

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed February 01, 2020, 12:00 a.m. through February 14, 2020, 11:59 p.m.

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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between February 01, 2020, 12:00 a.m., and February 14, 2020, 11:59 p.m. are included in this, the March 01, 2020, issue of the *Utah State Digest*.

In this publication, each **PROPOSED RULE** is represented 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 March 31, 2020. 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 June 29, 2020, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R277-108	Filing No. 52547	No.

Agency Information

1. Department:	Education		
Agency:	Administration		
Street address:	250 E 500 S		
City, state:	Salt Lake City, UT		
Mailing address:	PO Box 144200		
City, state, zip:	Salt Lake City, UT 84114-4200		
Contact person(s):			
Name:	Phone:	Email:	
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov	

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

General Information

2. Rule or section catchline:
Annual Assurance of Compliance by Local School Boards
3. Purpose of the new rule or reason for the change:
This rule is being amended to update the version of the document incorporated by reference.
4. Summary of the new rule or change:
The amendments include updates to the Annual Assurances Document incorporated by reference to be the January 2020 version of the document.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have material fiscal impact on state government revenues or expenditures. It changes the date to incorporate by reference the Local Education Agency (LEA) Compliance and Assurance Checklist for the 2020-2021 School Year instead of the 2019-2020 School Year. LEAs submit this compliance document annually. This rule does not change that requirement. It updates the dates for the 2020-2021 school year.
B) Local governments:
This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. It changes the date to incorporate by reference the LEA

Compliance and Assurance Checklist for the 2020-2021 School Year instead of the 2019-2020 School Year. LEAs submit this compliance document annually. This rule does not change that requirement. It updates the dates for the 2020-2021 school year.

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

This rule change is not expected to have material fiscal impacts on small businesses' revenues or expenditures. It changes the date to incorporate by reference the LEA Compliance and Assurance Checklist for the 2020-2021 School Year instead of the 2019-2020 School Year. LEAs submit this compliance document annually. This rule does not change that requirement. It updates the dates for the 2020-2021 school year.

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

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

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

This rule change is not expected to have material fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. It changes the date to incorporate by reference the LEA Compliance and Assurance Checklist for the 2020-2021 School Year instead of the 2019-2020 School Year. LEAs submit this compliance document annually. This rule does not change that requirement. It updates the dates for the 2020-2021 school year.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The rule change changes the date to reflect the 2020-2021 school year, but otherwise the requirements for LEAs remains unchanged.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
State Superintendent Sydnee Dickson has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate, revenue for non-small businesses. This rule change has no fiscal impact on LEAs and will not have a fiscal impact on small businesses either.			

B) Name and title of department head commenting on the fiscal impacts:
Sydnee Dickson, State Superintendent

Citation Information		
7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Article X, Section 3	Subsection 53E-3-401(4)	Section 53G-7-202

Incorporations by Reference Information
 (If this rule incorporates more than two items by reference, please include additional tables.)

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)	LEA Compliance and Assurance Checklist
Publisher	State Board of Education – Financial Operations
Date Issued	February 6, 2020
Issue, or version	2019-2020

Public Notice Information	
9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	03/31/2020

10. This rule change MAY become effective on:	04/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Director	Date:	02/13/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R277-121	Filing No.	52556

Agency Information

1. Department:	Education	
Agency:	Administration	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144200	
City, state, zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
Board Waiver of Administrative Rules
3. Purpose of the new rule or reason for the change:
This rule is being amended to update the Utah State Board of Education's (Board's) process to consider and approve waivers from Board rule for local education agencies (LEAs) that request a waiver as allowed by Section 53G-7-202, which allows the Board to grant an LEA's request for a waiver from a Board rule. In Fall 2019, during a discussion of an LEA's request for a waiver, the Committee asked staff to update the rule. Board staff solicited feedback for changes to Rule R277-121 from various stakeholders and brought a draft rule back to the Committee in December 2019.
4. Summary of the new rule or change:
The amendments to Rule R277-121 update the Board's process, including updating the required information to be included in an LEA's request for a waiver and incorporating language on emergency waivers previously found in Board Rule R277-419. The rule was also amended to allow the Superintendent to grant a waiver for two days or more without Board approval if the waiver is due to snow, inclement weather, or another emergency.

It also provides an appeal to the Board if the Superintendent denies an LEA's request for a waiver due to snow, inclement weather, or another emergency.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have material fiscal impact on state government revenues or expenditures. Board staff recently met with stakeholders to get feedback on the Board's waiver process and this rule is being amended based on that feedback. It adds community, staff, or survey data, or student enrollment data from LEAs to support the requested waiver. Currently, this rule only identifies student achievement data to support the requested waiver. This rule change also clarifies that the Superintendent shall review a waiver request and may provide a recommendation to the Board. The change also stipulates a process for snow, inclement weather, or other emergency school closure days whereby an LEA may seek a waiver directly from the Superintendent from the 180 day requirement. The Board's waiver process does not impact state government revenues or expenditures.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. Board staff recently met with stakeholders to get feedback on the Board's waiver process and this rule is being amended based on that feedback. It adds community, staff, or survey data, or student enrollment data from LEAs to support the requested waiver. Currently, this rule only identifies student achievement data to support the requested waiver. This rule change also clarifies that the Superintendent shall review a waiver request and may provide a recommendation to the Board. The change also stipulates a process for snow, inclement weather, or other emergency school closure days whereby an LEA may seek a waiver directly from the Superintendent from the 180 day requirement.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. Board staff recently met with stakeholders to get feedback on the Board's waiver process and this rule is being amended based on that feedback. It adds community, staff, or survey data, or student enrollment data from LEAs to support the requested waiver. Currently, this rule only identifies student achievement data to support the requested waiver. This rule change also clarifies that the Superintendent shall review a waiver request and may provide a recommendation to the Board. The change also stipulates a process for snow, inclement weather, or other emergency school closure days whereby an LEA may seek a waiver directly

from the Superintendent from the 180 day requirement. The Board's waiver process does not impact small businesses revenues or expenditures.

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

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

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

This rule change is not expected to have material fiscal impact on revenues or expenditures small businesses, businesses, or local government entities. Board staff recently met with stakeholders to get feedback on the Board's waiver process and this rule is being amended based on that feedback. It adds community, staff, or survey data, or student enrollment data from LEAs to support the requested waiver. Currently, this rule only identifies student achievement data to support the requested waiver. This rule change also clarifies that the Superintendent shall review a waiver request and may provide a recommendation to the Board. The change also stipulates a process for snow, inclement weather, or other emergency school closure days whereby an LEA may seek a waiver directly from the Superintendent from the 180 day requirement. The Board's waiver process does not impact revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The rule changes add clarification to the Board waiver process.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

State Superintendent Sydnee Dickson has reviewed and approved this fiscal analysis.

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

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

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53G-7-202
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Public Notice Information

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

A) Comments will be accepted until:	03/31/2020
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10. This rule change MAY become effective on:	04/07/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a

Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	02/13/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R277-459	Filing No.	52576

Agency Information

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

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

General Information

2. Rule or section catchline:
Teacher Supplies and Materials Appropriation
3. Purpose of the new rule or reason for the change:
This rule is being amended to update the distribution of teacher supplies and materials money to educators.
4. Summary of the new rule or change:
The amendments clarify timing and procedures for distributing classroom supply money to teachers. This change also makes stylistic and technical updates.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have material fiscal impact on state government revenues or expenditures. Teacher Supplies and Materials are funded through a legislative appropriation and this rule change does not change the appropriation for the program.
B) Local governments:
This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. Teacher Supplies and Materials are funded through a legislative appropriation and this rule change does not change the appropriation for the program. The Superintendent shall continue to distribute the funds to local education agencies (LEAs) based on data submitted to the Computer Aided Credentials of Teachers in Utah System (CACTUS) database so the mechanism for the distribution of funds will remain consistent. This rule change does clarify that LEAs shall ensure that classroom teachers receive their proportionate share by the later of August 15th annually or within two weeks of hire. This timeline clarification will not affect local governments' revenues or expenditures.

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

This rule change is not expected to have material fiscal impacts on small businesses' revenues or expenditures. Teacher Supplies and Materials are funded through a legislative appropriation and this rule change does not change the appropriation for the program.

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

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

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

This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Teacher Supplies and Materials are funded through a legislative appropriation and this rule change does not change the appropriation for the program.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. This rule change clarifies the timeline for the distribution of funds, but does not impact compliance requirements.

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

Regulatory Impact Table

Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

State Superintendent Sydnee Dickson has reviewed and approved this fiscal analysis.

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

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

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53G-7-202
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency

NOTICES OF PROPOSED RULES

not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/07/2020

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	02/13/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R277-702	Filing No.	52559

Agency Information

1. Department:	Education		
Agency:	Administration		
Street address:	250 E 500 S		
City, state:	Salt Lake City, UT		
Mailing address:	PO Box 144200		
City, state, zip:	Salt Lake City, UT 84114-4200		
Contact person(s):			
Name:	Phone:	Email:	
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov	

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

General Information

2. Rule or section catchline:
Procedures for the Utah High School Completion Diploma
3. Purpose of the new rule or reason for the change:
This rule is being amended to update current terminology and remove a section of the rule that is no longer needed due to changes being proposed to Rule R277-733. (EDITOR'S NOTE: The proposed amendment to Rule

R277-733 in under ID No. 52560 in this issue, March 1, 2020, of the Bulletin.)

4. Summary of the new rule or change:

This rule updates the "Exam Application for 16-18 Year old Non-Graduates" to "Candidate and Adult Education Eligibility Form." This rule also removes sections related to the "High School Equivalence exam" because those sections are no longer correct and have been moved and modified in edits proposed to Rule R277-733.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
This rule change is not expected to have material fiscal impact on state government revenues or expenditures. The proposed amendments bring this rule in line with amendments to Rule R277-733.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The proposed amendments bring this rule in line with amendments to Rule R277-733.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. The proposed amendments bring this rule in line with amendments to Rule R277-733.

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

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

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

The proposed amendments bring this rule in line with amendments to Rule R277-733.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The proposed amendments bring this rule in line with amendments to Rule R277-733.

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

Regulatory Impact Table

Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

State Superintendent Sydnee Dickson has reviewed and approved this fiscal analysis.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses,

they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate, revenue for non-small businesses. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-501(1)(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. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/07/2020

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	02/13/2020
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: New			
Utah Admin. Code Ref (R no.):	R277-714	Filing No. 52577	

Agency Information

1. Department:	Education		
Agency:	Administration		
Street address:	250 E 500 S		
City, state:	Salt Lake City, UT		
Mailing address:	PO Box 144200		
City, state, zip:	Salt Lake City, UT 84114-4200		
Contact person(s):			
Name:	Phone:	Email:	
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov	

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

General Information

2. Rule or section catchline:
Unsafe School Choice Option
3. Purpose of the new rule or reason for the change:
Federal code requires that in order to receive federal funds all states must create a definition for a "persistently dangerous school" and allow students of a school that fits this definition to choose, without penalty, a different school to attend. The overarching goal is to increase school choice options for students who are attending an unsafe school as determined by this definition.
4. Summary of the new rule or change:
This rule creates a definition for a "persistently dangerous school" and the process a local education agency (LEA) must follow if the LEA has a school that fits this definition.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed rule is not expected to have an independent fiscal impact on state government revenues or expenditures. Federal code requires that in order to receive federal funds all states must create a definition for a "persistently dangerous school" and allow students of a school that fits this definition to choose, without penalty, a different school to attend. This rule creates a definition for a "persistently dangerous school" and the process an LEA must follow if the LEA has a school that fits this definition.

B) Local governments:
This proposed rule is not expected to have an independent fiscal impact on local governments' revenues or expenditures. Federal code requires that in order to receive federal funds all states must create a definition for a "persistently dangerous school" and allow students of a school that fits this definition to choose, without penalty, a different school to attend. This rule creates a definition for a "persistently dangerous school" and the process an LEA must follow if the LEA has a school that fits this definition.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have an independent fiscal impact on small businesses' revenues or expenditures. Federal code requires that in order to receive federal funds all states must create a definition for a "persistently dangerous school" and allow students of a school that fits this definition to choose, without penalty, a different school to attend. This rule creates a definition for a "persistently dangerous school" and the process an LEA must follow if the LEA has a school that fits this definition.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule change is not expected to have an independent fiscal impact on non-small businesses' revenues or expenditures. Federal code requires that in order to receive federal funds all states must create a definition for a "persistently dangerous school" and allow students of a school that fits this definition to choose, without penalty, a different school to attend. This rule creates a definition for a "persistently dangerous school" and the process an LEA must follow if the LEA has a school that fits this definition.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have an independent fiscal impact for persons other than small businesses, businesses, or local government entities. Federal code requires that in order to receive federal funds all states must create a definition for a "persistently dangerous school" and allow students of a school that fits this definition to choose, without penalty, a different school to attend. This rule creates a definition for a "persistently dangerous school" and the process an LEA must follow if the LEA has a school that fits this definition.
F) Compliance costs for affected persons:
There are no independent compliance costs for affected persons. Federal code requires that in order to receive federal funds all states must create a definition for a

"persistently dangerous school" and allow students of a school that fits this definition to choose, without penalty, a different school to attend. This rule creates a definition for a "persistently dangerous school" and the process an LEA must follow if the LEA has a school that fits this definition.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

State Superintendent Sydnee Dickson has reviewed and approved this fiscal analysis.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-

small businesses are not expected to receive increased or decreased revenues per year. This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate, revenue for non-small businesses.

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)
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Public Notice Information

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

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/07/2020

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	02/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R277-733	Filing No.	52560

Agency Information

1. Department:	Education	
Agency:	Administration	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144200	
City, state, zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
Adult Education Programs
3. Purpose of the new rule or reason for the change:
This rule is being amended to bring this rule into compliance with the rulewriting manual style guide. The amendments being made also eliminate redundant language that is already found in the Adult Education Policy and Procedure manual which this rule incorporates by reference.
4. Summary of the new rule or change:
This rule incorporates by reference the Adult Education Policy and Procedure Manual and makes conforming and technical edits.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have material fiscal impact on state government revenues or expenditures. Adult Education is funded through a legislative appropriation. This rule change will not change the appropriation for the program. The amendment allows for more appropriate budgeting by local education agencies (LEAs) for long-term needs and personnel obligations. As an example, an LEA with multiple million-dollar allocations has been asked to budget within \$50,000. This requirement is extremely restrictive and falls outside of normal budgeting expectations. The amendment is also consistent with other State Board of Education (Board) rules.
B) Local governments:
This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. Adult Education is funded through a legislative

appropriation. This rule change will not change the appropriation for the program nor will it change how the funding is allocated among LEAs. The amendment allows for more appropriate budgeting by LEAs for long-term needs and personnel obligations. As an example, an LEA with multiple million-dollar allocations has been asked to budget within \$50,000. This requirement is extremely restrictive and falls outside of normal budgeting expectations. The amendment is also consistent with other Board rules.

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

This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. Adult Education is funded through a legislative appropriation. This rule change will not change the appropriation for the program.

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

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

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

This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Adult Education is funded through a legislative appropriation. This rule change will not change the appropriation for the program.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. This rule change does not change any requirements for compliance on the part of LEAs. It potentially changes the amount an LEA may carryover with written approval from the Superintendent.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
State Superintendent Sydnee Dickson has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate, revenue for non-small businesses. This rule change has no fiscal impact on LEAs and will not have a fiscal impact on small businesses either.			

B) Name and title of department head commenting on the fiscal impacts:
Sydnee Dickson, State Superintendent

Citation Information		
7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Article X, Section 3	Section 53E-10-202	Subsection 53E-3-401(4)
Subsection 53E-3-501(1)	Section 53F-2-401	

Incorporations by Reference Information
 (If this rule incorporates more than two items by reference, please include additional tables.)

