

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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EXECUTIVE DOCUMENTS

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

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

EXECUTIVE ORDER 2021-9

Updating the COVID-19 Vaccination Plan

WHEREAS, COVID-19 is a worldwide pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, as of April 14, 2021, 391,177 Utah residents have been infected with COVID-19; 15,838 Utah residents have been hospitalized due to COVID-19; and 2,161 Utah residents have died as a result of COVID-19;

WHEREAS, COVID-19 will continue to cause serious illness and death until a sufficient number of Utah residents are vaccinated or have immunity after recovering from this infection;

WHEREAS, the United States Food and Drug Administration has recently authorized the use of multiple COVID-19 vaccinations;

WHEREAS, Utah is making significant progress in providing vaccines to all adults who want to be vaccinated and as of April 14, 2021, 1,136,477 people in Utah have received at least one dose of a COVID-19 vaccine;

WHEREAS, Utah is receiving regular distributions of vaccines and has sufficient vaccines to provide them to any adult who wants to be vaccinated;

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

1. **Definitions.** As used in this Order:
 - a. "COVID-19" means Novel Coronavirus Disease 2019 caused by Severe Acute Respiratory Syndrome Coronavirus 2, also known as SARS-CoV-2.
 - b. "COVID-19 vaccine" means a COVID-19 vaccine and adjuvant (if applicable) provided to a vaccine provider as part of the CDC COVID-19 Vaccination Program.
 - c. "Prime dose" means the first dose of a two-dose series vaccine, or a single dose of a single-dose vaccine.
 - d. "Vaccine provider" means any person, including a CDC COVID-19 Vaccination Program Provider, that administers a COVID-19 vaccine in the state of Utah.
2. **Vaccine eligibility.** The Utah Department of Health shall, in consultation with the Governor's Office, establish vaccine eligibility criteria and publish the eligibility criteria on coronavirus.utah.gov.
3. **Vaccine provider requirements.** A vaccine provider shall:
 - a. administer each prime dose of a COVID-19 vaccine within seven days of receiving the prime dose; and
 - b. each day by 6:59 a.m.:
 - i. report to the Utah Statewide Immunization Information System COVID-19 vaccines administered during the previous calendar day by the vaccine provider; and

EXECUTIVE DOCUMENTS

- ii. report to VaccineFinder the number of COVID-19 vaccines on-hand by the vaccine provider.
- 4. **Reduced distribution for noncompliance.** A vaccine provider that does not comply with this Order may be subject to a reduced COVID-19 vaccine distribution or no distribution for future distribution periods.
- 5. **Redistribution of unused vaccines.** A COVID-19 vaccine not used within seven days of distribution is subject to redistribution.
- 6. **Access by underserved communities.** The Utah Department of Health shall coordinate with local health departments and community stakeholders to establish procedures to offer the COVID-19 vaccine to eligible individuals in traditionally underserved communities.
- 7. **Monoclonal antibodies.** The Utah Department of Health shall coordinate with local health departments to establish procedures to offer monoclonal antibodies to residents of long-term care facilities who have tested positive for COVID-19.

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

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 15th day of April, 2021.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2021/09/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between April 02, 2021, 12:00 a.m., and April 15, 2021, 11:59 p.m. are included in this, the May 01, 2021, issue of the *Utah State Digest*.

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

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least May 31, 2021. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through August 29, 2021, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R58-24	Filing No. 53409

Agency Information

1. Department:	Agriculture and Food	
Agency:	Animal Industry	
Street address:	350 N Redwood Road	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	Ambermbrown@utah.gov
Leann Hunting	801-982-2242	leannhunting@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R58-24. Community Spay and Neuter Grants
3. Purpose of the new rule or reason for the change:
The statute authorizing this rule (and program) was repealed in May 2020 under H.B. 248 passed during the 2020 General Session. Therefore, this rule is no longer needed.
4. Summary of the new rule or change:
Due to the passage of H.B. 248 (2020), the Department of Agriculture and Food (Department) no longer has the authority to enforce this rule. This rule was in place to provide guidelines for the Community Spay and Neuter Grant program, but this program will no longer be in effect. This rule is repealed in its entirety.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
With the repeal of this rule and program, the state budget will save approximately \$30,000 per year. The previously awarded grants were paid for largely out of state funds.

B) Local governments:			
There could be some impact to local governments who will no longer be eligible to receive grants under this program. The Department estimates that 20% of grants went to local governments so they could lose approximately \$6,000 per year.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There could be an impact to small businesses that are no longer able to receive grants under this program. The Department estimates that 40% of grants went to small businesses so they could lose approximately \$12,000 per year.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There could be an impact to non-small businesses that are no longer able to receive grants under this program. The Department estimates that 40% of grants went to non-small businesses so they could lose approximately \$12,000 per year.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):			
There would be no fiscal impact to other persons because they do not administer or receive grants under this program.			
F) Compliance costs for affected persons:			
There will be no change in compliance costs for affected persons because the program will no longer exist and did not ever include any fees assessed by the Department.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$6,000	\$6,000	\$6,000
Small Businesses	\$12,000	\$12,000	\$12,000
Non-Small Businesses	\$12,000	\$12,000	\$12,000
Other Persons	\$0	\$0	\$0

Total Fiscal Cost	\$30,000	\$30,000	\$30,000
Fiscal Benefits			
State Government	\$30,000	\$30,000	\$30,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$30,000	\$30,000	\$30,000
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Agriculture and Food, Craig W. Buttars, has reviewed and approves the regulatory impact analysis.

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

The repeal of this program has been mandated by the legislature and will have a minimal impact on businesses because they will no longer be eligible for grants.

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

Craig W. Buttars, Commissioner

Citation Information

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

Subsection 4-40-102(5)(c)		
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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: 05/31/2021

10. This rule change MAY become effective on: 06/07/2021

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

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	04/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R162-2f	Filing No.	53376
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Agency Information

1. Department:	Commerce
Agency:	Real Estate
Room no.:	2nd Floor
Building:	Heber M. Wells
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146711
City, state, zip:	Salt Lake City, Utah 84114-6711

Contact person(s):

Name:	Phone:	Email:
Justin Barney	801-530-6603	justinbarney@utah.gov

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

General Information

2. Rule or section catchline:
R162-2f. Real Estate Licensing and Practices Rule

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

The reasons for filing the proposed rule amendment are:
 1) to eliminate the mandatory denial of an application for licensure due to an applicant's criminal history;
 2) to simplify and, in rare instances, extend the deadline for application for licensure;
 3) to approve an alternative format for continuing

education in a live, virtual setting;
 4) to differentiate between an assumed name and an entity for registration purposes;
 5) to provide detail and clarity to a broker's obligation to provide active and reasonable supervision of licensees and unlicensed staff members supervised by the broker; and
 6) to distinguish between, to clarify, and to supplement the trust account rules for a real estate sales company and a property management company.

4. Summary of the new rule or change:

In Section R162-2f-102, the proposed amendment would add "mandatory course" to the definition of "continuing education" and add the definition of "virtual-live continuing education" to this rule.

In Section R162-2f-20, the proposed amendment would eliminate the requirement to deny an application for licensure of an applicant who was:

- 1) convicted of a felony, or was released from jail or prison for a felony, within five years preceding the date of application; or
- 2) convicted of or released from jail or prison for a misdemeanor involving fraud, misrepresentation, theft, or dishonesty, within three years preceding the date of application.

Instead of the mandatory denial, the proposed amendment would provide discretion to the Division of Real Estate (Division) in evaluating whether to deny a license, or to issue a restricted license, to an applicant with such criminal history. The proposed amendment provides that the Division give particular consideration to such felonies or misdemeanors in reaching a licensing decision.

In Section R162-2f-202a, the proposed amendment clarifies that an individual must pass both the state and national components of the licensing examination within 12 months of completion of the applicant's prelicensing education and simplifies, and in rare circumstances extends, the deadline for application which would be 90 days from the date the applicant achieves a passing score on both examination components.

