medication listed in the AHFS Formulary to treat human ailments within their scope of practice is expected to benefit these persons. However, the full fiscal impact cannot be estimated because the data necessary to determine how many licensees will use the additional legend medication is unavailable, and because the benefits these licensees and their patients may experience from any resulting use will vary depending on patient needs.

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

No compliance costs are expected for any affected persons as explained above.

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 Division of Occupational and Professional Licensing (Division) proposes amendments to the Naturopathic Physician Practice Act Rule. Changes and updates were made through recommendations from the Naturopathic Physicians Licensing Board. Further, the Division has made formatting changes throughout this rule to conform this rule to the Office of Administrative Rules' Rulewriting Manual.

Small Businesses (less than 50 employees): The Division has found that there are currently 55 Naturopathic Physician licensees in Utah. It is likely that most of those licensees operate private or small group practices in their own offices and some may operate in hospitals or HMO medical centers (NAICS 621399). This amendment will benefit small businesses as the addition to the American Hospital Formulary Service (AHFS) Formulary list, which will allow these Naturopathic Physicians to use an additional legend medication within the scope of practice. However, the full fiscal impact cannot be estimated due to the variability of data necessary to determine how many licensees will use the additional legend medication.

Regulatory Impact to Non-Small Businesses (50 or more employees): There are currently several Naturopathic Physicians who operate in larger facilities such as hospitals or HMO medical centers (NAICS 621399) in Utah. There is expected to be similar economic benefit for licensees using the expanded AFHS Formulary list, thus, the same rationale applies for non-small business as described above for small business. However, the full benefits are either inestimable for the reasons stated above.

Margaret W. 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

NOTICES OF PROPOSED RULES

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 Commerce, Margaret W. 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 58-71-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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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: 11/15/2021

B) A public hearing (optional) will be held:

On:	At:	At:
11/10/2021	9:00 AM	Rule hearing will be held electronically before the Division with Google Meet (see Box 4 above).

10. This rule change MAY become effective on: 11/22/2021

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:	Mark B. Steinagel, Division Director	Date:	09/28/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R357-13	Filing ID 53996

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:
R357-13. Hotel Convention Center Incentive

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

Section 357-13-6 is amended to establish that an entity claiming a convention incentive must submit a report completed by a certified public account, makes changes to comply with Executive Order No. 2021-12, and 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), so the relevant references are updated.

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: 1) amends references of Governor's Office of Economic "Development" to the Governor's Office of Economic "Opportunity"; 2) amends statutory references so that they are correct; 3) makes changes to comply with the Office of Administrative Rules' Rulewriting Manual for Utah as required by Executive Order No. 2021-12; 4) amends Section R357-13-6 to establish that an entity claiming a convention incentive must submit a reported completed by a certified public account; and 5)

Subsections R357-13-5(1) through R357-13-5(3) are removed from this rule, the substance of those subsections are governed by statute or another rule.

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. These changes merely make technical changes and codify a procedure the office has historically used.

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 amendment 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 new aggregate anticipated cost or savings to non-small businesses because this proposed rule does not create new obligations for non-small businesses, nor does it increase the costs associated with any existing obligation.

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

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

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

There are no compliance costs for affected persons because participation in the program is optional.

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

This rule will have no negative impact on businesses. The purpose of this rule filing is to make technical changes and establish that an entity claiming a convention incentive must submit a reported completed by a certified public account. 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:

Section		
63N-2-509		

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:	11/15/2021
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10. This rule change MAY become effective on:	11/22/2021
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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:	09/29/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R357-15	Filing ID 53997

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:
R357-15. Enterprise Zone Tax Credit
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this rule filing is to make nonsubstantive changes to comply with Executive Order No. 2021-12, update references of GOED to Go Utah because H.B. 348 passed during the 2021 General Session and changed the Governor's Office of Economic Development (GOED) to the Governor's Office of Economic Opportunity (Go Utah), amend how the number of baseline employees is calculated, and amend the documentation required in a tax credit application.
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: 1) amends how the number of baseline employees is calculated; 2) amends the documentation required in a tax credit application; 3) amends references of Development to Opportunity; and 4) makes nonsubstantive changes to comply with the Office of Administrative Rules' Rulewriting Manual.

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. These changes merely make technical changes and codify a procedure the office has historically used.
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 amendment 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 non-small businesses because this proposed amendment does not create new obligations for non-small businesses, nor does it increase the costs associated with any existing obligation. Participation in the program is optional.

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

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

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

There are no compliance costs for affected persons because participation in the program is optional.