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)	Utah Adult Education Policies and Procedures Guide
Publisher	Utah State Board of Education
Date Issued	February 6, 2020
Issue, or version	January 9, 2020

Public Notice Information	
9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	03/31/2020

10. This rule change MAY become effective on:	04/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	02/13/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal			
Utah Admin. Code Ref (R no.):	R277-735	Filing No.	52561

Agency Information

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

General Information

2. Rule or section catchline:
Corrections Education Programs
3. Purpose of the new rule or reason for the change:
This rule is being repealed because the contract related to providing these services has expired and is not being renewed. The relevant provisions to continue existing actions related to corrections education has been incorporated into edits being proposed for Rule R277-733. (EDITOR'S NOTE: The proposed amendment to Rule R277-733 is under ID No. 52560 in this issue, March 1, 2020, of the Bulletin.)
4. Summary of the new rule or change:
This rule is being repealed in its entirety. Portions of Section R277-735-4 are being incorporated into edits being proposed to Rule R277-733.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule repeal is not expected to have material fiscal impact on state government revenues or expenditures. This language is being incorporated into Rule R277-733.

B) Local governments:																
This rule repeal is not expected to have material fiscal impact on local governments' revenues or expenditures. This language is being incorporated into Rule R277-733.																
C) Small businesses ("small business" means a business employing 1-49 persons):																
This rule repeal is not expected to have material fiscal impact on small businesses' revenues or expenditures. This language is being incorporated into Rule R277-733.																
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate, revenue for non-small businesses.																
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):																
This rule repeal is not expected to have material fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This language is being incorporated into Rule R277-733.																
F) Compliance costs for affected persons:																
There are no compliance costs for affected persons. This language is being incorporated into Rule R277-733.																
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)																
Regulatory Impact Table																
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2020</th> <th>FY2021</th> <th>FY2022</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2020	FY2021	FY2022	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0	Small Businesses	\$0	\$0	\$0
Fiscal Cost	FY2020	FY2021	FY2022													
State Government	\$0	\$0	\$0													
Local Governments	\$0	\$0	\$0													
Small Businesses	\$0	\$0	\$0													

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

H) Department head approval of regulatory impact analysis:

State Superintendent Sydnee Dickson has reviewed and approved this fiscal analysis.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate, revenue for non-small businesses. This rule repeal has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-2-401
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Public Notice Information

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

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/07/2020

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	02/13/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R313-16-293	Filing No.	52562

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Radiation
Building:	MASOB
Street address:	195 N. 1950 W.
City, state:	Salt Lake City, Utah
Mailing address:	PO Box 144880
City, state, zip:	Salt Lake City, Utah 84114-4880

Contact person(s):		
Name:	Phone:	Email:
Thomas Ball	801-536-0251	tball@utah.gov
Rusty Lundberg	801-536-4257	rlundberg@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

Application for Registration of Inspection Services

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

It has come to the attention of the Division of Waste Management and Radiation Control that the wording of Subsection R313-16-293(2)(h) is causing some confusion among the qualified experts and x-ray machine registrants on who are supposed to submit inspection reports to the Division. This confusion is causing the Division significant problems and delays in meeting its regulatory obligations. The proposed amendment to the rule will make it clear that the qualified experts are required to submit reports of the inspection they conduct to the Director.

4. Summary of the new rule or change:

Subsection R313-16-293(2)(h) currently states that qualified experts must attest that they or the registrant will submit a written report to the Director within 30 days of the completion of an inspection. The proposed amendment would change the rule by removing the option to have the registrant submit the report and require the qualified experts to attest that they will submit a written report to the director within 30 days of the completion of an inspection.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

It is not anticipated that this rule amendment will have any measurable cost or savings to the state budget. Employees of the Division of Waste Management and Radiation Control who work in the x-ray program review all submitted reports regardless of whether they are submitted by the registrant or by a qualified expert. These employees will continue to review the reports that are submitted.

B) Local governments:

It is not anticipated that this rule amendment will have any measurable cost or savings for local governments.

Any local government entity with a registered x-ray machine must still have the machine inspected and must pay the appropriate inspection fee. This amendment simply places the requirement for submission of the inspection report solely on the inspector instead of sharing that requirement with the registrant as currently exists in the rule.

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

It is not anticipated that this rule amendment will have any measurable cost or savings for small businesses. Any small business with a registered x-ray machine must still have the machine inspected and must pay the appropriate inspection fee. This amendment simply places the requirement for submission of the inspection report solely on the inspector instead of sharing that requirement with the registrant as currently exists in the rule.

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

It is not anticipated that this rule amendment will have any measurable cost or savings for non-small businesses. Any non-small business with a registered x-ray machine must still have the machine inspected and must pay the appropriate inspection fee. This amendment simply places the requirement for submission of the inspection report solely on the inspector instead of sharing that requirement with the registrant as currently exists in the 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**):

It is not anticipated that this rule amendment will have any measurable cost or savings for persons other than small businesses, non-small businesses, state, or local government entities. Any such person with a registered x-ray machine must still have the machine inspected and must pay the appropriate inspection fee. This amendment simply places the requirement for submission of the inspection report solely on the inspector instead of sharing that requirement with the registrant as currently exists in the rule.

F) Compliance costs for affected persons:

It is not anticipated that there will be any measurable compliance costs for affected persons due to the adoption of this rule amendment. Qualified experts already submit the majority of the reports for the inspections they conduct. Amending the requirement so that qualified experts must submit the reports for all the inspections they conduct is not anticipated to increase their costs.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

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

Amending this rule should not have any fiscal impact on any business. This amendment will remove confusion among qualified experts and registrants about who must submit the inspection reports to the state but will not change any fees or costs associated with inspections. Businesses with x-ray equipment will still be required to be inspected at the appropriate frequency and pay the appropriate fee for that inspection.

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

L. Scott Baird, Executive Director

Citation Information

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

Section 19-3-104	Section 19-6-104	Section 19-6-107
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Public Notice Information

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

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/13/2020

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

Agency Authorization Information

Agency head or designee, and title:	Ty L. Howard, Director	Date:	2/13/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R315-15-14	Filing No.	52563

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Radiation
Building:	MASOB
Street address:	195 N. 1950 W.
City, state:	Salt Lake City, Utah

NOTICES OF PROPOSED RULES

Mailing address: PO Box 144880		
City, state, zip: Salt Lake City, Utah 84114-4880		
Contact person(s):		
Name:	Phone:	Email:
Thomas Ball	801-536-0251	tball@utah.gov
Rusty Lundberg	801-536-4257	rlundberg@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
DIYer Reimbursement
3. Purpose of the new rule or reason for the change:
With this amendment, the Division is clarifying the type of documents that DIYer collection centers must submit in order to qualify for the reimbursement.
4. Summary of the new rule or change:
Subsection R315-15-14.2(a) currently requires DIYer collection centers to submit a copy of all records of used oil collected during the collection period for which they are seeking reimbursement. Many of the copies being received by the Division are poor quality, or are photographs taken with a mobile device, that are difficult to read. The poor quality and readability of the copies is making it difficult for the Division to process reimbursements in a timely manner. Additionally, photographs of documents cannot be used as legal documentation for audit purposes. In order to solve these problems, the rule is being changed to require the submission of either original documents or legible copies. The amendment also clarifies that photographs of documents are not acceptable.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
It is not anticipated that this amendment will result in any direct, measurable cost or savings to any agency of state government. Any state government entity seeking reimbursement for collected used oil is currently required to submit documents. This amendment simply clarifies the type of documents that can be submitted.
B) Local governments:
It is not anticipated that this amendment will result in any direct, measurable cost or savings to any local governments. Any local government entity seeking reimbursement for collected used oil is currently required

to submit documents. This amendment simply clarifies the type of documents that can be submitted.

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

It is not anticipated that this amendment will result in any direct, measurable cost or savings to any small businesses. Businesses seeking reimbursement for collected used oil are currently required to submit documents. This amendment simply clarifies the type of documents that can be submitted.

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

It is not anticipated that this amendment will result in any direct, measurable cost or savings to any non-small businesses. Businesses seeking reimbursement for collected used oil are currently required to submit documents. This amendment simply clarifies the type of documents that can be submitted.

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**):

It is not anticipated that this amendment will result in any direct, measurable cost or savings to any persons other than small businesses, non-small businesses, or state or local governments. Any person seeking reimbursement for collected used oil is currently required to submit documents. This amendment simply clarifies the type of documents that can be submitted.

F) Compliance costs for affected persons:

It is not anticipated that compliance with these amended rules will result in any increased cost of compliance for any of the regulated entities.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

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

Amending this rule should not have any measurable fiscal impact on any businesses. As previously stated, businesses seeking reimbursement for collected used oil are currently required to submit documents. This amendment simply clarifies the type of documents that can be submitted.

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

L. Scott Baird, Executive Director

Citation Information

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

Section 19-6-704	Section 19-6-717
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency

not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/13/2020

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

Agency Authorization Information

Agency head or designee, and title:	Ty L. Howard, Director	Date:	2/13/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R315-260	Filing No.	52564

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Building:	MASOB	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, Utah	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, Utah 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Thomas Ball	801-536-0251	tball@utah.gov
Rusty Lundberg	801-536-4257	rlundberg@utah.gov

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

General Information

2. Rule or section catchline:
Hazardous Waste Management System

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

In September 2012, the US Congress passed legislative bill number S. 710 directing the Environmental Protection Agency (EPA) to establish an e-Manifest system. President Obama signed the e-Manifest Act into law on October 5, 2013 (Pub. L. No. 112-195). The Act authorizes the EPA to collect user fees to recover the costs associated with developing and running e-Manifest. The EPA implemented the law with two rulemaking actions.

The first rulemaking was published in the Federal Register on February 7, 2014 (79 FR 7518) and has already been adopted into Title R315 of the Utah Administrative Code. This rule revised the regulatory requirements for the Resource Conservation and Recovery Act (RCRA) hazardous waste manifest system to allow the use of electronic manifests in addition to the existing paper manifests.

The second rulemaking was published in the Federal Register on January 3, 2018 (83 FR 420). This rule contains a schedule of user fees to cover the EPA's cost of building and running the e-Manifest system and e-Manifest program. It announced the date when the system became active and the EPA began to accept electronic manifests. The rule addresses which users of manifests will be charge fees and when those fees will be charged. The rule also contains the fee formula.

Many of the requirements in this rule can only be administered and enforced by the EPA. Those that are not solely administered and enforced by the EPA were promulgated under the authority of Section 2(g)(3) of the e-Manifest Act. This authority is similar to that in Section 3006(g) of the RCRA which provides that the EPA shall carry out regulations promulgated under the Act in each state unless the state program is fully authorized to carry out such regulations in lieu of the EPA. The is a fully authorized state. However; because the hazardous waste manifest is an area subject to special program consistency considerations and Section 2(g)(3) of the e-Manifest Act requires that all federal requirements promulgated under e-Manifest Act authority be given consistent effect in all states, authorized State programs are still required to adopt the e-Manifest provisions into their rules in order to maintain equivalency with the Federal program. The purpose of this change is to adopt the appropriate revisions into Rule R315-260.

4. Summary of the new rule or change:

Section R315-260-4 is renumbered as R315-260-3 and Section R315-260-5 is renumbered as R315-260-6 to allow for two new sections being adopted from federal regulations.

Section R315-260-4, Manifest Copy Submission Requirements for Certain Interstate Waste Shipments, is added.

Section R315-260-5, Applicability of Electronic Manifest

System and User Fee Requirements to Facilities Receiving State-Only Regulated Waste Shipments, is added.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

Any cost or savings attributed to the implementation of these rule revisions have already been realized because these revisions became effective at the Federal level on June 30, 2018. The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Any entity anywhere in the country shipping hazardous waste must comply with the regulations and will therefore, realize any costs or savings resulting from the compliance regardless of whether or not the adopts the revisions to the rules.

Because the does not operate any hazardous waste treatment, storage, or disposal facilities (TSDFs) it will not be charged any user fees associated with the e-Manifest system. It is possible that TSDFs may pass any e-Manifest user fees that they are assessed by the EPA onto their customers and therefore any agency that generates hazardous waste and ships that waste to a TSDF could see an increase in their waste disposal fees. Without being privy to the details of any contracts between generators of hazardous waste and the various TSDFs, it is impossible to determine if this is happening and therefore impossible to determine if there will be any cost increase to the state budget due to these revisions. It is anticipated that any state agency that ships hazardous waste could see a small cost savings by using the e-Manifest system due to not having to purchase and use paper hazardous waste shipping manifests. Implementation of these rule changes by the Division of Waste Management and Radiation Control will not result in an increase or decrease to the state budget because the revisions do not increase or decrease the workload of the Division needed to enforce the rules.

B) Local governments:

Any cost or savings attributed to the implementation of these rule revisions have already been realized because these revisions became effective at the Federal level on June 30, 2018. The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Any entity anywhere in the country shipping hazardous waste must comply with the regulations and will therefore realize any costs or savings resulting from the compliance regardless of whether or not the adopts the revisions to the rules.

Because there are no local governments operating any

hazardous waste treatment, storage, or disposal facilities (TSDFs) they will not be charged any user fees associated with the e-Manifest system. It is possible that TSDFs may pass any e-Manifest user fees that they are assessed by the EPA onto their customers and therefore any local government that generates hazardous waste and ships that waste to a TSDF could see an increase in their waste disposal fees. Without being privy to the details of any contracts between generators of hazardous waste and the various TSDFs, it is impossible to determine if this is happening and therefore impossible to determine if there will be any cost increase to local government budgets due to these revisions. It is anticipated that any local government that ships hazardous waste could see a small cost savings by using the e-Manifest system due to not having to purchase and use paper hazardous waste shipping manifests.

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

Currently, there approximately 3,830 businesses in Utah that could be affected by these revisions. Many of these businesses are small businesses but due to the number of businesses it is not practical to determine which are small businesses. The list of North American Industry Classification System (NAICS) codes associated with businesses that may be affected by this amendment includes 85 codes. As stated previously, the use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. The revisions to the federal rules became effective nationally in June of 2018 and any small business that ships hazardous waste should already be following the rules. Any costs or savings to small businesses are a result of following the EPA's rules. Therefore, it is not anticipated that adoption of these rule changes by the will result in any costs or savings to any small businesses that are in addition to those created by following the EPA's rules.

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

There approximately 3,830 businesses in Utah that could be affected by these revisions. Many of these businesses are non-small businesses but due to the number of businesses it is not practical to determine which are non-small businesses. The list of NAICS codes associated with businesses that may be affected by this amendment includes 85 codes. For a complete listing of NAICS codes used in this analysis, please contact the agency. The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system and are required to adopt the e-Manifest provisions into their rules in order to maintain equivalency with the Federal program. The revisions to the federal rules became effective nationally on June 30, 2018.

At the time that these rules became effective, 3,830 businesses were required to comply with the rules as amended. In the document entitled Regulatory Impact Analysis EPA's 2017 Final Rule Establishing User Fees for the RCRA Electronic Hazardous Waste System (e-Manifest) dated December 2017, the EPA estimates the regulatory impact of the rule revisions. The document concludes that there are fiscal impacts to businesses involved in the treatment, storage, and disposal of hazardous waste because the EPA is required to recoup the cost of developing and maintaining the e-Manifest system and has chosen to charge a per manifest fee to those facilities that receive hazardous waste. These costs may be passed along to businesses that generate hazardous waste by the receiving businesses but, without knowledge of private contracts between these business entities it is not possible to determine if this is actually happening. The document also concludes that there will be a cost savings to businesses involved the generation, transport, and receiving of hazardous waste due to time and material savings relative to the activities that were being performed with paper manifests that will now be done electronically. The is adopting these rule revisions in order to maintain equivalency with the Federal program. It is not anticipated that adoption of these rule revisions will result in any additional fiscal regulatory impact beyond those created by compliance with the regulations adopted by the EPA.

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**):

Currently, there are no persons other than small businesses, businesses, or local governments that have submitted a notification that they are a generator, transporter, or receiver of hazardous waste and households are exempt from having to comply with the hazardous waste regulations thus exempting individual persons from having to comply with hazardous waste shipping requirements.