In Section R162-2f-202b, the proposed amendment updates references to other rule sections.

In Section R162-2f-204, the proposed amendment updates references to other rule sections.

In Section R162-2f-205, the proposed amendment would add "assumed name" as a category of businesses that are required to register with the Division.

In Section R162-2f-206c, the proposed amendment would add virtual-live continuing education (CE) to the approved categories of CE. Although virtual-live CE was initially developed in response to the social distancing required by the Covid-19 pandemic, it is not a temporary solution but would be a permanent option for CE instruction. CE

providers are not required to provide virtual-live CE, but this is an optional format that may be used to reach potential participants. The proposed rule amendment would establish minimum standards for virtual-live CE including class size limits, the use of monitoring assistants, and communication requirements including microphones and live cameras. The proposed amendment would not change or restrict the existing CE options of traditional CE and distance education. In addition, the proposed amendment also lists the types or options of mandatory CE courses that were provided for in a prior approved rule amendment.

In Section R162-2f-401c, under existing law and rule, a broker is required to provide active and reasonable supervision of each licensee and unlicensed staff member employed by or affiliated with the broker. The proposed amendment provides direction to brokers as to the minimum standard for active and reasonable supervision while retaining the safe harbor to protect a broker who meets the minimum standard from liability for violations of law or rule by persons required to be supervised by the broker.

In Section R162-2f-401j, the proposed amendment updates a reference to a section of the Utah Code.

In Section R162-2f-401k, the proposed amendment clarifies that:

- 1) monthly reconciliation records are among those trust account records required to be maintained and safeguarded by a broker; and
- 2) a broker must maintain records from a lease transaction for at least three years following the year in which the lease agreement is terminated.

In Section R162-2f-403a, the proposed amendment rearranges and combines the provisions of trust account rules currently found in Sections R162-2f-403a and R162-2f-403b for a real estate company and adds the following provisions:

- 1) a broker must notify the Division if the trust account is moved to another bank or credit union or the trust account number is changed;
- 2) non-traditional electronic transfers of funds would be expressly allowed;
- 3) a broker is required to reconcile brokerage trust account records with the brokerage client records at least monthly;
- 4) a broker is required to transfer funds out of the trust account and into an operating account prior to further disbursing the funds; and
- 5) with the client's written consent, a broker may reallocate earnest money funds from a failed transaction held in a trust account as earnest money for the same client in another transaction.

In Section R162-2f-403b, the proposed amendment rearranges and combines the provisions of trust account rules currently found in Sections R162-2f-403a and R162-2f-403c for a property management company and adds the following provisions:

- 1) a broker must notify the Division if the trust account is moved to another bank or credit union or the trust account number is changed;
- 2) non-traditional electronic transfers of funds would be expressly allowed;
- 3) a broker is required to reconcile brokerage trust account records with the brokerage client records at least monthly;
- 4) a broker may deposit up to \$10,000 of the broker's own funds into a property management trust account;
- 5) a broker must transfer earnings for property management services out of the trust account and into an operating account within 60 days of the date the earnings are earned according to contract and received; and
- 6) a broker is required to transfer funds out of the trust account and into an operating account prior to further disbursing the funds.

In Section R162-2f-403c, the current provisions of this section have been combined into Section R162-2f-403b. The proposed rule amendment would delete this section.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The proposed rule amendment updates and clarifies this rule. In some instances, new options are available to licensees of the Division. The Division already has the staff and budget to administer the proposed rule amendment. After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal impact or result in any additional cost or savings to the state budget.

B) Local governments:

Local governments are not required to comply with or enforce the Real Estate Licensing and Practices Rule. After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal impact to local governments.

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

The amendment to the Department of Commerce's (Department) Real Estate Licensing and Practices Rule are minimal and will have no impact on the costs required for a small business requesting information from the Department. The amendments as a whole should allow for greater efficiency and clarity for procedures with the Department and its constituents. Accordingly, no fiscal impact is expected as these costs are either inestimable or there is no fiscal impact.

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

The proposed amendment does not create new obligations for non-small businesses, nor does it increase the cost associated with any existing obligation. After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal impact to non- small businesses.

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

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

F) Compliance costs for affected persons:

Many of the proposed rule amendments are clarifications of the existing rule and do not create new obligations for affected persons. These clarifications will not result in an increased compliance cost to affected persons.

The new option of certifying and a providing a course by offering a virtual-live CE course is not mandatory and does not create a new obligation. If the proposed amendment is adopted and a CE provider chooses this format to offer a CE course, this decision will be a market decision based on the cost of providing a virtual-live CE course as compared to other available options, the number of potential participants, and other expenses and income anticipated from the course offering. The Division is not able to estimate the number of virtual-live courses that providers may seek to have certified or the relative costs and revenue of such a course when compared to the current options available to course providers which are traditional CE courses or distance education. No CE provider is required to offer a virtual-live CE course but may choose to do so as an alternative to the existing options. The Division is unable to estimate the fiscal impact of the proposed amendment on CE course providers.

The fiscal impact of a virtual-live CE course to a licensee who needs to obtain required CE also cannot be estimated. The Division is unable to estimate the number of virtual-live CE courses that CE providers will seek to have certified or the cost of participating in such a course as compared to the current available options of traditional CE courses and distance education. However, the Division believes that approving another format for offering CE will improve market options for both CE providers and licensees needing to complete required CE. An individual licensee is not expected to incur a compliance cost or fiscal impact from the proposed amendment. The required number of CE hours remains unchanged by the proposed

rule amendment. A licensee is still only required to take 18 hours of CE every two years.

The proposed amendment does create new obligations for principal brokers with regard to required trust accounts such as the requirement that the principal broker notify the Division when a trust account is moved or the account number changed. The Division does not know how often a change in the trust account might occur but estimates that it occurs quite infrequently. In those infrequent occasions when notification of the Division is required, the cost of notifying the Division would be the cost of preparing a letter or the time to draft an email. As the Division is not able to determine whether or how often such a notification may be required, it is unable to estimate the compliance costs for this proposed amendment and expects that any cost will be nominal and cannot be calculated at this time.

The proposed rule amendment would require that a principal broker reconcile brokerage trust account records with the brokerage client records at least monthly. The Division is informed and understands that the majority, by far, of real estate brokerages already reconcile the brokerage trust funds with their brokerage client records each month as a common business practice. The costs of doing so depend on the number of clients the broker represents and the number of transactions for which the brokerage receives funds for deposit into the trust account. In many transactions, there are no trust funds received by the brokerage. The Division is unable to estimate the fiscal impact of the proposed amendment on a principal broker. Other proposed amendments to the trust account rules are not expected to result in a compliance cost to affected persons.

Affected persons most often choose a corporation, limited liability company, or other entity from which they operate their real estate business. In those rare occasions when a licensee chooses to operate their real estate business as an assumed name, the proposed amendment requires that they register the assumed name with the Division. There is a one-time application fee to register the assumed name with the Division. The Division estimates that registration of an assumed name will occur less than one time each year. Assuming it would occur once per year, the cost of registering the assumed name with the Division is \$200 per year.

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

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$200	\$200	\$200
Total Fiscal Cost	\$200	\$200	\$200
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	-\$200	-\$200	-\$200

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret Busse, has reviewed and approved this fiscal analysis.

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

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

The Department of Commerce Administration proposes amendments to update the Department of Commerce's Real Estate Licensing and Practices Rule. Minimal amendments have been made to update language to conform to Utah rulewriting standards, rewrite the language for requests to be simpler, and make non-substantive formatting changes for clarity.

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

Margaret Busse, 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 61-2f-103	Section 61-2f-204	Section 61-2f-206
Section 61-2f-305	Section 61-2f-401	

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: 05/31/2021

10. This rule change MAY become effective on: 06/07/2021

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

Agency Authorization Information

Agency head or designee, and title: Jonathan Stewart, Director
Date: 04/05/2021

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.): R277-108
Filing No.: 53412

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
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:

R277-108. Annual Assurance of Compliance by Local School Boards

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

The amendment to this rule is being made because the document incorporated by reference has been updated.