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

This rule will have no negative impact on businesses. Participation in the program is optional. Dan Hemmert, Executive Director

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

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

Section 63N-2-213		
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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:	11/15/2021
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10. This rule change MAY become effective on:	11/22/2021
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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:	09/28/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R357-17	Filing ID 53991

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:
R357-17. Air Quality Incentive
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
During the 2021 General Session, H.B. 348 passed and made changes to the Industrial Assistance Account. The Air Quality Incentive is no longer an active program under the Industrial Assistance Account. Thus, the purpose of this rule filing is to repeal the rule in its entirety.
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 because the program was discontinued.

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. The repeal of this rule is due to the program being discontinued.
B) Local governments:
There is no aggregate anticipated cost or savings to local governments. The repeal of this rule is due to the program being discontinued.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no aggregate anticipated cost or savings to small businesses. The repeal of this rule is due to the program being discontinued.

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

There is no aggregate anticipated cost or savings to non-small businesses. The repeal of this rule is due to the program being discontinued.

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. The repeal of this rule is due to the program being discontinued.

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. The repeal of this rule is due to the program being discontinued.

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

This rule filing will have no 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 63N-1-402(2)(b)		
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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:	11/15/2021
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10. This rule change MAY become effective on:	11/22/2021
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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:	09/23/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-122	Filing ID 53986

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:
R590-122. Permissible Arbitration Provisions

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 R590-122-5 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 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

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: 11/15/2021

10. This rule change MAY become effective on: 11/22/2021

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: 09/22/2021

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	R590-128	Filing ID 53988

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:
R590-128. Unfair Discrimination Based on the Failure to Maintain Automobile Insurance (Revised.)
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) determined that this rule's original language was confusing and needed to be fixed. The changes are extensive enough that this rule needs to be repealed and reenacted.
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):
As originally written, this rule identifies prohibited conduct by an insurer and then describes exceptions in which the prohibited conduct is not prohibited. For example, this rule prohibits an automobile insurer from refusing to insure if the applicant did not maintain prior automobile insurance. However, this rule also allows an insurer to do this if it has proof that the insurance applicant has driven in the past three years in violation of a state's compulsory auto insurance laws. This approach requires two steps for an understanding of this rule, one to understand the prohibitions and one to understand the exceptions to those prohibitions.

The proposed rule is substantively identical; it simply eliminates the two steps by combining the prohibitions and the exceptions into a single list of what insurers may do in certain situations.

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 repeal and reenact does not add or remove regulations, nor does it change the way this rule will be applied.
B) Local governments:
There is no anticipated cost or savings to local governments. The repeal and reenact does not add or remove regulations, nor does it change the way this rule will be applied.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The repeal and reenact does not add or remove regulations, nor does it change the way this rule will be applied.
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 repeal and reenact does not add or remove regulations, nor does it change the way this rule will be applied.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
There is no anticipated cost or savings to any other persons. The repeal and reenact does not add or remove regulations, nor does it change the way this rule will be applied.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There no compliance costs for any affected persons. The repeal and reenact does not add or remove regulations, nor does it change the way this rule will be applied.
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):

NOTICES OF PROPOSED RULES

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 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		
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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:	11/15/2021
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10. This rule change MAY become effective on:	11/22/2021
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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:	09/22/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-144	Filing ID 53987

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:
R590-144. Commercial Aviation Insurance Exemption From Rate and Form Filing

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

This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.

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

The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Others are changes to make the language of this rule more clear, and the new Section R590-144-7 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 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	Section 31A-21-101
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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:	11/15/2021
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10. This rule change MAY become effective on:	11/22/2021
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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:	09/22/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R708-45	Filing ID	53990
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Agency Information

1. Department:	Public Safety		
Agency:	Driver License		
Street address:	4501 S 2700 W		
City, state and zip:	Salt Lake City, UT 84129		
Mailing address:	PO Box 144501		
City, state and zip:	Salt Lake City, UT 84114-4501		
Contact person(s):			
Name:	Phone:	Email:	
Britani Flores	801-884-8313	bflores@utah.gov	
Tara Zamora	801-964-4483	tarazamora@utah.gov	

Kim Gibb	801-556-8198	kgibb@utah.gov
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Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R708-45. Renewal or Duplicate License for Utah Residents Temporarily Residing Out of State

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 clarify requirements that will allow more citizens to be able to qualify for the service that is outlined in this rule.

