

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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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 2022-06

Prohibiting the Use of TikTok by State Agencies and on State-owned Electronic Devices

WHEREAS, the social media application TikTok has over 100 million users in the United States;

WHEREAS, TikTok is owned and operated by ByteDance, a company headquartered in China;

WHEREAS, Chinese national security laws allow the Chinese government to compel companies headquartered in China to provide it with data, which may include the personal data, intellectual property, or proprietary information of users in the United States and Utah;

WHEREAS, ByteDance collects TikTok user data, including non-public personal information and potentially including user location information;

WHEREAS, ByteDance has acknowledged that its China-based employees have access to user data;

WHEREAS, ByteDance has refused to cut off user data flows to China or China-based employees;

WHEREAS, FBI Director Christopher Wray has noted TikTok poses national security concerns, including the possibility that the Chinese government uses TikTok to control data collection, influence TikTok's recommendation algorithm, or compromise personal devices;

WHEREAS, the Federal Communications Commission chair and United States Senators from both sides of the aisle have called for a TikTok ban due to security risks;

WHEREAS, the use of TikTok on State-owned electronic devices may enable the Chinese government to obtain confidential, private, or other data from Utah agencies or employees;

NOW, THEREFORE, I, Spencer J. Cox, governor of the state of Utah, by the authority vested in me by the Constitution and laws of this state, hereby order the following:

1. **Application.**

a. This executive order applies to all state executive branch agencies.

2. **Definitions.** As used in this order:

a. "Agency"

i. includes:

1. a department, division, office, bureau, or other organization within the state executive branch, including the State Tax Commission, the National Guard, and the Board of Pardons and Parole; and

EXECUTIVE DOCUMENTS

ii. does not include:

1. an institution of higher education;
2. the Utah Board of Higher Education;
3. the State Board of Education;
4. an independent entity as defined in Utah Code § 63E-1-102;
5. the Attorney General's Office;
6. the State Auditor's Office;
7. the State Treasurer's Office;
8. the Legislative Branch; or
9. the Judicial Branch.

b. "State-owned electronic device" includes a state-owned mobile phone, desktop computer, laptop computer, tablet, or other electronic device.

3. Specific Requirements

a. Agencies and Contractors of Agencies

i. An agency or agency employee may not, on any State-owned electronic device, download or use the TikTok application or visit any TikTok website.

ii. An agency may not sponsor content on TikTok or maintain an agency-branded or agency-sponsored TikTok account.

iii. A person or entity contracted with an agency may not, on any State-owned electronic device, download or use the TikTok application or visit any TikTok website.

iv. The head of an agency:

1. shall implement this order; and

2. may grant exceptions to the prohibitions established in this Executive Order to enable administrative, civil, and criminal law enforcement investigations.

b. Department of Government Operations

i. The Department of Government Operations shall:

1. investigate any additional vulnerabilities TikTok presents to state networks or infrastructure;

2. make recommendations to the governor and agencies to address any identified vulnerabilities; and

3. take other actions necessary to implement this order.

THIS ORDER is effective immediately and shall remain in effect until otherwise modified, amended, rescinded, or superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 12th day of December, 2022.

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

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 November 16, 2022, 12:00 a.m., and December 01, 2022, 11:59 p.m. are included in this, the December 15, 2022, 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 January 17, 2023. 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 April 14, 2023, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R70-580	Filing ID: 55105

Agency Information

1. Department:	Agriculture and Food	
Agency:	Regulatory Services	
Building:	TSOB, South Bldg. Floor 2	
Street address:	4315 S 2700 W	
City, state, and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO BOX 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R70-580. Kratom Product Registration and Labeling
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Department of Agriculture and Food (Department) would like to make changes based on feedback from the kratom industry to clarify this rule and lessen burdensome or unnecessary requirements.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
In Section R70-580-3, language is added to clarify the liability of a kratom product registrant and remove the limitation related to changing alkaloid content in a kratom product because it is redundant to limitations already in the statute.
In Section R70-580-4, the limitation on having more than one DBA is removed.