4. Summary of the new rule or change:

Board Rule R277-108 is being amended to update the assurances document and replace the date in Section R277-108-3. Incorporation of Annual Assurances of Compliance. The changes include updates to the authorizing, implemented, or interpreted law.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have significant fiscal impact on state government revenues or expenditures. The amendment updates the assurances document for local education agencies (LEAs), removing certain redundant assurances, and replaces the date in Section R277-108-3. There are no fiscal impacts related to these amendments. The changes are administrative and do not significantly impact current procedure.

B) Local governments:

This rule change is not expected to have significant fiscal impact on local governments' revenues or expenditures. The amendment updates the assurances document for LEAs, removing certain redundant assurances, and replaces the date in Section R277-108-3. The changes are administrative and do not significantly impact current procedure.

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

This rule change is not expected to have significant fiscal impact on small businesses' revenues or expenditures. The amendment updates the assurances document for LEAs, removing certain redundant assurances, and replaces the date in Section R277-108-3. The changes are administrative and do not significantly impact current procedure.

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

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

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

This rule change is not expected to have significant fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendment updates the assurances document for LEAs, removing certain redundant assurances, and replaces the date in Section R277-108-3. The changes are administrative and do not significantly impact current procedure.

F) Compliance costs for affected persons:

There are no significant compliance costs for affected persons. The rule change updates the assurances document for LEAs, removing certain redundant assurances, and replaces the date in Section R277-108-3. The changes are administrative and do not significantly impact current procedure.

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

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

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

H) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, 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)	
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Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	Local Education Agency (LEA) Compliance and Assurance Form
Publisher	Utah State Board of Education
Date Issued	02/04/2021
Issue, or version	Version 2

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:	05/31/2021
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10. This rule change MAY become effective on:	06/07/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	04/16/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R277-301	Filing No.	53411
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Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education

Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
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:
R277-301. Educator Licensing
3. Purpose of the new rule or reason for the change:
This rule is being amended to add language for an exception to the general requirements for an Associate License to apply to educators seeking license areas in deaf education, special education, and preschool special education; and other updates to the licensing system through this rule.
4. Summary of the new rule or change:
The rule change includes updates to the requirements for an associate educator license and the requirements for issuance of local education agency (LEA)-specific license areas of concentration.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The changes expand the options for programs a special education licensing candidate can use to meet licensure requirements and do not impact program costs.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The changes expand the options for programs a special education licensing candidate can use to meet licensure requirements and do not impact program costs.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The changes expand the options for

programs a special education licensing candidate can use to meet licensure requirements and do not impact program costs.

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The changes expand the options for programs a special education licensing candidate can use to meet licensure requirements and do not impact program costs.

F) Compliance costs for affected persons:

There are no significant compliance costs for affected persons. The changes expand the options for programs a special education licensing candidate can use to meet licensure requirements and do not impact program 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	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, 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 53E-6-201
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. 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:	05/31/2021
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10. This rule change MAY become effective on:	06/07/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	04/15/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-325	Filing No. 53413

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
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:
R277-325. Public Education Exit and Engagement Surveys

3. Purpose of the new rule or reason for the change:
The rule change updates the links to the documents incorporated by reference in Rule R277-325 and updates the requirements for local education agencies (LEAs) to administer the surveys.

4. Summary of the new rule or change:
The changes include updated uniform resource locators (URL) to the model surveys and deletes language in Section R277-325-4 about when the surveys are administered.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The change to Section R277-325-4 should reduce the frequency of new educators taking the public education engagement survey. This rule applies to educators and LEAs.

B) Local governments:
This rule change may have fiscal impact on local governments' revenues or expenditures. The change to Section R277-325-4 should reduce the frequency of new educators taking the public education engagement survey. This should reduce the time and effort required for new educators to fill out this survey annually, allowing additional time for other duties.

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 change to Section R277-325-4 should reduce the frequency of new educators taking the public engagement education survey. This rule applies to educators and LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-

small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The change to Section R277-325-4 should reduce the frequency of new educators taking the public engagement education survey. This rule applies to educators and local education agencies.

F) Compliance costs for affected persons:

This rule change should reduce compliance costs for affected persons. The change to Section R277-325-4 should reduce the frequency of new educators taking the public education engagement survey. This should reduce the time and effort required for new educators to fill out this survey annually, allowing additional time for other duties.

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

Regulatory Impact Table

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

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

H) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, 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-11-304
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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: 05/31/2021

10. This rule change MAY become effective on:	06/07/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	04/15/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-614	Filing No. 53414

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
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:
R277-614. Athletes and Students with Head Injuries
3. Purpose of the new rule or reason for the change:
The amendments to Rule R277-614 add language to address head injuries for all students. The current rule only includes student athletes and PE class.
4. Summary of the new rule or change:
The changes add language to address head injuries for all students, during the school day or other school activities. It also broadens the requirements for the involvement of parents following a head injury incident.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. This rule change primarily affects local education agencies (LEAs).
B) Local governments:
This rule change may create some fiscal impact on local governments' revenues or expenditures. The current rule regarding head injuries only includes student athletes and PE class. This rule change broadens these requirements to all students. This may require some LEAs to update certain processes to comply with the broadened requirements; however, the costs associated with these activities are not directly measurable, though will be relatively small.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This rule change primarily affects LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This rule change primarily affects LEAs.
F) Compliance costs for affected persons:
There are no significant compliance costs for affected persons. This rule change primarily affects LEAs.

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

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

H) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, 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)	
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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: 05/31/2021

10. This rule change MAY become effective on: 06/07/2021

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	04/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R277-727	Filing No. 53415

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
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:
R277-727. School Meals Program
3. Purpose of the new rule or reason for the change:
This rule is being created to provide a process for distribution of the state liquor tax revenues designated for school meals programs and provides a new incentive program for local education agencies (LEAs) to innovate and implement best practices in the area of school meals programs.
4. Summary of the new rule or change:
This rule establishes the current practice for school meals programs fund distributions, defines school meals programs, and establishes a process for the new additional reimbursement that may be used under certain circumstances.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed rule is not expected to have independent fiscal impact on state government revenues or expenditures. The new incentive program should not meaningfully affect state program costs.
B) Local governments:
This proposed rule is not expected to have independent fiscal impact on local governments' revenues or expenditures. This rule establishes a process for a new additional reimbursement that may be used under certain circumstances. This may affect revenues from the Utah State Board of Education Child Nutrition Program for certain LEAs.

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

This proposed rule is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This proposed rule will primarily affect LEAs.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule 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 proposed rule is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This proposed rule will primarily affect LEAs.

F) Compliance costs for affected persons:

There are no significant compliance costs for affected persons. This proposed rule will primarily affect LEAs.

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

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

NOTICES OF PROPOSED RULES

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

H) Department head approval of regulatory impact analysis:

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

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 proposed rule 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 proposed rule 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 53E-3-510
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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: 05/31/2021

10. This rule change MAY become effective on: 06/07/2021

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	04/14/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-733-2	Filing No. 53416

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
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:
R277-733-2. Incorporation of Utah Adult Education Policies and Procedures Guide by Reference
3. Purpose of the new rule or reason for the change:
Rule R277-733 is being updated to incorporate by reference an updated Utah Adult Education Policies and Procedures Guide.
4. Summary of the new rule or change:
The rule incorporates by reference the Utah Adult Education Policies and Procedures Guide, March 2021 revision. The changes to the policy and procedure guide include: Section 1 removed duplicate language from Adult Basic Education (ABE) section and in Section 3 E - Adult Secondary Education credit-bearing courses must be under the direction of a certified teacher. English Language Acquisition instruction must be under the direction of either an English Language Learner (ELL) endorsed or Teaching English as a Second Language (TESOL) credentialed instructor. Adult education programs must have an evaluation process in place I - Adult Secondary Education courses must be approved by the program's local board of education, have written course descriptions, and be aligned with the Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS) course codes J - Adult education programs must ensure competency credit opportunities, when offered, are aligned with Rule R277-418 P - Work Experience Description: 1.0 credit for 180 hours (.50 for 90 hours) of continuous, professional employment (W2 or pay stubs).