Additionally, as stated previously, the use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. The revisions to the federal rules became effective nationally in June of 2018 and any persons other than small businesses, businesses, or local governments that may be shipping hazardous waste should already be following the rules. Any costs to persons other than small businesses, businesses, or local governments are a result of following the EPA's the rules. Therefore, it is not anticipated that adoption of these rule changes by the will result in any costs or savings to any such persons that are in addition to those created by following the EPA's rules.

F) Compliance costs for affected persons:			
It is anticipated that there will not be any additional compliance costs for affected persons due to the adoption of these rule changes because the is simply adopting these rules as required by the EPA to maintain the equivalency of our program to that of the EPA. The rule changes being adopted are administered at the federal government level by the EPA.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.			

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:
The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Because these rule changes are being administered by the EPA and are already in effect nationally, it is not anticipated that their adoption by the will have any fiscal impact beyond the impact created by the federal adoption of the rule changes.
B) Name and title of department head commenting on the fiscal impacts:
L. Scott Baird, Executive Director

Citation Information
7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):
Section 19-6-104 Section 19-6-105 Section 19-6-106

Public Notice Information
9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/13/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information
Agency head or designee, and title: Ty L. Howard, Director
Date: 2/13/2020

NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R315-262	Filing No. 52565	No.

Agency Information

1. Department:	Environmental Quality		
Agency:	Waste Management and Radiation Control, Waste Management		
Building:	MASOB		
Street address:	195 N. 1950 W.		
City, state:	Salt Lake City, Utah		
Mailing address:	PO Box 144880		
City, state, zip:	Salt Lake City, Utah 84114-4880		
Contact person(s):			
Name:	Phone:	Email:	
Thomas Ball	801-536-0251	tball@utah.gov	
Rusty Lundberg	801-536-4257	rlundberg@utah.gov	

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

General Information

2. Rule or section catchline:
Hazardous Waste Generator Requirements
3. Purpose of the new rule or reason for the change:
In September 2012, the US Congress passed legislative bill number S. 710 directing the Environmental Protection Agency (EPA) to establish an e-Manifest system. President Obama signed the e-Manifest Act into law on October 5, 2013 (Pub. L. No. 112-195). The Act authorizes The EPA to collect user fees to recover the costs associated with developing and running e-Manifest. The EPA implemented the law with two rule making actions.
The first rulemaking was published in the Federal Register on February 7, 2014 (79 FR 7518) and has already been adopted into Title R315 of the Utah Administrative Code. This rule revised the regulatory requirements for the Resource Conservation and Recovery Act (RCRA) hazardous waste manifest system to allow the use of electronic manifests in addition to the existing paper manifests.
The second rulemaking was published in the Federal Register on January 3, 2018 (83 FR 420). This rule contains a schedule of user fees to cover the EPA's cost of building and running the e-Manifest system and e-Manifest program. It announced the date when the system became active and the EPA began to accept

electronic manifests. The rule addresses which users of manifests will be charge fees and when those fees will be charged. The rule also contains the fee formula.

Many of the requirements in this rule can only be administered and enforced by the EPA. Those that are not solely administered and enforced by the EPA were promulgated under the authority of Section 2(g)(3) of the e-Manifest Act. This authority is similar to that in Section 3006(g) of RCRA which provides that the EPA shall carry out regulations promulgated under the Act in each state unless the state program is fully authorized to carry out such regulations in lieu of EPA. The is a fully authorized state. However; because the hazardous waste manifest is an area subject to special program consistency considerations and section 2(g)(3) of the e-Manifest Act requires that all federal requirements promulgated under e-Manifest Act authority be given consistent effect in all states, authorized state programs are still required to adopt the e-Manifest provisions into their rules in order to maintain equivalency with the Federal program. The purpose of this change is to adopt the appropriate revisions into Rule R315-262.

4. Summary of the new rule or change:

Reference to instructions contained in an appendix for filling out manifests is removed from Subsections R315-262-20(a)(1) and R315-262-24(e) because the appendix has been removed from the rules.

Changes were made throughout various subsections of Sections R315-262-21 and R315-262-24 based on the new paper manifest form placed into use by the EPA and the new e-Manifest system.

Subsection R315-262-24(g) is deleted because e-Manifest user fee rules have been moved to Rules R315-264 and R315-265. Subsection R315-262-24(h) was added to allow users to make data corrections to manifests after they have been submitted to the e-Manifest system. (EDITOR'S NOTE: The proposed amendment to Rule R315-264 is under ID No. 52567 and the proposed amendment to Rule R315-265 is under ID No. 52568 in this issue, March 1, 2020, in the Bulletin.)

Due to a renumbering that occurred in Rule R315-260 the reference to Section R315-260-5 in Subsection R315-262-40(e) was changed to Section R315-260-6.

Section R315-262-217 was deleted. This section contained the instructions for use of the uniform hazardous waste manifest. These instructions are now printed on the actual manifest document.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
Any cost or savings attributed to the implementation of these rule revisions have already been realized because

these revisions became effective at the Federal level on June 30, 2018. The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Any entity anywhere in the country shipping hazardous waste must comply with the regulations and will therefore realize any costs or savings resulting from the compliance regardless of whether or not the adopts the revisions to the rules.

Because the does not operate any hazardous waste treatment, storage, or disposal facilities (TSDFs) it will not be charged any user fees associated with the e-Manifest system. It is possible that TSDFs may pass any e-Manifest user fees that they are assessed by the EPA onto their customers and therefore, any agency that generates hazardous waste and ships that waste to a TSDF could see an increase in their waste disposal fees. Without being privy to the details of any contracts between generators of hazardous waste and the various TSDFs, it is impossible to determine if this is happening and therefore impossible to determine if there will be any cost increase to the state budget due to these revisions. It is anticipated that any state agency that ships hazardous waste could see a small cost savings by using the e-Manifest system due to not having to purchase and use paper hazardous waste shipping manifests. Implementation of these rule changes by the Division of Waste Management and Radiation Control will not result in an increase or decrease to the state budget because the revisions do not increase or decrease the workload of the Division needed to enforce the rule.

B) Local governments:

Any cost or savings attributed to the implementation of these rule revisions have already been realized because these revisions became effective at the Federal level on June 30, 2018. The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Any entity anywhere in the country shipping hazardous waste must comply with the regulations and will therefore realize any costs or savings resulting from the compliance regardless of whether or not the adopts the revisions to the rule.

Because there are no local governments operating any hazardous waste treatment, storage or disposal facilities (TSDFs) they will not be charged any user fees associated with the e-Manifest system. It is possible that TSDFs may pass any e-Manifest user fees that they are assessed by the EPA onto their customers and therefore any local government that generates hazardous waste and ships that waste to a TSDF could see an increase in their waste disposal fees. Without being privy to the details of any contracts between generators of hazardous waste and the various TSDFs, it is impossible to determine if this is happening and therefore impossible to determine if there will be any cost increase to local

government budgets due to these revisions. It is anticipated that any local government that ships hazardous waste could see a small cost savings by using the e-Manifest system due to not having to purchase and use paper hazardous waste shipping manifests.

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

Currently there approximately 3,830 businesses in Utah that could be affected by these revisions. Many of these businesses are small businesses but due to the number of businesses it is not practical to determine which are small businesses. The list of North American Industry Classification System (NAICS) codes associated with businesses that may be affected by this amendment includes 85 codes. As stated previously, the use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. The revisions to the federal rules became effective nationally in June of 2018 and any small business that ships hazardous waste should already be following the rule.

Any costs or savings to small businesses are a result of following the EPA's rules. Therefore, it is not anticipated that adoption of these rule changes by the will result in any costs or savings to any small businesses that are in addition to those created by following the EPA's rules.

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

There approximately 3,830 businesses in Utah that could be affected by these revisions. Many of these businesses are non-small businesses but due to the number of businesses it is not practical to determine which are non-small businesses. The list of NAICS codes associated with businesses that may be affected by this amendment includes 85 codes. For a complete listing of NAICS codes used in this analysis, please contact the agency. The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system and are required to adopt the e-Manifest provisions into their rules in order to maintain equivalency with the Federal program. The revisions to the federal rules became effective nationally on June 30, 2018. At the time that these rules became effective 3,830 businesses were required to comply with the rules as amended. In the document entitled Regulatory Impact Analysis EPA's 2017 Final Rule Establishing User Fees for the RCRA Electronic Hazardous Waste System (e-Manifest) dated December 2017 the EPA estimates the regulatory impact of the rule revisions. The document concludes that there are fiscal impacts to businesses involved in the treatment, storage, and disposal of hazardous waste because the EPA is required to recoup the cost of developing and maintaining the e-Manifest system and has chosen to charge a per

manifest fee to those facilities that receive hazardous waste. These costs may be passed along to businesses that generate hazardous waste by the receiving businesses but, without knowledge of private contracts between these business entities it is not possible to determine if this is actually happening.

The document also concludes that there will be a cost savings to businesses involved the generation, transport, and receiving of hazardous waste due to time and material savings relative to the activities that were being performed with paper manifests that will now be done electronically. The is adopting these rule revisions in order to maintain equivalency with the Federal program. It is not anticipated that adoption of these rule revisions will result in any additional fiscal regulatory impact beyond those created by compliance with the regulations adopted by the EPA.

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**):

Currently, there are no persons other than small businesses, businesses, or local governments that have submitted a notification that they are a generator, transporter, or receiver of hazardous waste and households are exempt from having to comply with the hazardous waste regulations thus exempting individual persons from having to comply with hazardous waste shipping requirements.

Additionally, as stated previously, the use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. The revisions to the federal rules became effective nationally in June of 2018 and any persons other than small businesses, businesses, or local governments that may be shipping hazardous waste should already be following the rule. Any costs to persons other than small businesses, businesses, or local governments are a result of following the EPA's rules. Therefore, it is not anticipated that adoption of these rule changes by the will result in any costs or savings to any such persons that are in addition to those created by following the EPA's rules.

F) Compliance costs for affected persons:

It is anticipated that there will not be any additional compliance costs for affected persons due to the adoption of these rule changes because the is simply adopting these rules as required by the EPA to maintain the equivalency of our program to that of the EPA. The rule changes being adopted are administered at the federal government level by the EPA.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

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

The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Because these rule changes are being administered by the EPA and are already in effect nationally it is not anticipated that their adoption by the will have any fiscal impact beyond the impact created by the federal adoption of the rule changes.

B) Name and title of department head commenting on the fiscal impacts:
L. Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 19-6-104	Section 19-6-105	Section 19-6-106

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	03/31/2020

10. This rule change MAY become effective on:	04/13/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Ty L. Howard, Director	Date:	2/13/2020
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R315-263	Filing No.	52566

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Waste Management
Building:	MASOB
Street address:	195 N. 1950 W.
City, state:	Salt Lake City, Utah

Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, Utah 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Thomas Ball	801-536-0251	tball@utah.gov
Rusty Lundberg	801-536-4257	rlundberg@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
Standards Applicable to Transporters of Hazardous Waste and Standards Applicable to Emergency Control of Spills for All Hazardous Waste Handlers

3. Purpose of the new rule or reason for the change:
 In September 2012, the US Congress passed legislative bill number S. 710 directing the Environmental Protection Agency (EPA) to establish an e-Manifest system. President Obama signed the e-Manifest Act into law on October 5, 2013 (Pub. L. No. 112-195). The Act authorizes the EPA to collect user fees to recover the costs associated with developing and running e-Manifest. The EPA implemented the law with two rulemaking actions.

The first rulemaking was published in the Federal Register on February 7, 2014 (79 FR 7518) and has already been adopted into Title R315 of the Utah Administrative Code. This rule revised the regulatory requirements for the Resource Conservation and Recovery Act (RCRA) hazardous waste manifest system to allow the use of electronic manifests in addition to the existing paper manifests.

The second rulemaking was published in the Federal Register on January 3, 2018 (83 FR 420). This rule contains a schedule of user fees to cover the EPA's cost of building and running the e-Manifest system and e-Manifest program. It announced the date when the system became active and the EPA began to accept electronic manifests. The rule addresses which users of manifests will be charge fees and when those fees will be charged. The rule also contains the fee formula.

Many of the requirements in this rule can only be administered and enforced by EPA. Those that are not solely administered and enforced by the EPA were promulgated under the authority of Section 2(g)(3) of the e-Manifest Act. This authority is similar to that in Section 3006(g) of RCRA which provides that the EPA shall carry out regulations promulgated under the Act in each state unless the state program is fully authorized to carry out

such regulations in lieu of the EPA. The is a fully authorized state. However; because the hazardous waste manifest is an area subject to special program consistency considerations and Section 2(g)(3) of the e-Manifest Act requires that all federal requirements promulgated under e-Manifest Act authority be given consistent effect in all states, authorized state programs are still required to adopt the e-Manifest provisions into their rules in order to maintain equivalency with the Federal program. The purpose of this change is to adopt the appropriate revisions into Rule R315-263.

4. Summary of the new rule or change:

Subsection R315-263-20(a)(8) is deleted because e-Manifest user fee rules have been moved to Rules R315-264 and R315-265. (EDITOR'S NOTE: The proposed amendment to Rule R315-264 is under ID No. 52567 and the proposed amendment to Rule R315-265 is under ID No. 52568 in this issue, March 1, 2020, in the Bulletin.)

Subsection R315-263-20(a)(9) was added to allow users to make data corrections to manifests after they have been submitted to the e-Manifest system.

Various subsections of Section R315-262-21 are amended or added as required by the e-Manifest rule. Additionally, references to sections of 40 CFR 265 that have now been adopted into Rule R315-265 were amended to reflect this change.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

Any cost or savings attributed to the implementation of these rule revisions have already been realized because these revisions became effective at the Federal level on June 30, 2018. The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Any entity anywhere in the country shipping hazardous waste must comply with the regulations and will therefore, realize any costs or savings resulting from the compliance regardless of whether or not the adopts the revisions to the rule.

Because the does not operate any hazardous waste treatment, storage or disposal facilities (TSDFs) it will not be charged any user fees associated with the e-Manifest system. It is possible that TSDFs may pass any e-Manifest user fees that they are assessed by the EPA onto their customers and therefore, any agency that generates hazardous waste and ships that waste to a TSDF could see an increase in their waste disposal fees. Without being privy to the details of any contracts between generators of hazardous waste and the various TSDFs, it is impossible to determine if this is happening and therefore impossible to determine if there will be any cost increase to the state budget due to these revisions.

It is anticipated that any state agency that ships hazardous waste could see a small cost savings by using the e-Manifest system due to not having to purchase and use paper hazardous waste shipping manifests. Implementation of these rule changes by the Division of Waste Management and Radiation Control will not result in an increase or decrease to the state budget because the revisions do not increase or decrease the workload of the Division needed to enforce the rules.

B) Local governments:

Any cost or savings attributed to the implementation of these rule revisions have already been realized because these revisions became effective at the Federal level on June 30, 2018. The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Any entity anywhere in the country shipping hazardous waste must comply with the regulations and will therefore, realize any costs or savings resulting from the compliance regardless of whether or not the adopts the revisions to the rule.

Because there are no local governments operating any hazardous waste treatment, storage, or disposal facilities (TSDFs) they will not be charged any user fees associated with the e-Manifest system. It is possible that TSDFs may pass any e-Manifest user fees that they are assessed by the EPA onto their customers and therefore any local government that generates hazardous waste and ships that waste to a TSDF could see an increase in their waste disposal fees. Without being privy to the details of any contracts between generators of hazardous waste and the various TSDFs, it is impossible to determine if this is happening and therefore, impossible to determine if there will be any cost increase to local government budgets due to these revisions. It is anticipated that any local government that ships hazardous waste could see a small cost savings by using the e-Manifest system due to not having to purchase and use paper hazardous waste shipping manifests.