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

This filing clarifies that applicants for a renewal or duplicate license do not have to be located outside of the in order to qualify for the process. It clarifies that those residents who are not able to visit an office location may have an option to renew or obtain a duplicate license. This filing also removes language that states the Division of Driver License (Division) is required to notify the applicant they are not eligible for the process by mail.

Fiscal Information

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

A) State budget:

The Department of Public Safety will experience a fiscal benefit from this rule. Less public in the offices would enable the Division to help a larger amount of people each day increasing the amount of fees it is able to accept. This full impact to state government is inestimable because the number of citizens who visit the office each day is not predictable or able to be determined.

B) Local governments:

This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because this rule affects government only at a state level.

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

This rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures because this rule only affects state government, and private citizens.

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

This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because this rule only affects state government, and private citizens.

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**):

Citizens could experience a non fiscal benefit due to lower wait times and more appointment availability because of a decrease of in office traffic.

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 associated with this rule.

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

This rule change will not have a fiscal impact on businesses. This rule addresses the expansion of the process for issuance of driver license renewals and duplicates for individuals who are unable to appear in an office to individuals located within the state, and does not affect businesses. Jess L. Anderson, 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 Public Safety, Jess L. Anderson, 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 53-3-104	Section 53-3-215	Section 53-3-214
Section 53-3-205		

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:	11/15/2021
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10. This rule change MAY become effective on:	11/22/2021
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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:	Christopher Caras, Division Director	Date:	09/23/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R884-24P-53	Filing ID 53995

Agency Information

1. Department:	Tax Commission	
Agency:	Property Tax	
Building:	Utah State Tax Commission	
Street address:	210 N 1950 W	
City, state and zip:	Salt Lake City, UT 84134	
Contact person(s):		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R884-24P-53. 2021 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This amendment is made annually to update the agricultural productive values to be applied by county assessors to land qualifying for valuation and assessment under the Farmland Assessment Act (FAA). These values are recommended to the Commission by the State Farmland Evaluation Advisory Committee, which meets under the authority of Section 59-2-514.
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 59-2-515 authorizes the State Tax Commission to make rules regarding Title 59, Chapter 2, Part 5, Farmland Assessment Act. Section 59-2-514 authorizes the State Tax Commission to receive valuation recommendations from the State Farmland Advisory Committee. This amendment sets the acreage value rates for 418 separate class-county combinations. For the 2022 tax year, it is proposed that 117 rates increase slightly, 108 rates decrease and 133 have no change.
This amendment also makes technical changes.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The aggregate anticipated cost or savings to the state budget is undetermined. However, based on available information, the overall aggregate anticipated cost or

savings to the state budget is expected to be minimal as a result of this amendment. The Education Fund receives revenue based on increased or decreased real and personal property valuation, including property assessed under the FAA. Property valuation changes have been recommended by class and by county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA assessment in the coming year.

B) Local governments:

The aggregate anticipated cost or savings to local governments is undetermined. However, based on available information, the overall aggregate anticipated cost or savings to local governments is expected to be minimal. Local governmental entities receive tax revenue based on increased or decreased property valuation, including property assessed under FAA. Property valuation changes have been recommended by class and by county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA assessment in the coming year. Additionally, county assessors' offices statewide will be required to input the new value indicators into their systems to be applied against the acreage for individual properties. This input process is easily accomplished on an annual basis and represents no significant cost in time or money to the assessors' offices.

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

The aggregate anticipated costs or savings to small businesses is undetermined. However, based on available information, the aggregate costs or savings to small businesses as a cohort is expected to be minimal. Each individual small business with property eligible for assessment under the FAA may see a change in value which may result in costs or savings. The extent of these costs or savings are subject to the specific small businesses' unique mix of property class and situs county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA assessment in the coming year. Additionally, any cost or savings estimate will be further altered by changes to local property tax rates.

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

The aggregate anticipated costs or savings to non-small businesses is undetermined. However, based on available information, the aggregate costs or savings to non-small businesses as a cohort is expected to be minimal. Each individual non-small business with property eligible for assessment under the FAA may see a change in value which may result in costs or savings. The extent of costs or savings are subject to the specific non-small

businesses' unique mix of property class and situs county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA assessment in the coming year. Additionally, any cost or savings estimate will be further altered by changes to local property tax rates.

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

The aggregate anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities (persons) is undetermined. However, based on available information, the aggregate costs or savings to persons as a cohort is expected to be minimal. Each person with property eligible for assessment under the FAA may see a change in value which may result in costs or savings. The extent of costs or savings are subject to the specific person's unique mix of property class and situs county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA assessment in the coming year. Additionally, any cost or savings estimate will be further altered by changes to local property tax rates.