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures because the amendments to the guide do not have fiscal impact.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures because the amendments to the guide do not have fiscal impact.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures because the amendments to the guide do not have fiscal impact.

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

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

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

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

F) Compliance costs for affected persons:

There are no independent compliance costs for 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	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

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 State Superintendent of the Utah State Board of Education, 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-3-501(1)	Subsection 53E-3-401(4)
Section 53E-10-202	Section 53F-2-401	

Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	Utah Adult Education Policy and Procedure Guide
Publisher	Utah State Board of Education
Date Issued	January 9, 2020
Issue, or version	February 24, 2021

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:	05/31/2021
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10. This rule change MAY become effective on:

10. This rule change MAY become effective on:	06/07/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	04/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R357-25	Filing No. 53418

Agency Information

1. Department:	Governor	
Agency:	Economic Development	
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	801-538-8864	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R357-25. Rural Coworking and Innovation Center Grant Program
3. Purpose of the new rule or reason for the change:
The purpose of this proposed rule amendment is to modify the circumstances under which a grant may be awarded under the Rural Coworking and Innovation Center Grant Program.
4. Summary of the new rule or change:
Section R357-25-105 is amended so that a grant recipient has to allow use of a center for at least five years if a grant is awarded for improving utilities or broadband service or for purchasing equipment, furniture, or security systems for a center. Section R357-25-105 is also amended so that a grant recipient has to allow use of a center for at least seven years if a grant is awarded for construction or renovation of a center.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no new aggregate anticipated cost or savings to the state budget. These changes merely update the qualifications for an applicant to receive a Rural Coworking and Innovation Center Grant.
B) Local governments:
There is no new aggregate anticipated cost or savings to local governments. These changes merely update the qualifications for an applicant to receive a Rural Coworking and Innovation Center Grant.

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

There is no new aggregate anticipated cost or savings to small businesses. These changes merely update the qualifications for an applicant to receive a Rural Coworking and Innovation Center Grant.

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

There is no new aggregate anticipated cost or savings to non-small businesses. These changes merely update the qualifications for an applicant to receive a Rural Coworking and Innovation Center Grant.

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

There is no new aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities. These changes merely update the qualifications for an applicant to receive a Rural Coworking and Innovation Center Grant.

F) Compliance costs for affected persons:

There are no new compliance costs for affected persons. These changes merely update the qualifications for an applicant to receive a Rural Coworking and Innovation Center Grant.

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

Regulatory Impact Table

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

NOTICES OF PROPOSED RULES

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
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, Dan Hemmert, 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 will have no new impact on businesses. This rule filing merely establishes a minimum timeframe during which a grant recipient must allow use of a Rural Coworking and Innovation Center in order to receive grant funds.

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

Dan Hemmert, 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-4-504		
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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: 5/31/2021

10. This rule change MAY become effective on: 6/7/2021

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

Agency Authorization Information

Agency head or designee, and title:	Dan Hemmert, Executive Director	Date:	4/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R495-830	Filing No. 53387

Agency Information

1. Department:	Human Services	
Agency:	Administration	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Contact person(s):		
Name:	Phone:	Email:
Jonah Shaw	801-538-4219	jshaw@utah.gov
Thomas Dunford	801-538-4181	tdunford@utah.gov
Amanda Alkema	385-414-1767	aalkema@utah.gov

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

General Information

2. Rule or section catchline:
R495-830. Qualifications for Forensic Evaluator
3. Purpose of the new rule or reason for the change:
This rule establishes minimum qualifications for forensic evaluators providing forensic evaluations for the Department of Human Services (DHS).
4. Summary of the new rule or change:
This rule: 1) defines terms; 2) defines qualification for general forensics evaluators

that include the types of degrees required, the optional supervision available for individuals without complete credentialing, and waivers to certain requirements;
 3) defines minimum requirements for specialized forensic evaluators;
 4) requires a certification exam, initial and ongoing training, and periodic peer reviews to maintain a forensic evaluator designation; and
 5) specifies that individuals may lose their evaluator status through certain specified conduct.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

DHS does not anticipate any savings or cost to state budgets as a result of this rule. Activities associated to budgets will include a shared responsibility between DHS, the Division of Services to People with Disabilities (DSPD), the Utah State Hospital (USH), and to the Division of Substance Abuse and Mental Health (DSAMH). DSPD, DSAMH, and USH will need to maintain certification, initial and ongoing training, forensic training portal, and best practice standards, which will require both divisions to provide the designated training, and monitor completion of required training and continuing education credits. A forensic psychologist role position within DHS will need to oversee the certification and training processes and provide other forensic psychologists with mentoring and peer reviews that will be needed to maintain the certification process. All of these required support duties will be absorbed by the department and effect divisions.

B) Local governments:

There are no cost savings or increases to local governments as a result of this rule. Forensic evaluators are private citizens who contract with DHS to provided evaluations for the court system. A forensic evaluator could foreseeably be employed by a county government, but that individual's contract with DHS would be separate from duties they would perform for the county, and any cost to the individual would be attributed to them, and not their employer. There is a possibility that the required training in this rule would be associated with a cost of an evaluator's time, but this cost already exists in the current process, and is not increased or decreased as a result of this rule.

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

There are no cost savings or increases to small businesses as a result of this rule. Forensic evaluators are private citizens who contract with DHS to provided evaluations for the court system. A forensic evaluator could foreseeably be employed by a small business, but that individual's contract with DHS would be separate from other duties they would perform for their employer, and any cost to the individual would be attributed to them, and not their employer. There is a possibility that the required

training in this rule would be associated with a cost of an evaluator's time, but this cost already exists in the current process, and is not increased or decreased as a result of this rule. DHS does anticipate that some of the forensic evaluators will be private small business owners themselves, and their contracts with DHS will be a major source of their income. The same issues apply for this group of individuals as for those who work for a small business. The costs of contracting with DHS have not increased or decreased because of this rule, and the time commitment for training will not change.

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

There are no cost savings or increases to non-small businesses as a result of this rule. Forensic evaluators are private citizens who contract with DHS to provided evaluations for the court system. A forensic evaluator could foreseeably be employed by a non-small business, but that individual's contract with DHS would be separate from other duties they would perform for their employer, and any cost to the individual would be attributed to them, and not their employer. There is a possibility that the required training in this rule would be associated with a cost of an evaluator's time, but this cost already exists in the current process, and is not increased or decreased as a result of this rule.

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

There are no cost savings or increases to persons other than small businesses, non-small businesses, state, or local government entities as a result of this rule. Forensic evaluators are private citizens who contract with DHS to provided evaluations for the court system. A forensic evaluator could foreseeably be employed by persons other than small businesses, non-small businesses, state, or local government entities, but that individual's contract with DHS would be separate from other duties they would perform for the entity in question, and any cost to the individual would be attributed to them, and not their employer. There is a possibility that the required training in this rule would be associated with a cost of an evaluator's time, but this cost already exists in the current process, and is not increased or decreased as a result of this rule.

F) Compliance costs for affected persons:

DHS does not estimate any compliance costs for affected persons. Nothing in this rule will require additional costs above and beyond that which is already required for all individuals who currently contract with DHS to provide forensic evaluations. Also, the costs to pay for an evaluation will not increase. Forensic evaluations are currently paid by DSAMH, DSPD, and the USH. The costs are as follows: DSAMH evaluations cost \$600 for adult

mental illness competency evaluations, juvenile, costs paid by DSAMH, and DSPD adult evaluations cost \$662.20 plus mileage, and a higher rate for extraordinary circumstances. All of these expenses are paid to the contracted evaluators or to evaluators employed by USH, DSAMH, DSPD, or DHS.

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

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Human Services, Tracy Gruber, 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 Department does not anticipate any fiscal impacts on businesses as a result of compliance requirements in this rule.