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

Currently there approximately 3,830 businesses in Utah that could be affected by these revisions. Many of these businesses are small businesses but due to the number of businesses it is not practical to determine which are small businesses. The list of North American Industry Classification System (NAICS) codes associated with businesses that may be affected by this amendment includes 85 codes. As stated previously, the use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. The revisions to the federal rules became effective nationally in June of 2018 and any small business that ships hazardous waste should already be following the rules. Any costs or

savings to small businesses are a result of following the EPA's rules. Therefore, it is not anticipated that adoption of these rule changes by the will result in any costs or savings to any small businesses that are in addition to those created by following the EPA's rules.

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

There approximately 3,830 businesses in Utah that could be affected by these revisions. Many of these businesses are non-small businesses but due to the number of businesses it is not practical to determine which are non-small businesses. The list of NAICS codes associated with businesses that may be affected by this amendment includes 85 codes. For a complete listing of NAICS codes used in this analysis, please contact the agency. The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system and are required to adopt the e-Manifest provisions into their rules in order to maintain equivalency with the Federal program. The revisions to the federal rules became effective nationally on June 30, 2018. At the time that these rules became effective, 3,830 businesses were required to comply with the rules as amended. In the document entitled Regulatory Impact Analysis EPA's 2017 Final Rule Establishing User Fees for the RCRA Electronic Hazardous Waste System (e-Manifest) dated December 2017, the EPA estimates the regulatory impact of the rule revisions. The document concludes that there are fiscal impacts to businesses involved in the treatment, storage, and disposal of hazardous waste because the EPA is required to recoup the cost of developing and maintaining the e-Manifest system and has chosen to charge a per manifest fee to those facilities that receive hazardous waste. These costs may be passed along to businesses that generate hazardous waste by the receiving businesses but, without knowledge of private contracts between these business entities, it is not possible to determine if this is actually happening. The document also concludes that there will be a cost savings to businesses involved the generation, transport, and receiving of hazardous waste due to time and material savings relative to the activities that were being performed with paper manifests that will now be done electronically. The is adopting these rule revisions in order to maintain equivalency with the Federal program. It is not anticipated that adoption of these rule revisions will result in any additional fiscal regulatory impact beyond those created by compliance with the regulations adopted by the EPA.

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**):

Currently there are no persons other than small businesses, businesses, or local governments that have submitted a notification that they are a generator, transporter, or receiver of hazardous waste and households are exempt from having to comply with the hazardous waste regulations thus exempting individual persons from having to comply with hazardous waste shipping requirements. Additionally, as stated previously, the use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. The revisions to the federal rules became effective nationally in June of 2018 and any persons other than small businesses, businesses, or local governments that may be shipping hazardous waste should already be following the rules. Any costs to persons other than small businesses, businesses, or local governments are a result of following the EPA's rules. Therefore, it is not anticipated that adoption of these rule changes by the will result in any costs or savings to any such persons that are in addition to those created by following the EPA's rules.

F) Compliance costs for affected persons:

It is anticipated that there will not be any additional compliance costs for affected persons due to the adoption of these rule changes because the is simply adopting these rules as required by the EPA to maintain the equivalency of our program to that of the EPA. The rule changes being adopted are administered at the federal government level by the EPA.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

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

The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Because these rule changes are being administered by the EPA and are already in effect nationally, it is not anticipated that their adoption by the will have any fiscal impact beyond the impact created by the federal adoption of the rule changes.

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

L. Scott Baird, Executive Director

Citation Information

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

Section 19-6-104	Section 19-6-105	Section 19-6-106
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Public Notice Information

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

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on:	04/13/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Ty L. Howard, Director	Date:	2/13/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R315-264	Filing No.	52567

Agency Information

1. Department:	Environmental Quality		
Agency:	Waste Management and Radiation Control, Waste Management		
Building:	MASOB		
Street address:	195 N. 1950 W.		
City, state:	Salt Lake City, Utah		
Mailing address:	PO Box 144880		
City, state, zip:	Salt Lake City, Utah 84114-4880		
Contact person(s):			
Name:	Phone:	Email:	
Thomas Ball	801-536-0251	tball@utah.gov	
Rusty Lundberg	801-536-4257	rlundberg@utah.gov	

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

General Information

2. Rule or section catchline:
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

3. Purpose of the new rule or reason for the change:
In September 2012, the US Congress passed legislative bill number S. 710 directing EPA to establish an e-Manifest system. President Obama signed the e-Manifest Act into law on October 5, 2013 (Public law P. L. 112-195). The Act authorizes the United States Environmental Protection Agency (EPA) to collect user

fees to recover the costs associated with developing and running e-Manifest. The EPA implemented the law with two rule making actions.

The first rulemaking was published in the Federal Register on February 7, 2014 (79 FR 7518) and has already been adopted into Title R315 of the Utah Administrative Code. This rule revised the regulatory requirements for the RCRA hazardous waste manifest system to allow the use of electronic manifests in addition to the existing paper manifests.

The second rulemaking was published in the Federal Register on January 3, 2018 (83 FR 420). This rule contains a schedule of user fees to cover the EPA's cost of building and running the e-Manifest system and e-Manifest program. It announced the date when the system became active and the EPA began to accept electronic manifests. The rule addresses which users of manifests will be charge fees and when those fees will be charged. The rule also contains the fee formula.

Many of the requirements in this rule can only be administered and enforced by the EPA. Those that are not solely administered and enforced by the EPA were promulgated under the authority of Section 2(g)(3) of the e-Manifest Act. This authority is similar to that in Section 3006(g) of the Resource Conservation and Recovery Act (RCRA) which provides that the EPA shall carry out regulations promulgated under the Act in each state unless the state program is fully authorized to carry out such regulations in lieu of the EPA. The is a fully authorized state. However; because the hazardous waste manifest is an area subject to special program consistency considerations and Section 2(g)(3) of the e-Manifest Act requires that all federal requirements promulgated under e-Manifest Act authority be given consistent effect in all states, authorized state programs are still required to adopt the e-Manifest provisions into their rules in order to maintain equivalency with the Federal program. The purpose of this change is to adopt the appropriate revisions into Rule R315-264.

4. Summary of the new rule or change:

Various subsections of Section R315-264-71 were amended as required by the e-Manifest rule including requirements for submission of paper manifests and imposition of user fees.

The references to the appendix to Rule R315-262 that contained manifest instructions was deleted from Subsections R315-264-1086(c)(4)(i) and R315-264-1086(d)(4)(i) because this appendix has been deleted.

References to sections of 40 CFR 265 located throughout Section R315-264-1086 that are being adopted into Rule R315-265 during this rulemaking were amended to reflect this change. (EDITOR'S NOTE: The proposed amendment to Rule R315-265 is under ID No. 52568 in this issue, March 1, 2020, in the Bulletin.)

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

Any cost or savings attributed to the implementation of these rule revisions have already been realized because these revisions became effective at the Federal level on June 30, 2018. The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Any entity anywhere in the country shipping hazardous waste must comply with the regulations and will therefore realize any costs or savings resulting from the compliance regardless of whether or not the adopts the revisions to the rules.

Because the does not operate any hazardous waste treatment, storage, or disposal facilities (TSDFs) it will not be charged any user fees associated with the e-Manifest system. It is possible that TSDFs may pass any e-Manifest user fees that they are assessed by the EPA onto their customers and therefore, any agency that generates hazardous waste and ships that waste to a TSDF could see an increase in their waste disposal fees. Without being privy to the details of any contracts between generators of hazardous waste and the various TSDFs, it is impossible to determine if this is happening and therefore, impossible to determine if there will be any cost increase to the state budget due to these revisions. It is anticipated that any state agency that ships hazardous waste could see a small cost savings by using the e-Manifest system due to not having to purchase and use paper hazardous waste shipping manifests. Implementation of these rule changes by the Division of Waste Management and Radiation Control will not result in an increase or decrease to the state budget because the revisions do not increase or decrease the workload of the Division needed to enforce the rule.

B) Local governments:

Any cost or savings attributed to the implementation of these rule revisions have already been realized because these revisions became effective at the Federal level on June 30, 2018. The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Any entity anywhere in the country shipping hazardous waste must comply with the regulations and will therefore, realize any costs or savings resulting from the compliance regardless of whether or not the adopts the revisions to the rules.

Because there are no local governments operating any hazardous waste treatment, storage, or disposal facilities (TSDFs) they will not be charged any user fees associated with the e-Manifest system. It is possible that TSDFs may pass any e-Manifest user fees that they are assessed by the EPA onto their customers and therefore, any local government that generates hazardous waste

and ships that waste to a TSDF could see an increase in their waste disposal fees. Without being privy to the details of any contracts between generators of hazardous waste and the various TSDFs, it is impossible to determine if this is happening and therefore, impossible to determine if there will be any cost increase to local government budgets due to these revisions. It is anticipated that any local government that ships hazardous waste could see a small cost savings by using the e-Manifest system due to not having to purchase and use paper hazardous waste shipping manifests.

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

Currently, there approximately 3,830 businesses in Utah that could be affected by these revisions. Many of these businesses are small businesses but due to the number of businesses it is not practical to determine which are small businesses. The list of North American Industry Classification System (NAICS) codes associated with businesses that may be affected by this amendment includes 85 codes. As stated previously, the use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. The revisions to the federal rules became effective nationally in June of 2018 and any small business that ships hazardous waste should already be following the rules. Any costs or savings to small businesses are a result of following the EPA's rules. Therefore, it is not anticipated that adoption of these rule changes by the will result in any costs or savings to any small businesses that are in addition to those created by following the EPA's rules.

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

There approximately 3,830 businesses in Utah that could be affected by these revisions. Many of these businesses are non-small businesses but due to the number of businesses it is not practical to determine which are non-small businesses. The list of NAICS codes associated with businesses that may be affected by this amendment includes 85 codes. For a complete listing of NAICS codes used in this analysis, please contact the agency. The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system and are required to adopt the e-Manifest provisions into their rules in order to maintain equivalency with the Federal program.

The revisions to the federal rules became effective nationally on June 30, 2018. At the time that these rules became effective, 3,830 businesses were required to comply with the rules as amended. In the document entitled Regulatory Impact Analysis EPA's 2017 Final Rule Establishing User Fees for the RCRA Electronic Hazardous Waste System (e-Manifest) dated December

2017, the EPA estimates the regulatory impact of the rule revisions. The document concludes that there are fiscal impacts to businesses involved in the treatment, storage, and disposal of hazardous waste because EPA is required to recoup the cost of developing and maintaining the e-Manifest system and has chosen to charge a per manifest fee to those facilities that receive hazardous waste. These costs may be passed along to businesses that generate hazardous waste by the receiving businesses but, without knowledge of private contracts between these business entities it is not possible to determine if this is actually happening. The document also concludes that there will be a cost savings to businesses involved the generation, transport, and receiving of hazardous waste due to time and material savings relative to the activities that were being performed with paper manifests that will now be done electronically. The is adopting these rule revisions in order to maintain equivalency with the Federal program. It is not anticipated that adoption of these rule revisions will result in any additional fiscal regulatory impact beyond those created by compliance with the regulations adopted by the EPA.

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**):

Currently there are no persons other than small businesses, businesses, or local governments that have submitted a notification that they are a generator, transporter, or receiver of hazardous waste and households are exempt from having to comply with the hazardous waste regulations thus, exempting individual persons from having to comply with hazardous waste shipping requirements.

Additionally, as stated previously, the use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. The revisions to the federal rules became effective nationally in June of 2018 and any persons other than small businesses, businesses, or local governments that may be shipping hazardous waste should already be following the rules. Any costs to persons other than small businesses, businesses, or local governments are a result of following the EPA's rules. Therefore, it is not anticipated that adoption of these rule changes by the will result in any costs or savings to any such persons that are in addition to those created by following the EPA's rules.

F) Compliance costs for affected persons:

It is anticipated that there will not be any additional compliance costs for affected persons due to the adoption of these rule changes because the is simply adopting these rules as required by the EPA to maintain the equivalency of our program to that of the EPA. The

rule changes being adopted are administered at the federal government level by the EPA.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

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

The use of manifests for the shipment of hazardous waste is a national system overseen by the EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system.

Because these rule changes are being administered by the EPA and are already in effect nationally, it is not anticipated that their adoption by the will have any fiscal impact beyond the impact created by the federal adoption of the rule changes.

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

L. Scott Baird, Executive Director

Citation Information

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

Section 19-6-104	Section 19-6-105	Section 19-6-106
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Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

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)	Title 40: Protection of Environment, Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Subpart FF—Fees for the Electronic Hazardous Waste Manifest Program
Publisher	Office of the Federal Register, National Archives and Records Administration
Date Issued	January 3, 2018

Public Notice Information

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

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/13/2020

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

Agency Authorization Information

Agency head or designee, and title:	Ty L. Howard, Director	Date:	2/13/2020
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R315-265	Filing No.	52568

Agency Information

1. Department:	Environmental Quality		
Agency:	Waste Management and Radiation Control, Waste Management		
Building:	MASOB		
Street address:	195 N. 1950 W.		
City, state:	Salt Lake City, Utah		
Mailing address:	PO Box 144880		
City, state, zip:	Salt Lake City, Utah 84114-4880		
Contact person(s):			
Name:	Phone:	Email:	
Thomas Ball	801-536-0251	tball@utah.gov	
Rusty Lundberg	801-536-4257	rlundberg@utah.gov	

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

General Information

2. Rule or section catchline:
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
3. Purpose of the new rule or reason for the change:
In September 2012, the US Congress passed legislative bill number S. 710 directing EPA to establish an e-Manifest system. President Obama signed the e-Manifest Act into law on October 5, 2013 (Public law P. L. 112-195). The Act authorizes EPA to collect user fees to recover the costs associated with developing and running e-Manifest. EPA implemented the law with two

rulemaking actions.

The first rulemaking was published in the Federal Register on February 7, 2014 (79 FR 7518) and has already been adopted into Title R315 of the Utah Administrative Code. This rule revised the regulatory requirements for the RCRA hazardous waste manifest system to allow the use of electronic manifests in addition to the existing paper manifests.

The second rulemaking was published in the Federal Register on January 3, 2018 (83 FR 420). This rule contains a schedule of user fees to cover EPA's cost of building and running the e-Manifest system and e-Manifest program. It announced the date when the system became active and EPA began to accept electronic manifests. The rule addresses which users of manifests will be charge fees and when those fees will be charged. The rule also contains the fee formula.

Many of the requirements in this rule can only be administered and enforced by EPA. Those that are not solely administered and enforced by EPA were promulgated under the authority of Section 2(g)(3) of the e-Manifest Act. This authority is similar to that in Section 3006(g) of RCRA which provides that EPA shall carry out regulations promulgated under the Act in each state unless the state program is fully authorized to carry out such regulations in lieu of EPA. The is a fully authorized state. However; because the hazardous waste manifest is an area subject to special program consistency considerations and Section 2(g)(3) of the e-Manifest Act requires that all federal requirements promulgated under e-Manifest Act authority be given consistent effect in all states, authorized state programs are still required to adopt the e-Manifest provisions into their rules in order to maintain equivalency with the Federal program. The purpose of this change is to adopt the appropriate revisions into Rule R315-265.

4. Summary of the new rule or change:

Sections R315-265-1030 through R315-265-1035 and Sections R315-265-1080 through R315-265-1090 are removed from the list of parts of 40 CFR 265 that are adopted and incorporated by reference found in Section R315-265-1 because they are being adopted into Rule R315-265. This is part of an on-going effort to adopt into state rules those sections of 40 CFR 265 that need to be included in Rule R315-265 to add clarity and convenience for regulated entities in Utah.

One change is made to Subsection R315-265-71(a)(2)(i) so that the rule now simply requires a manifest to be signed and dated. This change reflects that fact that with the e-Manifest system user can sign electronically.

Due to an error during previous rulemaking Subsections R315-265-72(e) and R315-265-72(f) contained errors. These errors are corrected.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

Any cost or savings attributed to the implementation of these rule revisions have already been realized because these revisions became effective at the Federal level on June 30, 2018. The use of manifests for the shipment of hazardous waste is a national system overseen by EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Any entity anywhere in the country shipping hazardous waste must comply with the regulations and will therefore realize any costs or savings resulting from the compliance regardless of whether or not the adopts the revisions to the rules.