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

County assessors' offices statewide will be required to input the new value indicators into their systems to be applied against the acreage for individual properties. This input process is easily accomplished on an annual basis and represents no significant compliance cost in time or money to the assessors' offices.

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

Based on available information, the aggregate costs or savings to businesses as a whole is expected to be minimal. Each business with property eligible for assessment under the FAA may see a change in value which may result in costs or savings. However, the extent of these costs or savings are subject to the specific businesses' unique mix of property class and situs county. Commissioner, Rebecca L. Rockwell

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 Utah State Tax Commission, Rebecca L. Rockwell, 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 59-2-515

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:	11/15/2021

NOTICES OF PROPOSED RULES

10. This rule change MAY become effective on:	11/22/2021
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:	Rebecca L Rockwell, Commissioner	Date:	09/29/2021
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End of the Notices of Proposed 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.):	R156-24b	Filing No. 53779

Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state, zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state, zip:	Salt Lake City, UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Jeff Busjahn	801-530-6789	jbusjahn@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:	R156-24b. Physical Therapy Practice Act 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:	Title 58, Chapter 24b, provides for the licensure and regulation of physical therapists and physical therapy assistants. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title

58. Subsection 58-1-202(1)(a) provides that the Physical Therapy Licensing Board's duties, functions, and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 24b, with respect to physical therapists and physical therapy assistants.

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:

Since this rule was last reviewed in October 2016, this rule has been amended four times. The Division has received no written comments with respect to this rule.

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

This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 24b. This rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Division Director	Date:	06/18/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R156-26a	Filing No. 53780

Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state, zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state, zip:	Salt Lake City, UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Jana Johansen	801-530-6621	janajohansen@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R156-26a. Certified Public Accountant Licensing Act 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:
Title 58, Chapter 26a, provides for the licensure and regulation of certified public accountants (CPAs) and CPA firms. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-1-202(1)(a) provides that the Utah Board of Accountancy's duties, functions, and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 26a, with respect to CPAs and CPA firms.
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:
Since this rule was last reviewed in October 2016, this rule has been amended two times (2017 and 2019). The Division did receive an October 23, 2017, written comment from Anita Christensen-Uibel, CPA regarding the proposed amendments and her concerns about the change in continuing professional education (CPE) hours and CPE reporting period. The Division and Board reviewed Ms. Christensen-Uibel's comments and concerns but after review and consideration made the proposed amendments effective on November 7, 2017.

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 should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 26a. This rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Division Director	Date:	05/12/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R918-5	Filing ID: 52125

Agency Information

1. Department:	Transportation	
Agency:	Operations, Maintenance	
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:
R918-5. Construction or Improvement of Highway
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 72-6-107(5) requires the Department of Transportation (Department) to follow procedures included in the Administrative Rulemaking Act to establish regulations contained in this rule.
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:
Section 72-6-107 mandates this rule, and that section is still effective law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Braceras, PE, Executive Director	Date:	09/24/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R993-100	Filing ID: 52222

Agency Information

1. Department:	Workforce Services	
Agency:	Rehabilitation	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-526-9653	ampeck@utah.gov

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

General Information

2. Rule catchline:
R993-100. Authority, Purpose and Administrative Review
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 35A-1-104(1) of the Utah Workforce Services Code authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Section 35A-1-303 authorizes the Department to adopt rules governing adjudicative procedures. The Utah Administrative Procedures Act, Title 63G, Chapter 4, defines the procedures the Department must follow in administrative hearings. Section 35A-13-103 places the Utah State Office of Rehabilitation under the direction of the Department. Subsection 35A-13-103(5) allows the Utah State Office of Rehabilitation to adopt rules related to administering the state plan for vocational rehabilitation.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule continues to be necessary because it provides standards and procedures for adjudication of disputes under the vocational rehabilitation program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron, Executive Director	Date:	09/15/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R993-200	Filing ID: 52219

Agency Information

1. Department:	Workforce Services
Agency:	Rehabilitation
Building:	Olene Walker Building
Street address:	140 E 300 S

City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-526-9653	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R993-200. Order of Selection
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 35A-1-104(1) of the Utah Workforce Services Code authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Section 35A-13-103 places the Utah State Office of Rehabilitation under the direction of the Department. Subsection 35A-13-103(5) allows the Utah State Office of Rehabilitation to adopt rules related to administering the state plan for vocational rehabilitation. 29 U.S.C. 721 directs the state agency responsible for administering the state plan for vocational rehabilitation services to establish eligibility criteria for individuals with the most significant disabilities.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule continues to be necessary because it provides definitions and procedures for providing services and determining order of selection for services consistent with federal and state law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron, Executive Director	Date:	09/15/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R993-300	Filing ID: 52216