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

Tracy Gruber, 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 77-15-6	Section 78A-6-1302	Section 77-16a-301
Subsection 77-16a-103(2)		

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: 05/31/2021

10. This rule change MAY become effective on: 06/07/2021

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

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	03/25/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	R850-80	Filing No. 53407

Agency Information

1. Department:	School and Institutional Trust Lands
Agency:	Administration
Room no.:	Suite 500

Street address:	675 E 500 S	
City, state:	Salt Lake City, UT 84102-2818	
Contact person(s):		
Name:	Phone:	Email:
Michelle McConkie	801-538-5183	meastmconkie@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R850-80. Sale of Trust Lands
3. Purpose of the new rule or reason for the change:
The repealed and reenacted rule allows for sale procedures to be updated and specifically provide for electronic auctions to be held. It also reorganizes the rule to provide that actions that affect both negotiated sales and auction sales are grouped together in a way that is easier to understand.
4. Summary of the new rule or change:
This reenacted rule allows the sale procedure to be conducted electronically, as well as orally. It updates notice requirements to remove the requirement that notices of sales be posted in governmental administrative building or courthouses. It also provides that a minimum 7.5% rate be charged when sales are financed with the School and Institutional Trust Lands Administration (Agency).

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
One of the main purposes of the repeal and reenactment of this rule is to establish an electronic bidding process for public land sales. The contractor the agency will use for the online auction charges 3% of the sales price for their services. The Agency will typically increase the minimum sales prices for the auction parcels to account for the 3%. Since the price for these services will be included in the final purchase price of each parcel and will therefore be passed on to the successful bidder of the parcel, it is not anticipated that any additional costs will be incurred by the state due to this rule change. In addition, this rule will also provide that the annual variable interest rate when sales are financed with the Agency will be the greater of prime plus 2.5% or 7.5%. The 7.5% minimum is a change set forth in the reenacted rule. This may end up increasing amounts paid by the public to the Agency for financed land sales.

B) Local governments:
The main purposes of the repeal and reenactment of this rule is to establish an electronic bidding process for public land sales and to allow for a minimum 7.5% annual variable interest rate when land sales are financed with the Agency. It is not anticipated that local governments will be affected as a result of these changes because local governments typically do not participate in land sale auctions or financed sales with the Agency.
C) Small businesses ("small business" means a business employing 1-49 persons):
The main purposes of the repeal and reenactment of this rule is to establish an electronic bidding process for public land sales and to allow for a minimum 7.5% annual variable interest rate when land sales are financed with the Agency. If a small business is the successful bidder for a parcel, then the 3% contractor charge would be passed along to that bidder. In addition, if the small business owner were to purchase a parcel of land and then finance it with the Agency, the minimum annual rate would be 7.5% (where previously it would have been prime plus 2.5% with no minimum rate). These costs are unknown since the final purchase price of a parcel will not be determined until the close of the auction. It is also unknown whether the minimum interest rate would affect such a purchaser because prime rate fluctuates frequently.
Potential auction bidders (including small businesses) may save money as a result of this rule change if they would have ordinarily paid to travel to an in-person public auction held by the Agency since these expenses would no longer be required for online bidding.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The main purposes of the repeal and reenactment of this rule is to establish an electronic bidding process for public land sales and to allow for a minimum 7.5% annual variable interest rate when land sales are financed with the agency. If a non-small business is the successful bidder for a parcel, then the 3% contractor charge would be passed along to that bidder. In addition, if the non-small business owner were to purchase a parcel of land and then finance it with the Agency, the minimum annual rate would be 7.5% (where previously it would have been prime plus 2.5% with no minimum rate). These costs are unknown since the final purchase price of a parcel will not be determined until the close of the auction. It is also unknown whether the minimum interest rate would affect such a purchaser because prime rate fluctuates frequently.
Potential bidders (including non-small businesses) may save money as a result of this rule change if they would have ordinarily paid to travel to an in-person public auction held by the Agency since these expenses would no longer be required for online bidding.

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

The main purposes of the repeal and reenactment of this rule is to establish an electronic bidding process for public land sales and to allow for a minimum 7.5% annual variable interest rate when land sales are financed with the agency. If a person other than a small business, non-small business, state, or local government entity is the successful bidder for a parcel, then the 3% contractor charge would be passed along to that bidder. In addition, if this person were to purchase a parcel of land and then finance it with the Agency, the minimum annual rate would be 7.5% (where previously it would have been prime plus 2.5% with no minimum rate). These costs are unknown since the final purchase price of a parcel will not be determined until the close of the auction. It is also unknown whether the minimum interest rate would affect such a purchaser because prime rate fluctuates frequently.

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

F) Compliance costs for affected persons:

The main purposes of the repeal and reenactment of these rules are to establish an electronic bidding process for public land sales and to allow for a minimum 7.5% annual variable interest rate when land sales are financed with the agency. No compliance costs will be charged by the contractor providing the electronic auction service or will be incurred by the Agency. No compliance charges are associated with the minimum 7.5% annual interest rate.

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

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

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

H) Department head approval of regulatory impact analysis:

The Director of Department of School and Institutional Trust Lands Administration, David Ure, 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 intent of this rule is to provide another mechanism for offering trust lands for sale to the private sector. As such, no adverse fiscal impact for business is anticipated.

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

David Ure, Director

Citation Information

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):

28 Stat. 107-112, Utah Enabling Act of 1894, Sections 6, 8, 10, 12	Subsection 53C-2-201(1)(a)	Section 53C-4-202(6)
Article X	Article XX	Section 63G-2-305
Section 53C-1-302(1)(a)(ii)	Section 53C-4-102	Section 53C-4-101(1)

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. 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:	05/31/2021
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10. This rule change MAY become effective on:	06/07/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the

date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	David Ure, Director	Date:	04/13/2021
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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.):	R661-24	Filing No. 53391

Agency Information

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

General Information

2. Rule or section catchline:
R661-24. Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program
3. Effective Date:
04/08/2021

4. Purpose of the new rule or reason for the change:
The reason for this new rule is to reinstate an expired rule (R661-6).
5. Summary of the new rule or change:
The objective of the Program is to assist San Juan County, Utah, Navajo college students with scholarships by matching other college financial assistance or funding sources. These requirements and guidelines already existed under Rule R661-6 so there will be no major changes due to this new rule.
6. Regular rulemaking would:
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.
Specific reason and justification:
The Utah Navajo Trust fund continually awards financial assistance to college students. Without this funding, most students would not be able to afford college, which would affect their general welfare. By implementing this emergency rule, it would allow college students to continue receiving their scholarships.

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
All requirements listed in Rule R661-24 previously existed under Rule R661-6. The rule text remains the same. Since the content of this rule has not changed, there will be no fiscal impact to the state budget with this new rule.
B) Local governments:
All requirements listed in Rule R661-24 previously existed under Rule R661-6. The rule text remains the same. Since the content of this rule has not changed, there will be no fiscal impact to local governments with this new rule.
C) Small businesses ("small business" means a business employing 1-49 persons):
All requirements listed in Rule R661-24 previously existed under Rule R661-6. The rule text remains the same. Since the content of this rule has not changed, there will be no costs or savings to small businesses with this new rule.
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):
All requirements listed in Rule R661-24 previously existed under Rule R661-6. The rule text remains the same. Since the content of this rule has not changed, there will be no fiscal impact on persons, non-small businesses, state or local government entities with this new rule.
8. Compliance costs for affected persons:
All requirements listed in Rule R661-24 previously existed under Rule R661-6. The rule text remains the same. Since the content of this rule has not changed, there will be no compliance costs for affected persons with this new rule.
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:
No new fiscal impact will result under this proposed rule because the text remains the same as Rule R661-6.
B) Name and title of department head commenting on the fiscal impacts:
Tony Dayish, Administrator

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):
Title 51, Chapter 10

Agency Authorization Information

Agency head or designee, and title:	Maury Bergman, Finance Manager	Date:	04/08/2021
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R661-25	Filing No. 53392
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Agency Information

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

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

General Information

2. Rule or section catchline:
R661-25. Utah Navajo Trust Fund Housing Projects Policy
3. Effective Date:
04/08/2021
4. Purpose of the new rule or reason for the change:
The reason for this new rule is to reinstate an expired rule (R661-7).