Because the does not operate any hazardous waste treatment, storage, or disposal facilities (TSDFs) it will not be charged any user fees associated with the e-Manifest system. It is possible that TSDFs may pass any e-Manifest user fees that they are assessed by EPA onto their customers and therefore, any agency that generates hazardous waste and ships that waste to a TSDF could see an increase in their waste disposal fees. Without being privy to the details of any contracts between generators of hazardous waste and the various TSDFs, it is impossible to determine if this is happening and therefore, impossible to determine if there will be any cost increase to the state budget due to these revisions. It is anticipated that any state agency that ships hazardous waste could see a small cost savings by using the e-Manifest system due to not having to purchase and use paper hazardous waste shipping manifests. Implementation of these rule changes by the Division of Waste Management and Radiation Control will not result in an increase or decrease to the state budget because the revisions do not increase or decrease the workload of the Division needed to enforce the rule.

B) Local governments:

Any cost or savings attributed to the implementation of these rule revisions have already been realized because these revisions became effective at the Federal level on June 30, 2018. The use of manifests for the shipment of hazardous waste is a national system overseen by EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Any entity anywhere in the country shipping hazardous waste must comply with the regulations and will therefore, realize any costs or savings resulting from the compliance regardless of whether or not the adopts the revisions to the rule.

Because there are no local governments operating any hazardous waste treatment, storage, or disposal facilities (TSDFs), they will not be charged any user fees associated with the e-Manifest system. It is possible that TSDFs may pass any e-Manifest user fees that they are assessed by EPA onto their customers and therefore, any local government that generates hazardous waste and

ships that waste to a TSDF could see an increase in their waste disposal fees. Without being privy to the details of any contracts between generators of hazardous waste and the various TSDFs, it is impossible to determine if this is happening and therefore, impossible to determine if there will be any cost increase to local government budgets due to these revisions. It is anticipated that any local government that ships hazardous waste could see a small cost savings by using the e-Manifest system due to not having to purchase and use paper hazardous waste shipping manifests.

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

Currently, there approximately 3,830 businesses in Utah that could be affected by these revisions. Many of these businesses are small businesses but due to the number of businesses it is not practical to determine which are small businesses. The list of NAICS codes associated with businesses that may be affected by this amendment includes 85 codes. As stated previously, the use of manifests for the shipment of hazardous waste is a national system overseen by EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. The revisions to the federal rules became effective nationally in June of 2018 and any small business that ships hazardous waste should already be following the rules.

Any costs or savings to small businesses are a result of following the EPA's rules. Therefore, it is not anticipated that adoption of these rule changes by the will result in any costs or savings to any small businesses that are in addition to those created by following the EPA's rules.

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

There approximately 3,830 businesses in Utah that could be affected by these revisions. Many of these businesses are non-small businesses but due to the number of businesses it is not practical to determine which are non-small businesses. The list of NAICS codes associated with businesses that may be affected by this amendment includes 85 codes. For a complete listing of NAICS codes used in this analysis, please contact the agency. The use of manifests for the shipment of hazardous waste is a national system overseen by EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system and are required to adopt the e-Manifest provisions into their rules in order to maintain equivalency with the Federal program.

The revisions to the federal rules became effective nationally on June 30, 2018. At the time that these rules became effective, 3,830 businesses were required to comply with the rules as amended. In the document entitled Regulatory Impact Analysis EPA's 2017 Final Rule Establishing User Fees for the RCRA Electronic Hazardous Waste System (e-Manifest) dated December

2017, the EPA estimates the regulatory impact of the rule revisions. The document concludes that there are fiscal impacts to businesses involved in the treatment, storage, and disposal of hazardous waste because EPA is required to recoup the cost of developing and maintaining the e-Manifest system and has chosen to charge a per manifest fee to those facilities that receive hazardous waste. These costs may be passed along to businesses that generate hazardous waste by the receiving businesses, but without knowledge of private contracts between these business entities it is not possible to determine if this is actually happening.

The document also concludes that there will be a cost savings to businesses involved the generation, transport, and receiving of hazardous waste due to time and material savings relative to the activities that were being performed with paper manifests that will now be done electronically. The is adopting these rule revisions in order to maintain equivalency with the Federal program. It is not anticipated that adoption of these rule revisions will result in any additional fiscal regulatory impact beyond those created by compliance with the regulations adopted by EPA.

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**):

Currently, there are no persons other than small businesses, businesses, or local governments that have submitted a notification that they are a generator, transporter, or receiver of hazardous waste and households are exempt from having to comply with the hazardous waste regulations thus exempting individual persons from having to comply with hazardous waste shipping requirements. Additionally, as stated previously, the use of manifests for the shipment of hazardous waste is a national system overseen by EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system.

The revisions to the federal rules became effective nationally in June of 2018 and any persons other than small businesses, businesses, or local governments that may be shipping hazardous waste should already be following the rules. Any costs to persons other than small businesses, businesses, or local governments are a result of following the EPA's rules. Therefore, it is not anticipated that adoption of these rule changes by the will result in any costs or savings to any such persons that are in addition to those created by following the EPA's rules.

F) Compliance costs for affected persons:

It is anticipated that there will not be any additional compliance costs for affected persons due to the adoption of these rule changes because the is simply adopting these rules as required by EPA to maintain the

equivalency of our program to that of EPA. The rule changes being adopted are administered at the federal government level by the EPA.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

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

The use of manifests for the shipment of hazardous waste is a national system overseen by EPA. State agencies in authorized states have authority to enforce some, but not all, provisions of the manifest system. Because these rule changes are being administered by the EPA and are already in effect nationally, it is not anticipated that their adoption by the will have any fiscal

NOTICES OF PROPOSED RULES

impact beyond the impact created by the federal adoption of the rule changes.

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

L. Scott Baird, Executive Director

Citation Information

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

Section 19-6-104	Section 19-6-105	Section 19-6-106
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Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

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)	Title 40: Protection of Environment, Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Subpart FF—Fees for the Electronic Hazardous Waste Manifest Program
Publisher	Office of the Federal Register, National Archives and Records Administration
Date Issued	January 3, 2018

Public Notice Information

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

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/13/2020

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

Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Ty L. Howard, Director	Date:	2/13/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R359-1	Filing No.	52583

Agency Information

1. Department:	Governor		
Agency:	Economic Development, Pete Suazo Utah Athletic Commission		
Building:	World Trade Center		
Street address:	60 E. South Temple		
City, state:	Salt Lake City, UT 84111		
Mailing address:	60 E. South Temple		
City, state, zip:	Salt Lake City, UT 84111		
Contact person(s):			
Name:	Phone:	Email:	
Dane Ishihara	801-792-8764	dishihara@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:	Pete Suazo Utah Athletic Commission Act Rule
3. Purpose of the new rule or reason for the change:	The purpose of this rule filing is to update the designation of adjudicative proceedings for the Pete Sauzo Athletic Commission.
4. Summary of the new rule or change:	Section R359-1-401 is updated so that all adjudicative proceedings are designated as informal. Section R359-1-402 is modified to clarify the general process for adjudicative proceedings. Section R359-1-403 is modified to clarify the procedures for immediate license suspension. Section R359-1-404 is deleted. Section R359-1-405: is updated to reflect correct references.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There is no aggregate anticipated cost or savings to the state budget. These changes merely update the procedures the office will follow when conducting adjudicative proceedings.

B) Local governments:

There is no aggregate anticipated cost or savings to local governments. These changes merely update the procedures the office will follow when conducting electronic meetings.

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

There is no aggregate anticipated cost or savings to small businesses. These changes merely update the procedures the office will follow when conducting adjudicative proceedings.

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. These changes merely update the procedures the office will follow when conducting adjudicative proceedings.

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. These changes merely update the procedures the office will follow when conducting adjudicative proceedings.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. These changes merely update the procedures the office will follow when conducting adjudicative proceedings.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

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

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

This rule filing will not result in fiscal impact to businesses. These changes merely update the procedures the office will follow when conducting adjudicative proceedings.

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

Val Hale, Executive Director

Citation Information

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

Section 63N-10-202		
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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

NOTICES OF PROPOSED RULES

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

A) Comments will be accepted until: 3/31/2020

10. This rule change MAY become effective on: 4/7/2020

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

Agency Authorization Information

Agency head or designee, and title:	Val Hale, Executive Director	Date:	2/14/2020
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R501-22	Filing No.	52578

Agency Information

1. Department:	Human Services		
Agency:	Administration, Services, Licensing	Administrative	
Building:	MASOB		
Street address:	195 N 1950 W		
City, state:	SALT LAKE CITY, UT		
Mailing address:	195 N 1950 W		
City, state, zip:	SALT LAKE CITY, UT 84116		
Contact person(s):			
Name:	Phone:	Email:	
Jonah Shaw	801-538-4219	jshaw@utah.gov	
Janice Weinman	385-321-5586	jweinman@utah.gov	
Elisabeth Kitchens	385-303-2953	ehkitchens@utah.gov	

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

General Information

2. Rule or section catchline:
Residential Support Programs

3. Purpose of the new rule or reason for the change:
The Office of Licensing needs to amend this rule to accommodate the needs of our sister agency the Division of Substance Abuse and Mental Health (DSAMH), in regard to capturing receiving centers under this rule category. Following comment from the Governor's Office, this also amends large portions of this rule to meet the standards set forth in the rulewriting manual.

4. Summary of the new rule or change:
This amendment adds receiving centers and addresses age groupings in youth homeless shelters. These changes have been perpetuated from comments received and discussed during the previous filings 30-day comment period. Following comment from the Governor's Office, this also amends large portions of this rule to meet the standards set forth in the rulewriting manual.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
The Office of Licensing's caseload is being distributed statewide across multiple licensors and any increase to caseloads will be nominal and offset by the licensing fees charged. There are no other anticipated costs or benefits to any entities outside the Department and homeless providers.

B) Local governments:
The shelters are already in operation in all of their respective jurisdictions, adding licensure to them will not have any fiscal impact on local governments. Receiving centers will be legislatively funded and will not have an impact on local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):
Receiving centers will be legislatively funded and are in most instances already in operation as licensees. Receiving Center licensure will allow them to comingle multiple license types under one roof which was not an approved practice prior to this rule change. Any positive fiscal impact via this change would be immeasurable.

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

The changes in this rule submission will not have an impact on non-small businesses in Utah, as homeless shelters are small independent businesses distributed throughout the state . Receiving centers are being contracted and approved by DSAMH who is the pass-through agency for Medicaid funding to these entities. Licensure of these entities is required regardless of whether or not this rule is in effect.

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**):

No person, entity, or public or private organization will be impacted by the implementation of this rule.

F) Compliance costs for affected persons:

There will be no compliance costs for anyone affected by the implementation of this amendment.

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

Regulatory Impact Table

Fiscal Cost	FY2020	FY2021	FY2022
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
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Net Fiscal Benefits	\$0	\$0	\$0
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H) Department head approval of regulatory impact analysis:

Ann Williamson, the Executive Director of the Department of Human Services, has reviewed and approved this fiscal analysis.

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

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

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

Ann Williamson, Executive Director

Citation Information

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

Section 62A-2-101		
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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. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/07/2020

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

Agency Authorization Information

Agency head or designee, and title:	Ann Williamson, Executive Director.	Date:	02/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R539-1	Filing No.:	52519
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Agency Information

1. Department:	Human Services	
Agency:	Services for People with Disabilities	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Amy Huppi	801-538-4154	amyhuppi@utah.gov
Kelly Thomson	435-669-4855	kthomson@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov

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

General Information

2. Rule or section catchline:
Non-Waiver Services for People with Intellectual Disabilities or Related Conditions
3. Purpose of the new rule or reason for the change:
The Division of Services for People with Disabilities (Division) is replacing the Inventory for Client and Agency Planning (ICAP) with a new assessment of functional limitations and need.
4. Summary of the new rule or change:
The ICAP language is removed from the rule, and replaced with broader language indicating that the Division will use an assessment that determines functional limitations and need.

Fiscal Information

5. Aggregate anticipated cost or savings to:			
A) State budget:			
Through this amendment, there is an anticipated cost savings of approximately \$4,500 annually. During the previous fiscal year, the Division spent \$4,548.28 on ICAP materials.			
B) Local governments:			
There is no anticipated impact. Local governments do not participate in the purchase of ICAP materials.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There is no anticipated impact. Small businesses do not participate in the purchase of ICAP materials.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There is no anticipated impact, as non-small businesses do not participate in the purchase of ICAP materials.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
Persons other than small businesses, non-small businesses, state, or local government entities will not see a cost or benefit, as they do not participate in the purchase of ICAP materials.			
F) Compliance costs for affected persons:			
The Division does not charge for an ICAP assessment, and will not charge for the new assessment. This amendment will not result in compliance costs for affected parties.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other	\$0	\$0	\$0

Persons			
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$4,548.28	\$4,548.28	\$4,548.28
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	\$4,548.28	\$4,548.28	\$4,548.28
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
After conducting a thorough analysis, it was determined that this proposed rule change will not result in a significant fiscal impact to businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Ann Williamson, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):			
Section 62A-5-103	Section 62A-5-105		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency

not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	03/31/2020

10. This rule change MAY become effective on:	04/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Ann Williamson, Executive Director	Date:	02/04/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R657-52	Filing No. 52554	

Agency Information

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

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

General Information

2. Rule or section catchline:
Commercial Harvesting of Brine Shrimp and Brine Shrimp Eggs

3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (Division) rule pursuant to the commercial harvesting of brine shrimp and brine shrimp eggs.
4. Summary of the new rule or change:
The proposed amendments to this rule: 1) allow for the transfer of a brine shrimp harvesting certificate of registration as long as it's accompanied by an assignable contract with another party to harvest brine shrimp eggs for the certificate of registration holder; 2) modify the definition of "harvesting equipment" to include the addition of an assignable contract as equipment; 3) set criteria for when to end a pursuit on a single animal; and 4) technical changes as needed.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The proposed rule amendments clarify the process for transferring an individual certificate of registration (COR) with a contract to another entity, all of these changes can be initiated within the current workload and resources of the Division, therefore, the Division determines that these amendments do not create a cost or savings impact to the state budget or the Division's budget since the changes will not increase workload and can be carried out with existing budget.
B) Local governments:
Since the proposed amendments clarify a process for authorized COR holders this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule amendments will not directly impact small businesses because a service is not required of them.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed rule amendments will directly impact non-small businesses that currently hold authorized COR's to harvest brine shrimp, however because it is a procedural change a financial impact is not expected.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
These amendments do not have the potential to create a cost impact to those individuals not currently holding an authorized COR to commercially harvest brine shrimp or brine shrimp eggs.
F) Compliance costs for affected persons:
The Division determines that this amendment will not create additional costs for those participating in the commercial harvesting of brine shrimp or brine shrimp eggs.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:
The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses.
B) Name and title of department head commenting on the fiscal impacts:
Brian Steed, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):
Section 23-14-18 Section 23-14-19 Section 23-14-3

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title: Mike Fowlks, Director	Date: 02/11/2020
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R861-1A-9	Filing No. 52377	

Agency Information

1. Department:	Tax Commission		
Agency:	Administration		
Building:	Utah State Tax Commission		
Street address:	210 N 1950 W		
City, state:	Salt Lake City, UT		
Mailing address:	210 N 1950 W		
City, state, zip:	Salt Lake City, UT 84134		
Contact person(s):			
Name:	Phone:	Email:	
Jason Gardner	801-297-3902	jasongardner@utah.gov	

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

General Information

2. Rule or section catchline:
State Board of Equalization Procedures Pursuant to Utah Code Ann. Sections 59-2-212, 59-2-1004, and 59-2-1006
3. Purpose of the new rule or reason for the change:
The reason for the change is to specify the process by which the Tax Commission determines the existence of a factual error for purposes of locally assessed property tax.
4. Summary of the new rule or change:
The proposed amendment requires that if a taxpayer asserts a factual error before the Tax Commission and the county assessor fails to respond to an order to show cause within 15 days, the Tax Commission may treat the failure to respond as if the county assessor had acknowledged the existence of the factual error.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of the state government because property tax revenues are not included in the state budget.
B) Local governments:
This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of local

NOTICES OF PROPOSED RULES

governments because the changes do not have the effect of increasing or decreasing the amount of property tax due.