Agency Information

1. Department:	Workforce Services	
Agency:	Rehabilitation	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-526-9653	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R993-300. Certification Requirements for Interpreters for the Deaf and Hard of Hearing
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 35A-1-104(1) of the Utah Workforce Services Code authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Section 35A-13-103 places the Utah State Office of Rehabilitation under the direction of the Department. Section 35A-13-604 directs the Utah State Office of Rehabilitation, Division of Services for the Deaf and Hard of Hearing, to prescribe certification qualifications and prescribe rules governing applications for certification.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule continues to be necessary because it provides certification requirements and disciplinary procedures for interpreters for the hearing impaired. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Casey R. Cameron, Executive Director	Date:	09/15/2021
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

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

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

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

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	R512-1	Filing ID: 51209

Agency Information

1. Department:	Human Services	
Agency:	Child and Family Services	
Building:	Multi-Agency State Office Building	
Street address:	120 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 catchline:
R512-1. Description of Division Services, Eligibility, and Service Access
3. Reason for requesting the extension and the new deadline date:
After review, it was determined that this rule is no longer necessary, and the Division of Child and Family Services (Division) has begun the repeal process. The Division are requesting the extension because the repeal will not be able to be made effective prior to the five-year review deadline. The new deadline is 02/10/2022. (EDITOR'S NOTE: The proposed repeal of Rule R512-1 is under ID 53851 published in the September 15, 2021, issue of the Bulletin.)

Agency Authorization Information

Agency head or designee, and title:	Tracy Gruber, Executive Director	Date:	09/28/2021
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Agriculture and Food

Plant Industry

No. 53755 (Amendment) R68-22: Industrial Hemp Research
Published: 08/15/2021
Effective: 10/01/2021

No. 53708 (Amendment) R68-26: Industrial Hemp Product Registration and Labeling
Published: 08/01/2021
Effective: 10/01/2021

No. 53704 (New Rule) R68-37: Industrial Hemp Cannabinoid Product Testing
Published: 08/01/2021
Effective: 10/01/2021

Auditor

Administration

No. 53561 (New Rule) R123-7: Required Governmental Entities' Posting of Financial Information to Transparent Utah, formerly known as the Utah Public Finance Website
Published: 06/15/2021
Effective: 10/05/2021

Education

Administration

No. 53648 (Amendment) R277-726: Statewide Online Education Program
Published: 08/15/2021
Effective: 09/22/2021

Government Operations

Finance

No. 53749 (Amendment) R25-2: Finance Adjudicative Proceedings
Published: 08/15/2021
Effective: 09/21/2021

Governor

Economic Opportunity

No. 53767 (New Rule) R357-40: Broadband Access Grant Program Rule
Published: 08/15/2021
Effective: 09/22/2021

No. 53759 (New Rule) R357-41: Utah Main Street Program Rule
Published: 08/15/2021
Effective: 09/22/2021

Health

Family Health and Preparedness, Emergency Medical Services

No. 53578 (Amendment) R426-4: Licensed Ground Ambulance, Designated QRU, and Designated Nonemergency Secured Behavioral Health Transport Staffing
Published: 07/01/2021
Effective: 09/16/2021

Insurance

Administration

No. 53752 (Amendment) R590-94: Smoker and Nonsmoker Mortality Tables for Determining Minimum Reserve Liabilities and Nonforfeiture Benefits
Published: 08/15/2021
Effective: 09/22/2021

No. 53753 (Amendment) R590-95: Rule to Permit the Same Minimum Nonforfeiture Standards for Men and Women Insureds Under the 1980 CSO and 1980 CET Mortality Tables
Published: 08/15/2021
Effective: 09/22/2021

No. 53754 (Amendment) R590-96: Rule to Recognize New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities
Published: 08/15/2021
Effective: 09/22/2021

NOTICES OF RULE EFFECTIVE DATES

Judicial Performance Evaluation Commission

Administration

No. 53471 (Amendment) R597-3: Judicial Performance Evaluations

Published: 06/01/2021

Effective: 09/22/2021

Labor Commission

Adjudication

No. 53751 (Amendment) R602-2: Compensation for Medical Panel Services

Published: 08/15/2021

Effective: 09/22/2021

End of the Notices of Rule Effective Dates Section