5. Summary of the new rule or change:	
The objective of this policy is to provide housing assistance to San Juan County, Utah Navajos. These requirements and guidelines already existed under Rule R661-7 so there will be no major changes due to this new rule.	
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
	place the agency in violation of federal or state law.
Specific reason and justification:	
The Utah Navajo Trust fund continually assists Utah Navajos by building suitable housing for them. Without this funding, many Navajos would not be able to afford a place to live, which would affect their general welfare. By implementing this emergency rule, it would allow the Trust Fund to continue providing funding for apposite housing.	

Fiscal Information

7. Aggregate anticipated cost or savings to:	
A) State budget:	
All requirements listed in Rule R661-25 previously existed under Rule R661-7. The rule text remains the same. Since the content of this rule has not changed, there will be no fiscal impact to the state budget with this new rule.	
B) Local governments:	
All requirements listed in Rule R661-25 previously existed under Rule R661-7. The rule text remains the same. Since the content of this rule has not changed, there will be no fiscal impact to local governments with this new rule.	
C) Small businesses ("small business" means a business employing 1-49 persons):	
All requirements listed in Rule R661-25 previously existed under Rule R661-7. The rule text remains the same. Since the content of this rule has not changed, there will be no fiscal impact to small businesses with this new rule.	

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):	
All requirements listed in Rule R661-25 previously existed under Rule R661-7. The rule text remains the same. Since the content of this rule has not changed, there will be no fiscal impact to other persons, non-small businesses, state or local government entities with this new rule.	
8. Compliance costs for affected persons:	
All requirements listed in Rule R661-25 previously existed under Rule R661-7. The rule text remains the same. Since the content of this rule has not changed, there will be no compliance costs for affected persons with this new rule.	
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:	
No new fiscal impact will result under this proposed rule because the text remains the same as R661-7.	
B) Name and title of department head commenting on the fiscal impacts:	
Tony Dayish, Administrator	

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):		
Title 51, Chapter 10		

Agency Authorization Information

Agency head or designee, and title:	Maury Bergman, Finance Manager	Date:	04/08/21
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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.):	R174-1	Filing No. 50340

Agency Information

1. Department:	Communications Authority Board (Utah)	
Agency:	Administration	
Street address:	5215 Wiley Post Way, Suite 550	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Quinton Stephens	801-641-0547	qstephens@uca911.org
David Edmunds	435-640-8117	dedmunds@uca911.org
Nathan Marigoni	801-531-3022	marigonin@ballardspahr.com
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R174-1. Utah 911 Advisory Committee

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 63H-7a-204(12) authorized the Communications Authority Board (Authority) to "provide for the management and administration of the public safety communications network by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act." Subsection 63H-7a-302(5) requires the 911 Division to recommend to the board rules that "establish the criteria, standards, technology, and equipment that a public safety answering point is required to adopt in order to qualify as a recipient of goods or services that are funded from the restricted account."

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

No written comments were received.

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

The Authority requires this rule to be continued to allow the Authority to revise and update this rule to account for new legislation affecting the Authority's operations, including the criteria for usage of funds from restricted accounts. No comments have been received in opposition to this rule.

Agency Authorization Information

Agency head or designee, and title:	David Edmunds, Executive Director	Date:	04/14/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-116	Filing No. 53246

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state, zip:	Salt Lake City, UT 84111	
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 catchline:
R277-116. Audit Procedure
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by: a) Utah Constitution, Article X, Section 3, which vests general control and supervision of public education in the Board; b) Subsection 63I-5-201(4) which requires the State Board of Education (Board) to direct the establishment of an internal audit department for programs administered by the entities it governs; c) Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; d) Subsection 53E-3-501(1)(e) which directs the Board to develop rules and minimum standards regarding school productivity and cost effectiveness measures, school budget formats, and financial, statistical, and student accounting requirements for the local school districts; e) Section 53E-3-602 which allows the Board to approve auditing standards for school boards; f) Section 53E-3-603 which makes the Board responsible for verifying audits of local school districts; g) Subsection 53F-2-204(2) which directs the Board to assess the progress and effectiveness of all programs funded under the State System of Public Education; and h) Subsection 53E-3-401(9) which gives the Board authority to audit the use of state funds by an education entity that receives state funds as a distribution from the Board.

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

There were no written comments received.

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

This rule continues to be necessary because it outlines the role of the Chief Audit Executive, Superintendent, and agency in the audit process and outlines the Board's procedures for audits of agencies. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	04/14/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R277-750	Filing No. 53029
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state, zip:	Salt Lake City, UT 84111	
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 catchline:
R277-750. Education Programs for Students with Disabilities
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by: a) Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; b) Subsection 53E-3-

501(1) which directs the State Board of Education (Board) to adopt rules regarding services for persons with disabilities; c) Title 53E, Chapter 7, Part 2, Education of Children with Disabilities, which requires the Board to adopt rules regarding educational services to students with disabilities; and d) Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

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

There were no written comments received.

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

This rule continues to be necessary because it specifies standards and procedures for special education programs. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	04/14/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R307-210	Filing No. 52597

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:	Fourth Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state, zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-210. Standards of Performance for New Stationary Sources

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

Rule R307-210 was enacted under the authority of Subsection 19-2-104(1)(a). Section 19-2-104 gives the Utah Air Quality Board the power to make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source."

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

No comments were received by interested persons supporting or opposing Rule R307-210.

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 Environmental Protection Agency (EPA) has delegated authority to "develop and submit" procedures for "implementing and enforcing standards of performance for new sources located in such State", as per 42. U.S.C. Subsection 7411(c). Rule R307-210 is a part of those procedures. The Division of Air Quality believes it is in the best interest to remain in control of implementing and enforcing standards of performance for new sources. Therefore, Rule R307-210 should be continued.

Agency Authorization Information

Agency head or designee, and title:	Bryce C. Bird, Division Director	Date:	03/22/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R313-12	Filing No. 50716

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Radiation	
Room no.:	Second Floor	
Building:	MASOB	

Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R313-12. General Provisions
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 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. The subsection also allows the Board to make rules as necessary regarding the possession, use, transfer, or delivery of source and byproduct material and the disposal of byproduct material. As part of the state primacy of the radiation control program, the definitions and other general provisions in Rule R313-12 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it lays the foundation for establishing radiation safety and protection and, as an Agreement State, maintains the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.
There have been no opposing comments to this rule since the last five-year review in 2016.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	04/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R313-14	Filing No. 50720
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Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Radiation	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone: Email:	
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R313-14. Violations and Escalated Enforcement
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 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. Section 19-3-109 allows the director to assess penalties and allows persons who violate provisions of this rule to appeal a penalty. Section 19-3-111 allows the director to impound radioactive material. Section 19-3-108.1 allows the director to issue orders, enforce orders, and institute judicial proceedings in connection with rules adopted by the Board. Rule R313-14 contains the rules adopted by the Board and as part of the state primacy of the radiation control program. The rules in Rule R313-14 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.

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

Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing this rule.

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

This rule is necessary because it establishes actions that may be taken for noncompliance with existing radiation control laws and rules and, as an Agreement State, maintains the appropriate regulatory compatibility with the NRC. This includes setting violation severity levels, enforcement sanctions, and assessment of civil penalties. Therefore, this rule should be continued.

There have been no opposing comments to this rule since the last five-year review in 2016.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	04/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R313-16	Filing No. 52562
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Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Radiation	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

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

General Information

2. Rule catchline:

R313-16. General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines

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 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. Section 19-3-104 also allows the Division of Waste Management and Radiation Control to require registration or licensing of radiation sources that constitute a significant health hazard and requires all sources of ionizing radiation to be registered or licensed. This section also allows the Board to make rules regarding the use radiation sources. Section 19-3-108.1 allows the director to authorize inspections. Rule R313-16 contains the rules adopted by the Board and as part of the state primacy of the radiation control program. The rules in Rule R313-16 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.