In Section R70-580-6, some references to CFR labeling requirements are removed in favor of referencing Utah law and other clarifications are added.
Finally, in Section R70-580-10 the definition of adulterated is expanded concerning a product violation.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
These changes are clarifying in nature and should not impact the cost of the Department's administration of the program.
B) Local governments:
Local governments should not be impacted because they do not participate in the kratom program.
C) Small businesses ("small business" means a business employing 1-49 persons):
Small businesses should not be impacted because the costs of complying with the program requirements will not materially change. The changes are generally clarifications only.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Non-small businesses should not be impacted because the costs of complying with the program requirements will not materially change. The changes are generally clarifications only.
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>):
A person should not be impacted because the costs of complying with the program requirements will not materially change. The changes are generally clarifications only.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
Compliance costs for affected persons will not change. The fees charged by the Department to participate in the kratom program will remain the same.
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 the narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Agriculture and Food, Craig W. Buttars, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 4-45-107		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/17/2023

9. This rule change MAY become effective on:	01/24/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Craig W. Buttars, Commissioner	Date:	10/20/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Rule or Section Number:	R70-620	Filing ID: 55106

Agency Information

1. Department:	Agriculture and Food	
Agency:	Regulatory Services	
Building:	TSOB, South Bldg. Floor 2	
Street address:	4315 S 2700 W	
City, state, and zip:	Taylorsville UT 84129-2128	
Mailing address:	PO BOX 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R70-620. Enrichment of Flour and Cereal Products
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Changes are needed to make the rule text more consistent with the requirements of the Utah Rulewriting Manual, as well as update the adoption of federal regulations.

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

The rule text has been updated to address formatting issues, provide clarity, and ensure the requirements of the Utah Rulewriting Manual are met, as well as adopt the standards in the 21 CFR Parts 137 and 139. This rule establishes enrichment standards and labeling requirements for flour and cereal products.

Fiscal Information

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

A) State budget:

The changes are clarifying and adopting federal regulations and will not impact the operation of the program and therefore will not have a fiscal impact on the state.

B) Local governments:

Local governments do not administer the program, are not regulated under the program, and will not be impacted.

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

Small businesses do not administer the program, are not regulated under the program, and will not be impacted.

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

There should be no fiscal impact on non-small businesses because the changes are clarifying existing practices and the operation of the program will not change.

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 should be no fiscal impact on other persons because the changes are clarifying existing practices and the operation of the program will not change.

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

There should be no change in compliance costs for affected persons because compliance requirements are not changing.

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 the narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

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

Section 4-5-104		
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	21 CFR Part 137, Cereal Flours and Related Products
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Publisher	Code of Federal Regulations
Issue Date	5/3/2022
Issue or Version	2022

B) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	21 CFR Part 139, Macaroni and Noodle Products
Publisher	Code of Federal Regulations
Issue Date	5/3/2022
Issue or Version	2022

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/17/2023

9. This rule change MAY become effective on:	01/24/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Craig W. Buttars, Commissioner	Date:	10/28/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R70-930	Filing ID:	55053
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Agency Information

1. Department:	Agriculture and Food
Agency:	Regulatory Services
Building:	TSOB, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state and zip:	Taylorsville, UT 84129-2128
Mailing address:	PO BOX 146500
City, state and zip:	Salt Lake City, UT 84114-6500

Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R70-930. Method of Sale of Commodities
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Changes are needed to make the rule text more consistent with the requirements of the Utah Rulewriting Manual, as well as update the adoption of federal regulations.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule text has been updated to address formatting issues, provide clarity, and ensure the requirements of the Utah Rulewriting Manual are met, as well as adopt the 2022 version of the Uniform Regulation for the Method of Sale of Commodities as published in the National Institute of Standards and Technology (NIST) Handbook 130.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The changes clarify information and adopt updated federal standards and will not impact the operation of the program and will not have a fiscal impact on the state.
B) Local governments:
Local governments do not administer the program, are not regulated under the program, and will not be impacted.
C) Small businesses ("small business" means a business employing 1-49 persons):
There should be no fiscal impact on small businesses because the changes are clarifying existing practices and the operation of the program will not change.