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

This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of small businesses because the changes do not have the effect of increasing or decreasing the amount of property tax due.

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

This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of non-small businesses because the changes do not have the effect of increasing or decreasing the amount of property tax due.

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

This proposed amendment is not expected to have a fiscal impact on the revenues or expenditures of persons other than small businesses, non-small businesses, state or local government entities because the changes do not have the effect of increasing or decreasing the amount of property tax due.

F) Compliance costs for affected persons:

This proposed amendment is not expected to impose additional compliance costs on affected persons.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

Commissioner Rebecca Rockwell of the Utah State Tax Commission has reviewed and approved this fiscal analysis.

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

This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of businesses because the proposed changes do not have the effect of increasing or decreasing the amount of property tax due.

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

Rebecca Rockwell, Commissioner

Citation Information

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

Section 59-2-212	Section 59-2-1004	Section 59-2-1006
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Public Notice Information

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

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on:	04/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Rebecca Rockwell, Commissioner	Date:	02/13/2020
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R865-9I-34	Filing No.	52579

Agency Information

1. Department:	Tax Commission	
Agency:	Auditing	
Building:	Utah State Tax Commission	
Street address:	210 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	210 N 1950 W	
City, state, zip:	Salt Lake City, UT 84134	
Contact person(s):		
Name:	Phone:	Email:
Jason Gardner	801-297-3902	jasongardner@utah.gov

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

General Information

2. Rule or section catchline:
Property Tax Relief For Individuals Pursuant to Utah Code Ann. Sections 59-2-1201 through 59-2-1220
3. Purpose of the new rule or reason for the change:
The reason for this change is to update language and citation references for legislative changes made during the 2019 General Session in H.B. 24 Property Tax Exemptions, Deferrals, and Abatements Amendments.
4. Summary of the new rule or change:
The proposed amendment includes references to Title 59, Chapter 2, Parts 18 and 19 that were created under

H.B. 24 (2019) and were previously included in Title 59, Chapter 2, Part 11. They also clarify that persons claiming an abatement under Title 59, Chapter 2, Parts 11, 18, or 19 are not precluded from claiming a homeowner's or renter's credit.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of the state government because any fiscal impact would have been attributable to H.B. 24 (2019) and accounted for in the legislative fiscal note.
B) Local governments:
This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of local governments because any fiscal impact would have been attributable to H.B. 24 (2019) and accounted for in the legislative fiscal note.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of small businesses because any fiscal impact would have been attributable to H.B. 24 (2019) and accounted for in the legislative fiscal note.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of non-small businesses because any fiscal impact would have been attributable to H.B. 24 (2019) and accounted for in the legislative fiscal note.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This proposed amendment is not expected to have a fiscal impact on the revenues or expenditures of persons other than small businesses, non-small businesses, state or local government entities because any fiscal impact would have been attributable to H.B. 24 (2019) and accounted for in the legislative fiscal note.
F) Compliance costs for affected persons:
This proposed amendment is not expected to impose any compliance costs on affected persons because any fiscal impact would have been attributable to H.B. 24 (2019) and accounted for in the legislative fiscal note.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

Commissioner Rebecca Rockwell of the Utah State Tax Commission has reviewed and approved this analysis.

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

This proposed amendment is not expected to have any fiscal impacts on the revenues or expenditures of businesses because any fiscal impact would have been attributable to H.B. 24 (2019) and accounted for in the legislative fiscal note.

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

Rebecca Rockwell, Commissioner

Citation Information

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

Section 59-2-1201	Section 59-2-1202	Section 59-2-1203
Section 59-2-1204	Section 59-2-1205	Section 59-2-1206
Section 59-2-1207	Section 59-2-1208	Section 59-2-1209
Section 59-2-1210	Section 59-2-1211	Section 59-2-1212
Section 59-2-1213	Section 59-2-1214	Section 59-2-1215
Section 59-2-1216	Section 59-2-1217	Section 59-2-1218
Section 59-2-1219	Section 59-2-1220	

Public Notice Information

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

A) Comments will be accepted until:	03/31/2020
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10. This rule change MAY become effective on:	04/07/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Rebecca Rockwell, Commissioner	Date:	02/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R865-19S-79	Filing No.	52580

Agency Information

1. Department:	Tax Commission
Agency:	Auditing
Building:	Utah State Tax Commission
Street address:	210 N 1950 W

City, state:	Salt Lake City, UT	
Mailing address:	210 N 1950 W	
City, state, zip:	Salt Lake City, UT 84134	
Contact person(s):		
Name:	Phone:	Email:
Jason Gardner	801-297-3902	jasongardner@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

Tourist Home, Hotel, Motel, or Trailer Court Accommodations and Services Defined Pursuant to Utah Code Ann. Sections 59-12-103, 59-12-301, 59-12-352, and 59-12-353

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

The reason for the change is to include additional statutory references of authority and clarify definitions consistent with current application of statute.

4. Summary of the new rule or change:

The proposed amendment adds references to Sections 59-12-603 and 59-28-103 to clarify that the rule applies to the Tourism, Recreation, Cultural, Convention, and Airport Tax Act and the State Transient Room Tax Act. Additionally, the rule change clarifies the definitions of "tourist home," "hotel," "motel," and "trailer court" consistent with current application of statute.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of the state government because the changes are consistent with current application of statute.

B) Local governments:

This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of local governments because the changes are consistent with current application of statute.

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

This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of small businesses because the changes are consistent with current application of statute.

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

This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of non-small businesses because the changes are consistent with current application of statute.

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

This proposed amendment is not expected to have a fiscal impact on the revenues or expenditures of persons other than small businesses, non-small businesses, state or local government entities because the changes are consistent with current application of statute.

F) Compliance costs for affected persons:

This proposed amendment is not expected to impose any compliance costs on affected persons because the changes are consistent with current application of statute.

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

Regulatory Impact Table

Fiscal Cost	FY2020	FY2021	FY2022
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

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

H) Department head approval of regulatory impact analysis:

Commissioner Rebecca Rockwell of the Utah State Tax Commission has reviewed and approved this fiscal impact analysis.

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

This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of businesses because the changes are consistent with current application of statute.

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

Rebecca Rockwell, Commissioner

Citation Information

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

Section 59-12-103	Section 59-12-301	Section 59-12-352
Section 59-12-353	Section 59-12-603	Section 59-28-103

Public Notice Information

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

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/07/2020

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

Agency Authorization Information

Agency head or designee, and title:	Rebecca Rockwell, Commissioner	Date:	02/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R865-19S-96	Filing No.	52581

Agency Information

1. Department:	Tax Commission		
Agency:	Auditing		
Building:	Utah State Tax Commission		
Street address:	210 N 1950 W		
City, state:	Salt Lake City, UT		
Mailing address:	210 N 1950 W		
City, state, zip:	Salt Lake City, UT 84134		
Contact person(s):			
Name:	Phone:	Email:	
Jason Gardner	801-297-3902	jasongardner@utah.gov	

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

General Information

2. Rule or section catchline:
Transient Room Tax Collection Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-301

3. Purpose of the new rule or reason for the change:
This section is deleted and the pertinent language is merged into Section R865-19S-79. (EDITOR'S NOTE: The proposed amendment to Section R865-19S-79 is under ID No. 52580 in this issue, March 1, 2020, of the Bulletin.)

4. Summary of the new rule or change:
The deletion of this section would consolidate overlapping and duplicative language with Section R865-19S-79. With the proposed amendments to Section R865-19S-79, this section is no longer necessary.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed deletion is not expected to have any fiscal impact on the revenues or expenditures of the state

government because the pertinent rule language will still be included in Section R865-19S-79.

B) Local governments:

This proposed deletion is not expected to have any fiscal impact on the revenues or expenditures of local governments because the pertinent rule language will still be included in Section R865-19S-79.

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

This proposed deletion is not expected to have any fiscal impact on the revenues or expenditures of small businesses because the pertinent rule language will still be included in Section R865-19S-79.

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

This proposed deletion is not expected to have any fiscal impact on the revenues or expenditures of non-small businesses because the pertinent rule language will still be included in Section R865-19S-79.

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

This proposed deletion is not expected to have a fiscal impact on the revenues or expenditures of persons other than small businesses, non-small businesses, state or local government entities because the pertinent rule language will still be included in Section R865-19S-79.

F) Compliance costs for affected persons:

This proposed deletion is not expected to impose any compliance costs on affected persons because the pertinent rule language will still be included in Section R865-19S-79.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

Commissioner Rebecca Rockwell of the Utah State Tax Commission has reviewed and approved this fiscal impact analysis.

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

This proposed deletion is not expected to have any fiscal impacts on the revenues or expenditures of businesses because the pertinent rule language will still be included in Section R865-19S-79.

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

Rebecca Rockwell, Commissioner

Citation Information

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

Section 59-12-103 | Section 59-12-301

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members.)

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Additionally, the request must be received by the agency

not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/07/2020

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

Agency Authorization Information

Agency head or designee, and title:	Rebecca Rockwell, Commissioner	Date:	02/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R884-24P-66	Filing No.	52382

Agency Information

1. Department:	Tax Commission		
Agency:	Property Tax		
Building:	Utah State Tax Commission		
Street address:	210 N 1950 W		
City, state:	Salt Lake City, UT		
Mailing address:	210 N 1950 W		
City, state, zip:	Salt Lake City, UT 84134		
Contact person(s):			
Name:	Phone:	Email:	
Jason Gardner	801-297-3902	jasongardner@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
 County Board of Equalization Procedures and Appeals Pursuant to Utah Code Ann. Sections 59-2-1001 and 59-2-1004

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

The reason for the change is to modify the definition of "factual error" for purposes of locally assessed property tax and update code references consistent with H.B. 24, Property Tax Exemptions, Deferrals, and Abatements Amendments, passed in the 2019 General Session.

4. Summary of the new rule or change:

The proposed amendment modifies the definition of "factual error" by amending the requirement that the taxpayer and assessor "agree" upon the error. The definition now requires that the taxpayer and assessor have "recognized" the existence of the error. Additionally, this proposed amendment includes references to Title 59, Chapter 2, Parts 18 and 19 that were created under H.B. 24 (2019) and were previously included in Title 59, Chapter 2, Part 11.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
 This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of the state government because property tax revenues are not included in the state budget.

B) Local governments:

This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of local governments because the changes do not have the effect of increasing or decreasing the amount of property tax due to any local government.

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

This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of small businesses because the changes do not have the effect of increasing or decreasing the amount of property tax due.

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

This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of non-small businesses because the changes do not have the effect of increasing or decreasing the amount of property tax due.

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

This proposed amendment is not expected to have a

fiscal impact on the revenues or expenditures of persons other than small businesses, non-small businesses, state or local government entities because the changes do not have the effect of increasing or decreasing the amount of property tax due.

F) Compliance costs for affected persons:

This proposed amendment is not expected to impose additional compliance costs on affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

Commissioner Rebecca Rockwell of the Utah State Tax Commission has reviewed and approved this fiscal impact analysis.

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

This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of businesses because the proposed changes do not have the effect of increasing or decreasing the amount of property tax due.

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

Rebecca Rockwell, Commissioner

Citation Information

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

Section 59-2-1001 | Section 59-2-1004

Public Notice Information

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

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/07/2020

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

Agency Authorization Information

Agency head or designee, and title:	Rebecca Rockwell, Commissioner	Date:	02/13/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R966-1	Filing No.	52550
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Agency Information

1. Department:	Treasurer	
Agency:	Unclaimed Property	
Room no.:	Suite #102	
Building:	RC2	
Street address:	168 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 140530	
City, state, zip:	Salt Lake City, UT 84114-0530	
Contact person(s):		
Name:	Phone:	Email:
Dennis Johnston	801-715-3321	djohnston@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
Unclaimed Property Act Rules
3. Purpose of the new rule or reason for the change:
Comments from the public prompted the amendments of these sections.
4. Summary of the new rule or change:
These sections elaborate on some holder best practices for due diligence to prevent items becoming lost or abandoned and clarify notice timeframes and thresholds for aggregate properties.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
Existing processes are already in place, and these changes mainly add clarity to how they are utilized to administer the unclaimed property program. Some savings may be realized by using electronic communications more frequently.
B) Local governments:
Existing processes are already in place, and these changes mainly add clarity.
C) Small businesses ("small business" means a business employing 1-49 persons):
Existing processes are already in place, and these changes mainly add clarity.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Existing processes are already in place, and these changes mainly add clarity.

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**):

Existing processes are already in place, and these changes mainly add clarity.

F) Compliance costs for affected persons:

The expansion of the use of email and other electronic methods of customer contact may actually reduce holder costs associated with long established due diligence requirements.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Administrator of the Utah Unclaimed Property Division, Dennis Johnston, has reviewed and approved this fiscal analysis.

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

Existing processes are already in place and these changes mainly add clarity.

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

Dennis Johnston, Administrator

Citation Information

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

Title 67, Chapter 4a		
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Public Notice Information

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

A) Comments will be accepted until:	03/31/2020
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10. This rule change MAY become effective on:	04/07/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Dennis Johnston, Administrator	Date:	02/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R966-1-4	Filing No.	52548
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Agency Information

1. Department:	Treasurer
Agency:	Unclaimed Property
Room no.:	Suite #102
Building:	RC2
Street address:	168 N 1950 W
City, state:	Salt Lake City, UT 84116
Mailing address:	PO Box 140530
City, state, zip:	Salt Lake City, UT 84114-0530

Contact person(s):

Name:	Phone:	Email:
Dennis Johnston	801-715-3321	djohnston@utah.gov

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

General Information

2. Rule or section catchline:

Tax-Deferred Accounts

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

Comments from the public prompted the amendment of this section.

4. Summary of the new rule or change:

This section clarifies when tax deferred accounts are reportable to the .

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

Existing processes are already in place, and these changes mainly add clarity to how they are utilized to administer the unclaimed property program. Some savings may be realized by using electronic communications more frequently.

B) Local governments:

Existing processes are already in place, and these changes mainly add clarity.

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

Existing processes are already in place, and these changes mainly add clarity.

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

Existing processes are already in place, and these changes mainly add clarity.

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**):

Existing processes are already in place, and these changes mainly add clarity.

F) Compliance costs for affected persons:

The expansion of the use of email and other electronic methods of customer contact may actually reduce holder costs associated with long established due diligence requirements.

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

Regulatory Impact Table

Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

The Administrator of the Utah Unclaimed Property Division, Dennis Johnston, has reviewed and approved this fiscal analysis.

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

Existing processes are already in place and these changes mainly add clarity.

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

Dennis Johnston, Administrator

Citation Information

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

Title 67, Chapter 4a		
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Public Notice Information

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

A) Comments will be accepted until:	03/31/2020
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10. This rule change MAY become effective on:	04/07/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Dennis Johnston, Administrator	Date:	02/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R966-1-13	Filing No.	52549

Agency Information

1. Department:	Treasurer		
Agency:	Unclaimed Property		
Room no.:	Suite #102		
Building:	RC2		
Street address:	168 N 1950 W		
City, state:	Salt Lake City, UT 84116		
Mailing address:	PO Box 140530		
City, state, zip:	Salt Lake City, UT 84114-0530		
Contact person(s):			
Name:	Phone:	Email:	
Dennis Johnston	801-715-3321	dljohnston@utah.gov	

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

General Information

2. Rule or section catchline:	Deceased Owner
3. Purpose of the new rule or reason for the change:	Comments from the public prompted the amendment of this section.
4. Summary of the new rule or change:	This section clarifies holder requirements surrounding property of deceased owners.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
Existing processes are already in place, and these changes mainly add clarity to how they are utilized to administer the unclaimed property program. Some savings may be realized by using electronic communications more frequently.

B) Local governments:

Existing processes are already in place, and these changes mainly add clarity.