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

Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing this rule.

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

This rule is necessary because it prescribes requirements governing the installation, registration, inspection, and use of sources of electronically produced ionizing radiation to protect human health and the environment. The prolific use of such machines is not only very common among the healing arts professions for critical diagnostic and therapeutic applications, but they also provide key functions in veterinarian, academic, industrial, and other professional applications. Therefore, this rule should be continued.

There have been no opposing comments to this rule since the last five-year review in 2016.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	04/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R313-17	Filing No. 50712
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Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Radiation	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

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

General Information

2. Rule catchline:
R313-17. Administrative Procedures
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 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. Sections 19-1-301 and 19-1-301.5 govern adjudicative proceedings and the actions that may be taken by the Department of Environmental Quality and its boards. Rule R313-17 contains the rules adopted by the Board and as part of the state primacy of the radiation control program. The rules in Rule R313-17 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.

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

Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing this rule.

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

This rule is necessary because it establishes the requirements for conducting public hearings for various radioactive materials licensing actions and for conducting adjudicative proceedings. As an Agreement State, this rule is necessary for maintaining the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

There have been no opposing comments to this rule since the last five-year review in 2016.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	04/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R313-18	Filing No. 50726
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Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Radiation	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

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

General Information

2. Rule catchline:	
R313-18. Notices, Instructions and Reports to Workers by Licensees or Registrants--Inspections	
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 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. Sections 19-6-107 and 19-6-109 authorize the Director of the Division of Waste Management and Radiation Control (Division) to authorize employees or representatives of the Department of Environmental Quality to conducted inspections. Rule R313-18 contains the rules adopted by the Board and as part of the state primacy of the radiation control program. The rules in Rule R313-18 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing this rule.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary because it specifies the training and notification requirements by employers for workers that use radioactive materials. This rule also provides the basis for worker protection and safety requirements and inspections by the Division. As an Agreement State, this rule is necessary for maintaining the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.	
There have been no opposing comments to this rule since the last five-year review in 2016.	

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	04/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R313-19	Filing No. 52300

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Radiation	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:	
R313-19. Requirements of General Applicability to Licensing of Radioactive Material	
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 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. Rule R313-19 contains the rules adopted by the Board and as part of the state primacy of the radiation control program. The rules in Rule R313-19 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing this rule.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary because it prescribes requirements governing the licensing of radioactive material. This rule is also necessary to ensure that the state's rules are adequate to protect public health and safety. This rule identifies certain concentrations or quantities of radioactive material, provides for reciprocal recognition of out-of-state licenses, and identifies terms and conditions	

of licenses. As an Agreement State, this rule is necessary for maintaining the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

There have been no opposing comments to this rule since the last five-year review in 2016.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	04/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R313-22	Filing No. 50717

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Radiation	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R313-22. Specific Licenses
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 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. Rule R313-22 contains the rules adopted by the Board and as part of the state primacy of the radiation control program.

The rules in Rule R313-22 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.

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

Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing this rule.

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

This rule is necessary because it prescribes requirements for the issuance of "specific licenses" for control of radioactive material. This rule is also necessary to ensure that the state's rules are adequate to protect public health and safety. This rule prescribes procedures for filing an application, assuring financial surety for decommissioning facilities where radioactive materials are used, and requirements for "specific licenses" of broad scope. As an Agreement State, this rule is necessary for maintaining the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

There have been no opposing comments to this rule since the last five-year review in 2016.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	04/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R313-25	Filing No. 50725

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Radiation
Room no.:	Second Floor
Building:	MASOB
Street address:	195 N 1950 W
City, state, zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144880
City, state, zip:	Salt Lake City, UT 84114-4880

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

General Information

2. Rule catchline:
R313-25. License Requirements for Land Disposal of Radioactive Waste - General Provisions

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 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. Rule R313-25 contains the rules adopted by the Board and as part of the state primacy of the radiation control program. The rules in Rule R313-25 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.

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

Since the last five-year review, the Division of Waste Management and Radiation Control (Division) has received comments related to Rule R313-25. In October of 2016, an entity submitted a petition to initiate rulemaking requesting that Rule R313-25 be repealed and reenacted by adopting 10 CFR Part 61 by reference in its place. In December of 2016, the entity rescinded its petition.

Following the publication of the notice of continuation associated with the last five-year review of Rule R313-25, an entity submitted comments requesting wording changes to Subsection R313-25-31(10)(a) so that this rule would only apply to above-ground structures and the deletion of Subsection R313-25-31.5(3) because they did not believe that legislation did not support the existence of this rule. These same comments were re-submitted in November of 2017 during the public comment period for a proposed amendment to Rule R313-25.

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 necessary because it establishes the procedures, criteria, and terms and conditions upon which a license may be issued for the land disposal of radioactive wastes. It is necessary to continue this rule because of

the presence of an active low-level radioactive waste disposal facility in the . As an Agreement State, this rule is necessary for maintaining the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

In response to the comment suggesting wording changes to Subsection R313-25-31(10)(a), the Division stated that the language in this rule was taken verbatim from legislation, and thus making the suggested changes would require legislative action.

In response to the comment to delete Subsection R313-25-31.5(3), the Division responded by making the deletion.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	04/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R313-28	Filing No. 50724
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Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Radiation
Room no.:	Second Floor
Building:	MASOB
Street address:	195 N 1950 W
City, state, zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144880
City, state, zip:	Salt Lake City, UT 84114-4880

Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

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

General Information

2. Rule catchline:
R313-28. Use of X-Rays in the Healing Arts

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 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. Rule R313-28 contains the rules adopted by the Board and as part of the state primacy of the radiation control program. The rules in Rule R313-28 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.

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

Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing this rule.

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

This rule is necessary because it prescribes the requirement for the use of X-rays in the healing arts to protect human health. This rule establishes X-ray machine parameters for limiting the size of the X-ray beam, controlling radiation exposure, maintaining accuracy and linearity, and defining performance of mammography X-ray systems. Therefore, this rule should be continued.

There have been no opposing comments to this rule since the last five-year review in 2016.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	04/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R313-32	Filing No. 50722

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Radiation
Room no.:	Second Floor
Building:	MASOB
Street address:	195 N 1950 W
City, state, zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144880
City, state, zip:	Salt Lake City, UT 84114-4880

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

General Information

2. Rule catchline:
R313-32. Medical Use of Radioactive Material

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 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. Rule R313-32 contains the rules adopted by the Board and as part of the state primacy of the radiation control program. The rules in Rule R313-32 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.

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

Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing this rule.

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

This rule is necessary because it establishes the requirements for medical use of radiation and radioactive material. This rule is necessary to ensure that the state's rules are adequate to protect public health and safety, and to meet compatibility requirements of the U.S. NRC's program. This rule provides protection of public health by regulating the internal and external administration of radioactive material to humans. This rule also establishes training requirements for individuals who are authorized to use radioactive material in the practice of medicine. Therefore, this rule should be continued.

There have been no opposing comments to this rule since the last five-year review in 2016.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	04/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R313-36	Filing No. 52331

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Radiation	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R313-36. Special Requirements for Industrial Radiographic Operations
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 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. Rule R313-36 contains the rules adopted by the Board and as part of the state primacy of the radiation control program. The rules in Rule R313-36 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations .
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it establishes the radiation safety requirements for person who use radioactive material to examine the macroscopic structure of materials. This rule is also necessary to ensure that the states rules are adequate to protect public health and safety. This rule establishes the training criteria a person must meet to utilize a radiographic exposure device in an industrial setting. As an Agreement State, this rule is necessary for maintaining the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.
There have been no opposing comments to this rule since the last five-year review in 2016.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	04/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R313-70	Filing No. 50729

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Radiation	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R313-70. Payments, Categories and Types of Fees

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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 19-3-104(6) requires the Division of Waste Management and Radiation Control (Division) to assess fees for registration, licensing, and inspection of radiation sources. It also requires the Division to comply with the requirements of Section 63J-1-504 in assessing fees for licensure and registration.

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

Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing this rule.

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

This rule is necessary because it establishes the requirements for payment of fees for the registration or licensing of sources of radiation. This rule identifies registration or license categories, the time period that a license is valid, and the type of fees the Division has established pursuant to Section 63J-1-504. Therefore, this rule should be continued.

There have been no opposing comments to this rule since the last five-year review in 2016.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	04/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R525-8	Filing No. 51276
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Agency Information

1. Department:	Human Services
Agency:	Substance Abuse and Mental Health, State Hospital
Room no.:	Second Floor
Building:	Multi Agency State Office Building
Street address:	195 N 1950 W
City, state, zip:	Salt Lake City, UT 84116

Contact person(s):

Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov

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

General Information

2. Rule catchline:

R525-8. Forensic Mental Health 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:

This rule was established to explain the criteria for admission to beds for the Forensic Mental Health Facility at the Utah State Hospital as granted under Subsection 62A-15-105(5) and required under Subsection 62A-15-902(2)(c).

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

No comments relating to this rule have been received over the past five years.

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

This rule should be continued because it is required by Subsection 62A-15-902(2)(c).

The Division of Substance Abuse and Mental Health is considering a nonsubstantive change to this rule to correct grammar in the near future.

Agency Authorization Information

Agency head or designee, and title:	Nate Checketts, Deputy Director	Date:	04/05/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R765-608	Filing No. 51991
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Agency Information

1. Department:	Regents (Board of)	
Agency:	Administration	
Building:	Gateway Tower II	
Street address:	60 S 400 W	
City, state, zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Ashley Reyes	801-321-7211	areyes@uheaa.org
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R765-608. Utah Engineering and Computer Science Scholarship Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 53B, Chapter 6, Section 105.7, Initiative student scholarship program, establishes an engineering,

computer science, and related technology scholarship program for which the Board of Regents may make rules for the overall administration of the scholarship program in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

No written comments were received.

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

This program has been eliminated by the legislature. This rule is being continued to keep it place so it can be repealed through the regular rulemaking process.

Agency Authorization Information

Agency head or designee, and title:	Ashley Reyes, Manager of Student Aid, Research, and Policy	Date:	04/13/2021
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Agriculture and Food

Horse Racing Commission (Utah)
No. 53286 (Amendment) R52-7: Horse Racing
Published: 02/15/2021
Effective: 04/12/2021

Animal Industry

No. 53299 (Amendment) R58-11: Slaughter of Livestock and Poultry
Published: 02/15/2021
Effective: 04/12/2021

Plant Industry

No. 53328 (New Rule) R68-11: Quarantine Pertaining to the Emerald Ash Borer
Published: 03/15/2021
Effective: 04/23/2021

No. 53258 (Amendment) R68-24: Industrial Hemp License for Growers
Published: 01/15/2021
Effective: 04/12/2021

Regulatory Services

No. 52663 (New Rule) R70-580: Kratom Product Registration and Labeling
Published: 05/01/2020
Effective: 04/02/2021

No. 52663 (First Change in Proposed Rule) R70-580: Kratom Product Registration and Labeling
Published: 06/15/2020
Effective: 04/02/2021

No. 52663 (Second Change in Proposed Rule) R70-580: Kratom Product Registration and Labeling
Published: 10/15/2020
Effective: 04/02/2021

No. 52663 (Third Change in Proposed Rule) R70-580: Kratom Product Registration and Labeling
Published: 12/15/2020
Effective: 04/02/2021

No. 52663 (Fourth Change in Proposed Rule) R70-580: Kratom Product Registration and Labeling
Published: 03/01/2021
Effective: 04/02/2021

Commerce

Occupational and Professional Licensing
No. 53315 (Amendment) R156-76: Professional Geologist Licensing Act Rule
Published: 03/01/2021
Effective: 04/08/2021

Education

Administration
No. 53316 (New Rule) R277-102: Adjudicative Proceedings
Published: 03/01/2021
Effective: 04/08/2021

No. 53317 (Amendment) R277-215: Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions
Published: 03/01/2021
Effective: 04/08/2021

No. 53318 (Amendment) R277-216: Surrender of License with UPPAC Investigation Pending
Published: 03/01/2021
Effective: 04/08/2021

NOTICES OF RULE EFFECTIVE DATES

No. 53319 (Amendment) R277-217: Educator Standards and LEA Reporting
Published: 03/01/2021
Effective: 04/08/2021

No. 53320 (Amendment) R277-303: Educator Preparation Programs
Published: 03/01/2021
Effective: 04/08/2021

No. 53321 (Amendment) R277-308: New Educator Induction and Mentoring
Published: 03/01/2021
Effective: 04/08/2021

No. 53322 (Amendment) R277-461: Elementary School Counselor Grant Program
Published: 03/01/2021
Effective: 04/08/2021

No. 53323 (Amendment) R277-484: Data Standards
Published: 03/01/2021
Effective: 04/08/2021

No. 53325 (Amendment) R277-490: Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)
Published: 03/01/2021
Effective: 04/08/2021

No. 53324 (Repeal) R277-505: Education Leadership License Areas of Concentration and Programs
Published: 03/01/2021
Effective: 04/08/2021

No. 53326 (Repeal) R277-506: School Psychologists, School Social Workers, School Counselors, Communication Disorders (Audiologists), Speech-Language Pathologists, and Speech-Language Technicians Licenses and Programs
Published: 03/01/2021
Effective: 04/08/2021

No. 53228 (Amendment) R277-622: School-based Mental Health Qualified Grant Program.
Published: 12/15/2020
Effective: 04/01/2021

No. 53327 (Amendment) R277-716: Alternative Language Services for Utah Students
Published: 03/01/2021
Effective: 04/08/2021

Environmental Quality

Drinking Water

No. 53234 (Repeal and Reenact) R309-405: Compliance and Enforcement: Administrative Penalty
Published: 02/01/2021
Effective: 04/23/2021

Water Quality

No. 53240 (Amendment) R317-8: Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs)
Published: 01/01/2021
Effective: 04/15/2021

No. 53240 (Change in Proposed Rule) R317-8: Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs)
Published: 03/15/2021
Effective: 04/15/2021

No. 53244 (Amendment) R317-8: Utah Pollutant Discharge Elimination System (UPDES)
Published: 01/01/2021
Effective: 04/15/2021

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 53099 (New Rule) R414-12: Laboratory Services
Published: 10/15/2020
Effective: 05/01/2021

No. 53099 (Change in Proposed Rule) R414-12: Laboratory Services
Published: 03/15/2021
Effective: 05/01/2021

Heritage and Arts

Administration

No. 53216 (New Rule) R450-5: Utah Martin Luther King Jr. Human Rights Commission
Published: 12/15/2020
Effective: 04/05/2021

History

No. 53291 (New Rule) R455-16: Cultural Site Stewardship Program Vandalism Volunteer Selection, Training, and Certification Procedures
Published: 02/15/2021
Effective: 04/05/2021

No. 53298 (New Rule) R455-17: Cultural Site Stewardship Program Vandalism Reporting Procedures
Published: 02/15/2021
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Pardons (Board of)

Administration

No. 53263 (Amendment) R671-302: News Media and Public Access to Hearings
Published: 01/15/2021
Effective: 04/26/2021

Workforce Services

Employment Development
No. 53330 (Amendment) R986-700: Unearned Income,
Pandemic
Published: 03/15/2021
Effective: 04/22/2021

Unemployment Insurance
No. 53336 (Amendment) R994-302-102: Due Dates for
Contribution Payments
Published: 03/15/2021
Effective: 04/22/2021

No. 53337 (Amendment) R994-302-103: Employer
Contribution Payments
Published: 03/15/2021
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No. 53338 (Amendment) R994-302-104: Due Dates for
Filing Contribution and Equivalent Reports
Published: 03/15/2021
Effective: 04/22/2021

End of the Notices of Rule Effective Dates Section