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

Existing processes are already in place, and these changes mainly add clarity.

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

Existing processes are already in place, and these changes mainly add clarity.

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**):

Existing processes are already in place, and these changes mainly add clarity.

F) Compliance costs for affected persons:

The expansion of the use of email and other electronic methods of customer contact may actually reduce holder costs associated with long established due diligence requirements.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
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

NOTICES OF PROPOSED RULES

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

H) Department head approval of regulatory impact analysis:

The Administrator of the Utah Unclaimed Property Division, Dennis Johnston, has reviewed and approved this fiscal analysis.

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

Existing processes are already in place and these changes mainly add clarity.

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

Dennis Johnston, Administrator

Citation Information

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

Title 67, Chapter 4a

Public Notice Information

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

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/07/2020

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

Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Dennis Johnston, Administrator	Date:	02/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R966-1-23	Filing No.	52551

Agency Information

1. Department:	Treasurer		
Agency:	Unclaimed Property		
Room no.:	Suite #102		
Building:	RC2		
Street address:	168 N 1950 W		
City, state:	Salt Lake City, UT 84116		
Mailing address:	PO Box 140530		
City, state, zip:	Salt Lake City, UT 84114-0530		
Contact person(s):			
Name:	Phone:	Email:	
Dennis Johnston	801-715-3321	dljohnston@utah.gov	

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

General Information

2. Rule or section catchline:	Retention of Records by Holder
3. Purpose of the new rule or reason for the change:	Comments from the public prompted the amendment of this section.
4. Summary of the new rule or change:	This change seeks to clarify record retention standards and encourage compliance with the Act.

Fiscal Information

5. Aggregate anticipated cost or savings to:	
A) State budget:	Existing processes are already in place, and these changes mainly add clarity to how they are utilized to administer the unclaimed property program. Some savings may be realized by using electronic communications more frequently.

B) Local governments:			
Existing processes are already in place, and these changes mainly add clarity.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
Existing processes are already in place, and these changes mainly add clarity.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
Existing processes are already in place, and these changes mainly add clarity.			
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):			
Existing processes are already in place, and these changes mainly add clarity.			
F) Compliance costs for affected persons:			
The expansion of the use of email and other electronic methods of customer contact may actually reduce holder costs associated with long established due diligence requirements.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

The Administrator of the Utah Unclaimed Property Division, Dennis Johnston, has reviewed and approved this fiscal analysis.

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

Existing processes are already in place and these changes mainly add clarity.

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

Dennis Johnston, Administrator

Citation Information

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

Title 67, Chapter 4a		
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Public Notice Information

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

A) Comments will be accepted until:	03/31/2020
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10. This rule change MAY become effective on:	04/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Dennis Johnston, Administrator	Date:	02/14/2020
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R966-1-41	Filing No.:	52552

Agency Information

1. Department:	Treasurer		
Agency:	Unclaimed Property		
Room no.:	Suite #102		
Building:	RC2		
Street address:	168 N 1950 W		
City, state:	Salt Lake City, UT 84116		
Mailing address:	PO Box 140530		
City, state, zip:	Salt Lake City, UT 84114-0530		
Contact person(s):			
Name:	Phone:	Email:	
Dennis Johnston	801-715-3321	dljohnston@utah.gov	

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

General Information

2. Rule or section catchline:
Securities Sale and Claims
3. Purpose of the new rule or reason for the change:
Comments from the public prompted the amendment of this section.
4. Summary of the new rule or change:
This rule clarifies special situations where the administrator may wish to liquidate securities prior to the 3-year holding period, i.e., tender offers, bankruptcy,

liquidation or where fees deplete the value of the asset, etc.

Fiscal Information

5. Aggregate anticipated cost or savings to:			
A) State budget:			
Existing processes are already in place, and these changes mainly add clarity to how they are utilized to administer the unclaimed property program. Some savings may be realized by using electronic communications more frequently.			
B) Local governments:			
Existing processes are already in place, and these changes mainly add clarity.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
Existing processes are already in place, and these changes mainly add clarity.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
Existing processes are already in place, and these changes mainly add clarity.			
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):			
Existing processes are already in place, and these changes mainly add clarity.			
F) Compliance costs for affected persons:			
The expansion of the use of email and other electronic methods of customer contact may actually reduce holder costs associated with long established due diligence requirements.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small	\$0	\$0	\$0

Businesses			
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Administrator of the Utah Unclaimed Property Division, Dennis Johnston, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
Existing processes are already in place and these rules mainly add clarity.			
B) Name and title of department head commenting on the fiscal impacts:			
Dennis Johnston, Administrator			

Citation Information

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

Title 67, Chapter 4a		
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members.

Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/31/2020

10. This rule change MAY become effective on: 04/07/2020

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

Agency Authorization Information

Agency head or designee, and title:	Dennis Johnston, Administrator	Date:	02/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R966-1-51	Filing No.	52553

Agency Information

1. Department:	Treasurer		
Agency:	Unclaimed Property		
Room no.:	Suite #102		
Building:	RC2		
Street address:	168 N 1950 W		
City, state:	Salt Lake City, UT 84116		
Mailing address:	PO Box 140530		
City, state, zip:	Salt Lake City, UT 84114-0530		
Contact person(s):			
Name:	Phone:	Email:	
Dennis Johnston	801-715-3321	djohnston@utah.gov	

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

General Information

2. Rule or section catchline:
Periods of Limitation and Repose
3. Purpose of the new rule or reason for the change:
Comments from the public prompted the changes to this

section.

4. Summary of the new rule or change:

This amendment clarifies rule enumerates standards for the conduct of contract auditors, describes enforcement actions, and processes for encouraging compliance with the Act.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

Existing processes are already in place, and these changes mainly add clarity to how they are utilized to administer the unclaimed property program. Some savings may be realized by using electronic communications more frequently.

B) Local governments:

Existing processes are already in place, and these changes mainly add clarity.

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

Existing processes are already in place, and these changes mainly add clarity.

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

Existing processes are already in place, and these changes mainly add clarity.

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**):

Existing processes are already in place, and these changes mainly add clarity.

F) Compliance costs for affected persons:

The expansion of the use of email and other electronic methods of customer contact may actually reduce holder costs associated with long established due diligence requirements.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State	\$0	\$0	\$0

Government			
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Administrator of the Utah Unclaimed Property Division, Dennis Johnston, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
Existing processes are already in place and these changes mainly add clarity.			
B) Name and title of department head commenting on the fiscal impacts:			
Dennis Johnston, Administrator			

Citation Information

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

Title 67, Chapter 4a		
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Public Notice Information

9. The public may submit written or oral comments

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

A) Comments will be accepted until:	03/31/2020
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10. This rule change MAY become effective on:	04/07/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Dennis Johnston, Administrator	Date:	02/14/2020
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End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R68-28	Filing No. 52546

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 North Redwood Road	
City, state, zip:	Salt Lake City, UT 84115	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-538-6023	ambermbrown@utah.gov
Andrew Rigby	385-285-6347	adrigby@utah.gov
Kelly Pehrson	385-538-7102	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
Cannabis Processing

3. Effective Date:
02/07/2020
4. Purpose of the new rule or reason for the change:
These changes would make it easier for cannabis processors to label cannabis products for sale in Utah.
5. Summary of the new rule or change:
The rule changes allow for the text on labels to be at least eight point font rather than 10 point font, and removes restrictions on the processor placing a logo on a product label, as long as the logo does not obscure required information.
6. Regular rulemaking would:
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/> place the agency in violation of federal or state law.
Specific reason and justification:
These changes are necessary to ensure that cannabis product can be processed and packaged and ready for sale by the March 1, 2020 deadline. The changes make it slightly easier for processors to get products ready for sale while maintaining critical safety protocols.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

These rule changes clarify an existing rule whose costs have already been determined. There are no costs to state budget associated with the changes.

B) Local governments:

These rule changes clarify an existing rule whose costs have already been determined. There are no costs to local governments associated with the changes.

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

These rule changes clarify an existing rule whose costs have already been determined. There are no costs to small businesses associated with the changes.

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

No costs to persons other than small businesses, non-small businesses, or state and local governments should result from the changes to the existing rule.

8. Compliance costs for affected persons:

The rule changes do not affect compliance costs for affected person.

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

It is expected that this rule change will reduce the burden on cannabis processors and help them produce and package products more effectively to get safe high-quality products ready to be sold by the March 1, 2020 deadline. There should be no fiscal impact associated with this rule change.

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

Kelly Pehrson, Interim Commissioner

Citation Information

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

Subsection 4-41a-103(5)	Subsection 4-41a-404(3)	Subsection 4-41a-801(1)
Subsection 4-41a-701(3)	Subsection 4-2-103(1)(i)	Subsection 4-41a-405(2)(b)(iv)
Subsection 4-41a-		

302(3)(b)(ii)		
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Agency Authorization Information

Agency head or designee, and title:	Kelly Pehrson, Interim Commissioner	Date:	02/07/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R68-29	Filing No. 52545
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Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 North Redwood Road	
City, state, zip:	Salt Lake City, UT 84115	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-538-6023	ambermbrown@utah.gov
Andrew Rigby	385-285-6347	adrigby@utah.gov
Kelly Pehrson	385-538-7102	kwpehrson@utah.gov

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

General Information

2. Rule or section catchline:

Quality Assurance Testing on Cannabis

3. Effective Date:

02/06/2020

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

These changes provide specific laboratory testing guidelines and a sampling protocol to allow for the testing of cannabis, cannabis products, and cannabinoid products to ensure that products that are sold in Utah are safe and produced in accordance with state law.

5. Summary of the new rule or change:

The rule changes provide additional definitions applicable to the testing of cannabis, cannabis product, and cannabinoid product; prescribe criteria for testing for potency, water activity, and adulterants; and prescribe sampling procedures to be followed to ensure that a

representative sample of products is tested.	
6. Regular rulemaking would:	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
X	place the agency in violation of federal or state law.
Specific reason and justification:	
These changes are necessary to ensure that cannabis products can be tested in accordance with state law and be ready for sale by the deadline of March 1, 2020. The changes provide specific information to ensure that testing procedures are comprehensive and clear and products are safe for human consumption.	

Fiscal Information

7. Aggregate anticipated cost or savings to:	
A) State budget:	
These rule changes clarify an existing rule whose costs have already been determined. There are no costs to the state budget associated with these changes.	
B) Local governments:	
These rule changes clarify an existing rule whose costs have already been determined. There are no costs to local governments associated with these changes.	
C) Small businesses ("small business" means a business employing 1-49 persons):	
These rule changes clarify an existing rule whose costs have already been determined. There are no costs to small businesses associated with these changes.	
D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private	

organization of any character other than an <i>agency</i>):
There is no cost to persons other than small businesses, non-small businesses, or state and local governments associated with these changes.
8. Compliance costs for affected persons:
The rule changes do not affect compliance costs for affected person.
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:
It is expected that this rule change will allow cannabis testing laboratories to ensure products are tested for safety and potency in accordance with state law. Providing clear and comprehensive guidelines will help producers get good products to market faster. The proposed changes do not add any additional costs to the program and just clarifies the existing rule.
B) Name and title of department head commenting on the fiscal impacts:
Kelly Pehrson, Interim Commissioner

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Subsection 4-41-403(1)	Subsection 4-41a-701(3)	

Agency Authorization Information

Agency head or designee, and title:	Kelly Pehrson, Interim Commissioner	Date:	02/06/2020
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End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R414-19A	Filing No. 50972

Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 North 1460 West	
City, state, zip:	Salt Lake City, UT	
Mailing address:	PO Box 143102	
City, state, zip:	Salt Lake City, UT, 84114-3102	
Contact person(s):		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov

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

General Information

2. Rule catchline:
Coverage for Dialysis Services by an End Stage Renal Disease Facility
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 26-1-5 grants the Department of Health (Department) the authority to adopt, amend, or rescind rules as necessary to implement the Medicaid program while Section 26-18-3 requires the Department to implement the Medicaid program through administrative rules. Additionally, 42 CFR 440.90 authorizes outpatient dialysis furnished by or under the direction of a physician.

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 did not receive any written or oral comments regarding this rule.

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

The Department will continue this rule because it implements dialysis services for Medicaid members, continues coverage for members who do not qualify under Medicare, defines and sets forth standards of care for end-stage renal disease (ESRD) facilities, and clarifies coverage and reimbursement for facilities that provide ESRD treatments.

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	02/13/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R590-140	Filing No. 51365

Agency Information

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

General Information

2. Rule catchline:
Reference Filings of Rate Service Organization Prospective Loss Costs
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsections 31A-2-201(1) and 31A-2-201(3)(a) authorize the Insurance Commissioner to adopt rules to implement the provisions of the Insurance Code, Title 31A. This rule focuses on the requirements for a rate service organization filing loss cost factors for property and casualty insurers as specified in Sections 31A-19a-203 and 31A-19a-205.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
It is important that this rule continue in force. This rule provides instruction to rate service organizations concerning the filings they will use in Utah to be in compliance with the Insurance Code. It is a key component in the regulation of loss cost filings developed by all rate service organizations, such as the National Council on Compensation Insurance (NCCI) and the Insurance Service Office (ISO), that are licensed to do business in Utah. This rule applies to all lines of property and casualty insurance coverage.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Information Specialist	Date:	02/13/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R657-15	Filing No. 51737
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Agency Information

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

General Information

2. Rule catchline:
Closure of Gunnison, Cub and Hat Islands
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Under Section 23-21a-3, the Wildlife Board and Division of Wildlife Resources (Division) are authorized to provide for the management of Gunnison, Cub and Hat Islands for the protection and perpetuation of the American white pelican.
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 Division has not received any written comments regarding this rule. Any comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input.
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 places restrictions on access on, around, and over these islands. This protection from disturbance will ensure the continued use of these areas and result in successful brood rearing by the birds. The other habitat needs of these colonial nesting waterbirds are being met and their populations are healthy at this time. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Michal Fowlks, Director	Date:	02/04/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R657-21	Filing No. 51745
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Agency Information

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

General Information

2. Rule catchline:
Cooperative Wildlife Management Units for Small Game and Waterfowl
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Under Section 23-21a-3, the Wildlife Board and Division of Wildlife Resources (Division) are authorized to provide rules applicable to cooperative wildlife management units organized for the hunting of small game and waterfowl.
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 Division has not received any written comments regarding this rule. Any comments received in opposition to this rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input.

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

Rule R657-21 provides the procedures, standards, and requirements for the establishment of a cooperative wildlife management unit. The provisions adopted in this rule are effective in providing the standards and requirements for establishing cooperative wildlife management units and providing adequate protection to landowners who open their lands for hunting and provide additional hunting opportunities. Continuation of this rule is necessary for continued success of this program.

Agency Authorization Information

Agency head or designee, and title:	Michal Fowlks, Director	Date:	02/04/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R850-22	Filing No. 52029
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Agency Information

1. Department:	School and Institutional Trust Lands	
Agency:	Administration	
Room no.:	Suite 500	
Street address:	675 East 500 South	
City, state, zip:	Salt Lake City, UT 84102-2818	
Mailing address:	675 East 500 South, Suite 500	
City, state, zip:	Salt Lake City, UT 84102-2818	
Contact person(s):		
Name:	Phone:	Email:
Tom Faddis	801-538-5150	tomfaddis@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Bituminous-Asphaltic Sands and Oil Shale Resources
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsections 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq., authorize the Director of the School and Institutional Trust Lands Administration to establish rules for the issuance of mineral leases and management of trust-owned lands and mineral resources.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received by the agency for this rule since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The School and Institutional Trust Lands Administration manages over four million acres of subsurface mineral rights located throughout the . This rule applies to the management of the bituminous-asphaltic sands and oil shale resources for the benefit of the respective beneficiaries and sets forth the guidelines by which the agency conducts business and the customer can follow. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	David Ure, Director	Date:	01/17/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R850-23	Filing No. 52032
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Agency Information

1. Department:	School and Institutional Trust Lands	
Agency:	Administration	
Room no.:	Suite 500	
Street address:	675 East 500 South	
City, state, zip:	Salt Lake City, UT 84102-2818	
Mailing address:	675 East 500 South, Suite 500	
City, state, zip:	Salt Lake City, UT 84102-2818	
Contact person(s):		
Name:	Phone:	Email:
Tom Faddis	801-538-5150	tomfaddis@utah.gov

Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
Sand, Gravel and Cinders Permits
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsections 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq., authorize the Director of the School and Institutional Trust Lands Administration to establish rules for the issuance of surface and subsurface leases and the management of trust-owned lands and resources.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received by the agency for this rule since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The School and Institutional Trust Lands Administration manage over four million acres of surface and subsurface lands and resources located throughout the . This rule applies to the management of the sand, gravel, and cinders resources and establishes the guidelines by which the agency conducts business with the customers for these resources. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	David Ure, Director	Date:	01/17/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R850-24	Filing No. 52033
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Agency Information

1. Department:	School and Institutional Trust Lands	
Agency:	Administration	
Room no.:	Suite 500	
Street address:	675 East 500 South	
City, state, zip:	Salt Lake City, UT 84102-2818	

Mailing address: 675 East 500 South, Suite 500		
City, state, zip: Salt Lake City, UT 84102-2818		
Contact person(s):		
Name:	Phone:	Email:
Tom Faddis	801-538-5150	tomfaddis@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
General Provisions: Mineral and Material Resources, Mineral Leases and Material Permits
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsections 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq., authorize the Director of the School and Institutional Trust Lands Administration to establish rules for the issuance of mineral and material leases and permits and the management of trust-owned lands and resources.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received by the agency for this rule since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule provides the general provisions that apply to multiple commodities in an "umbrella-type" rule. It provides for clarity for the community that is subject to these processes and eliminates the need to include these same provisions in each separate rule for the various commodities. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	David Ure, Director	Date	01/17/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R850-25	Filing No.	52045
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Agency Information

1. Department:	School and Institutional Trust Lands	
Agency:	Administration	
Room no.:	Suite 500	
Street address:	675 East 500 South	
City, state, zip:	Salt Lake City, UT 84102-2818	
Mailing address:	675 East 500 South, Suite 500	
City, state, zip:	Salt Lake City, UT 84102-2818	
Contact person(s):		
Name:	Phone:	Email:
Tom Faddis	801-538-5150	tomfaddis@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
Mineral Leases and Materials Permits
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsections 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq., authorize the Director of the School and Institutional Trust Lands Administration to establish rules for the issuance of leases and the management of trust-owned lands and resources.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received by the agency for this rule since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule provides the necessary guidelines for the issuance of leases and permits for the commodities covered under this rule. It also provides for the efficient management of the resources for the best interests of the trust beneficiaries. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	David Ure, Director	Date	01/17/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R850-26	Filing No. 52036

Agency Information

1. Department:	School and Institutional Trust Lands	
Agency:	Administration	
Room no.:	Suite 500	
Street address:	675 East 500 South	
City, state, zip:	Salt Lake City, UT 84102-2818	
Mailing address:	675 East 500 South, Suite 500	
City, state, zip:	Salt Lake City, UT 84102-2818	
Contact person(s):		
Name:	Phone:	Email:
Tom Faddis	801-538-5150	tomfaddis@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
Coal Leases
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsections 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq., authorize the Director of the School and Institutional Trust Lands Administration (Trust) to establish rules for the issuance of leases and the management of trust-owned lands and resources.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received by the Trust for this rule since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is vital to the management of the Trust's coal resources and the issuance of leases. It provides the guidelines and procedures to be followed by the agency and third-parties, which are consistent and in the best interests of the Trust beneficiaries. Therefore, this rule should be continued.

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Agency Authorization Information

Agency head or designee, and title:	David Ure, Director	Date	01/17/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R850-27	Filing No. 52037

Agency Information

1. Department:	School and Institutional Trust Lands	
Agency:	Administration	
Room no.:	Suite 500	
Street address:	675 East 500 South	
City, state, zip:	Salt Lake City, UT 84102-2818	
Mailing address:	675 East 500 South, Suite 500	
City, state, zip:	Salt Lake City, UT 84102-2818	
Contact person(s):		
Name:	Phone:	Email:
Tom Faddis	801-538-5150	tomfaddis@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
Geothermal Steam
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 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq., authorize the Director of the School and Institutional Trust Lands Administration to establish rules for the issuance of leases and the management of trust-owned lands and resources.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received by the agency for this rule since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees

with comments in opposition to this rule, if any:

This rule provides the commodity-specific provisions for the leasing and management of geothermal steam resources on trust-owned lands throughout the . It sets forth the guidelines and procedures whereby the agency may conduct business and that the customer may follow in relation to this resource. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	David Ure, Director	Date	01/17/2020
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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.):	R305-5	Filing No. 50565

Agency Information

1. Department:	Environmental Quality	
Agency:	Administration	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116-3085	
Mailing address:	PO BOX 144810	
City, state, zip:	Salt Lake City, UT 84114-4810	
Contact person(s):		
Name:	Phone:	Email:
Kim Shelley	801-536-4403	kshelley@utah.gov

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

General Information

2. Rule catchline:
Health Reform -- Health Insurance Coverage in DEQ State Contracts -- Implementation
3. Reason for requesting the extension and the new deadline date:
Due to personnel changes, the Department of Environmental Quality needs more time to review this rule. The new deadline is 06/08/2020.

Agency Authorization Information

Agency head or designee, and title:	Scott Baird, Executive Director	Date:	02/07/2020
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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 Digest*. 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

Animal Industry

No. 52469 (New Rule): R58-13. Custom Exempt Slaughter
Published: 01/15/2020
Effective: 02/24/2020

No. 52470 (New Rule): R58-25. Aerial Hunting Permits and Licenses
Published: 01/15/2020
Effective: 02/24/2020

Plant Industry

No. 52468 (New Rule): R68-31. Cannabis Licensing Process
Published: 01/15/2020
Effective: 02/24/2020

Regulatory Services

No. 52471 (New Rule): R70-570. Direct-to-Sale Farmers Market Signage
Published: 01/15/2020
Effective: 02/24/2020

Alcoholic Beverage Control

Administration

No. 52417 (Repeal): R81-1. Scope, Definitions, and General Provisions
Published: 01/01/2020
Effective: 02/25/2020

No. 52418 (Repeal): R81-2. State Stores
Published: 01/01/2020
Effective: 02/25/2020

No. 52419 (Repeal): R81-3. Package Agencies
Published: 01/01/2020
Effective: 02/25/2020

No. 52420 (Repeal): R81-4. Retail Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52421 (Repeal): R81-4a. Restaurant Liquor Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52422 (Repeal): R81-4b. Airport Lounge Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52423 (Repeal): R81-4c. Limited Restaurant Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52424 (Repeal): R81-4d. On-Premise Banquet License
Published: 01/01/2020
Effective: 02/25/2020

No. 52425 (Repeal): R81-4e. Resort Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52426 (Repeal): R81-4f. Reception Center Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52427 (Repeal): R81-5. Bar Establishment Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52428 (Repeal): R81-6. Special Use Permits
Published: 01/01/2020
Effective: 02/25/2020

No. 52429 (Repeal): R81-7. Event Permits
Published: 01/01/2020
Effective: 02/25/2020

NOTICES OF RULE EFFECTIVE DATES

No. 52430 (Repeal): R81-8. Manufacturing and Related Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52431 (Repeal): R81-9. Liquor Warehousing Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52432 (Repeal): R81-10. Off-Premise Beer Retailers
Published: 01/01/2020
Effective: 02/25/2020

No. 52433 (Repeal): R81-10a. Recreational Amenity On-Premise Beer Retailer Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52434 (Repeal): R81-10c. Beer-Only Restaurant Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52435 (Repeal): R81-10d. Tavern Beer Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52436 (Repeal): R81-11. Beer Wholesaler Licenses
Published: 01/01/2020
Effective: 02/25/2020

No. 52437 (Repeal): R81-12. Local Industry Representative Licenses (Distillery, Winery, Brewery)
Published: 01/01/2020
Effective: 02/25/2020

(EDITOR'S NOTE: Title R81 is removed and Alcoholic Beverage Control is now under Title R82.)

Alcoholic Beverage Control Administration

No. 52392 (New Rule): R82-1. General
Published: 12/15/2019
Effective: 02/25/2020

No. 52393 (New Rule): R82-2. Administration
Published: 12/15/2019
Effective: 02/25/2020

No. 52394 (New Rule): R82-3. Disciplinary Actions and Enforcement
Published: 12/15/2019
Effective: 02/25/2020

No. 52395 (New Rule): R82-4. Criminal Offenses and Procedure
Published: 12/15/2019
Effective: 02/25/2020

No. 52403 (New Rule): R82-5. General Retail License Provisions
Published: 12/15/2019
Effective: 02/25/2020

No. 52405 (New Rule): R82-6. Specific Retail Provisions
Published: 12/15/2019
Effective: 02/25/2020

No. 52407 (New Rule): R82-7. Off-Premise
Published: 12/15/2019
Effective: 02/25/2020

No. 52408 (New Rule): R82-8a. Resorts
Published: 12/15/2019
Effective: 02/25/2020

No. 52409 (New Rule): R82-10. Special Use Permits
Published: 12/15/2019
Effective: 02/25/2020

No. 52411 (New Rule): R82-11. Manufacturing
Published: 12/15/2019
Effective: 02/25/2020

No. 52412 (New Rule): R82-13. Wholesaler
Published: 12/15/2019
Effective: 02/25/2020

Education

Administration

No. 52445 (Amendment): R277-210. Utah Professional Practices Advisory Commission (UPPAC), Definitions
Published: 01/01/2020
Effective: 02/07/2020

No. 52446 (Amendment): R277-211. Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions
Published: 01/01/2020
Effective: 02/07/2020

No. 52447 (Amendment): R277-212. UPPAC Hearing Procedures and Reports
Published: 01/01/2020
Effective: 02/07/2020

No. 52448 (Amendment): R277-213. Request for Licensure Reinstatement and Reinstatement Procedures
Published: 01/01/2020
Effective: 02/07/2020

No. 52449 (Amendment): R277-215. Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions
Published: 01/01/2020
Effective: 02/07/2020

No. 52452 (Amendment): R277-502. Professional Educator License Areas of Concentration, and Endorsements and Under-Qualified Employees
Published: 01/01/2020
Effective: 02/07/2020

No. 52458 (Amendment): R277-800. Utah Schools for the Deaf and the Blind
Published: 01/01/2020
Effective: 02/07/2020

No. 52450 (New Rule): R277-217. Educator Standards and LEA Reporting
Published: 01/01/2020
Effective: 02/07/2020

No. 52451 (New Rule): R277-316. Professional Standards and Training for Non-licensed Employees and Volunteers
Published: 01/01/2020
Effective: 02/07/2020

No. 52456 (New Rule): R277-623. School Climate Survey
Published: 01/01/2020
Effective: 02/07/2020

No. 52453 (Repeal): R277-515. Utah Educator Professional Standards
Published: 01/01/2020
Effective: 02/07/2020

No. 52454 (Repeal): R277-516. Professional Standards and Training for Non-licensed Employees and Volunteers
Published: 01/01/2020
Effective: 02/07/2020

Environmental Quality

Waste Management and Radiation Control, Radiation
No. 52329 (Amendment): R313-15. Transfer for Disposal and Manifests
Published: 12/01/2019
Effective: 02/14/2020

No. 52330 (Amendment): R313-19. Transportation
Published: 12/01/2019
Effective: 02/14/2020

No. 52331 (Amendment): R313-36. Special Requirements for Industrial Radiographic Operations
Published: 12/01/2019
Effective: 02/14/2020

Health

Child Care Center Licensing Committee
No. 52369 (Amendment): R381-60. Hourly Child Care Centers
Published: 12/15/2019
Effective: 02/25/2020

No. 52371 (Amendment): R381-100. Child Care Centers
Published: 12/15/2019
Effective: 02/25/2020

No. 52378 (Amendment): R381-70. Out of School Time Child Care Programs
Published: 12/15/2019
Effective: 02/25/2020

Disease Control and Prevention, Environmental Services
No. 52333 (Amendment): R392-302. Design, Construction and Operation of Public Pools
Published: 12/01/2019
Effective: 02/26/2020

Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health
No. 52332 (Amendment): R388-804. Special Measures for the Control of Tuberculosis
Published: 12/01/2019
Effective: 02/01/2020

Family Health and Preparedness, Child Care Licensing
No. 52372 (Amendment): R430-8. Exemptions From Child Care Licensing
Published: 12/15/2019
Effective: 02/25/2020

Family Health and Preparedness, Licensing
No. 52375 (Amendment): R432-35. Background Screening -- Health Facilities.
Published: 12/15/2019
Effective: 03/01/2020

Health Care Financing, Coverage and Reimbursement Policy
No. 52461 (Amendment): R414-312. Adult Expansion Medicaid
Published: 01/01/2020
Effective: 02/18/2020

No. 52462 (Amendment): R414-22. Administrative Sanction Procedures and Regulations
Published: 01/01/2020
Effective: 02/10/2020

Human Services

Recovery Services
No. 52438 (Amendment): R527-303. Automatic Payment Withdrawal
Published: 01/01/2020
Effective: 02/10/2020

Natural Resources

Forestry, Fire and State Lands
No. 52440 (Amendment): R652-90. Sovereign Land Management Planning
Published: 01/01/2020
Effective: 02/12/2020

NOTICES OF RULE EFFECTIVE DATES

No. 52416 (New Rule): R652-124. Wildland Fire Preparedness Grants
Published: 01/01/2020
Effective: 02/12/2020

Oil, Gas and Mining; Non-Coal
No. 52348 (Amendment): R647-1. Minerals Regulatory Program
Published: 12/01/2019
Effective: 02/10/2020

No. 52349 (Amendment): R647-2. Exploration
Published: 12/01/2019
Effective: 02/10/2020

No. 52350 (Amendment): R647-3. Small Mining Operations
Published: 12/01/2019
Effective: 02/10/2020

No. 52351 (Amendment): R647-4. Large Mining Operations
Published: 12/01/2019
Effective: 02/10/2020

Oil, Gas and Mining; Non-Coal
No. 52352 (Amendment): R647-5. Administrative Procedures
Published: 12/01/2019
Effective: 02/10/2020

Parks and Recreation
No. 52363 (Amendment): R651-601. Definitions as Used in These Rules
Published: 01/15/2020
Effective: 02/24/2020

No. 52364 (Amendment): R651-620. Protection of Resources Park System Property
Published: 01/15/2020
Effective: 02/24/2020

No. 52410 (Amendment): R651-601. Primary Jurisdiction Zone (PJZ)
Published: 01/15/2020
Effective: 02/24/2020

No. 52413 (Amendment): R651-614. Fishing, Hunting and Trapping.
Published: 01/15/2020
Effective: 02/24/2020

Wildlife Resources
No. 52441 (Amendment): R657-5. Taking Big Game
Published: 01/01/2020
Effective: 02/10/2020

No. 52442 (Amendment): R657-42. Fees, Exchanges, Surrenders, Refunds
Published: 01/01/2020
Effective: 02/10/2020

No. 52443 (Amendment): R657-57. Division Variance Rule
Published: 01/01/2020
Effective: 02/10/2020

No. 52444 (Amendment): R657-62. Drawing Application
Published: 01/01/2020
Effective: 02/10/2020

Public Service Commission

Administration
No. 52459 (Amendment): R746-409. General Provisions
Published: 01/01/2020
Effective: 02/10/2020

No. 52464 (Amendment): R746-8. New Technology Equipment Distribution Program (NTEDP)
Published: 01/01/2020
Effective: 02/10/2020

Treasurer

Unclaimed Property
No. 52366 (New Rule): R966-1. Unclaimed Property Act Rules
Published: 12/15/2019
Effective: 01/22/2020

Workforce Services

Administration
No. 52463 (Repeal): R982-700. Employment Opportunities Website
Published: 01/01/2020
Effective: 02/18/2020

End of the Notices of Rule Effective Dates Section