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

There should be no fiscal impact on non-small businesses because the changes are clarifying existing practices and the operation of the program will not change.

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 should be no fiscal impact on other persons because the changes are clarifying existing practices and the operation of the program will not change.

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

There should be no change in compliance costs for affected persons because compliance requirements are not changing.

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 the narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

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

Section 4-9-103		
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	The Uniform Regulation for the Method of Sale of Commodities Handbook 130
Publisher	The National Institute of Standards and Technology (NIST)
Issue Date	January 1, 2022
Issue or Version	2022 version

Public Notice Information

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

A) Comments will be accepted until:	01/17/2023
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9. This rule change MAY become effective on: 01/24/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Craig W. Buttars, Commissioner	Date:	11/08/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R156-31b	Filing ID: 55111

Agency Information

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

General Information

2. Rule or section catchline:
R156-31b. Nurse Practice Act Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Division of Professional Licensing (Division) in collaboration with the Board of Nursing and the Nursing Advisory Peer Education Committee is filing these proposed amendments to clarify and update the rule, implement certain requirements in accordance with statutory changes made by H.B. 389, H.B. 384, and S.B. 101 passed in the 2022 General Session, and reduce barriers to licensure under Executive Order No. 2021-1.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendments to Section R156-31b-102 define the "Certificate of Academic Status" to be completed by an applicant for a registered nurse apprentice license, and clarify the definition of an "Individualized Healthcare Plan".
The amendments to Section R156-31b-301a (renumbered to R156-31b-302b) remove barriers to licensure for an LPN who has not practiced as a nurse in any jurisdiction for eight or more years, by allowing the applicant the option of completing an approved re-entry program and passing the NCLEX-PN within 60 days of application, instead of

completing all of the requirements for an applicant who has never held an LPN license.

New Section R156-31b-302c further defines the Registered Nurse Apprentice licensure process under statutory changes made by SB 101 in the 2022 General Session by: 1) requiring the student applicant to submit evidence of their qualifications under Subsections 58-31b-302(3)(e) through (f) by causing the program in which the applicant is enrolled to submit a Certificate of Academic Status directly to the Division; and 2) clarifying that the program has the sole discretion whether or not to submit a Certificate on behalf of its student.

The amendments to Section R156-31b-301b (renumbered to R156-31b-302d) remove barriers to licensure for an RN who has not practiced as a nurse in any jurisdiction for eight or more years, by allowing the applicant the option of completing an approved re-entry program and passing the NCLEX-RN within 60 days of application, instead of completing all of the requirements for an applicant who has never held an RN license.

The amendments to Section R156-31b-301d (renumbered to R156-31b-302f) remove an incorrect reference to the CGFNS Certification Program Verification Letter because this option is not available for an LPN.

The amendments to Section R156-31b-402 (renumbered to R156-31b-501): 1) update the table formatting; and 2) update the fine schedule to add fines for (a) violations of new Sections 58-1-510 and R156-31b-703b regarding anesthesia and sedation in accordance with H.B. 384 (2022); and (b) failing to comply with the American Nurses Association Code of Ethics for Nurses in violation of Subsection R156-31b-703a(20).

In accordance with Section 58-31b-601 as amended by H.B. 389 (2022), the amendments to Sections R156-31b-602 (renumbered to R156-31b-601) and R156-31b-603 update the requirements for limited-time approval of non-accredited nursing education programs by providing a temporary approval process for nursing education programs seeking accreditation for the purpose of qualifying graduates for licensure.

The amendment to Section R156-31b-703a adds the American Nurses Association (ANA) Code of Ethics for Nurses, 2015 edition, to the nurse standards of professional accountability.

The amendments to R156-31b-703b establish the knowledge, skills, and education and training standards for a certified registered nurse anesthetist (APRN-CRNA) who provides general anesthesia, deep sedation, or moderate sedation, in accordance with new Section 58-1-510 enacted by H.B. 384 (2022). The standards incorporated by reference are the following: 1) American Association of Nurse Anesthesiology (AANA) Standards for Nurse Anesthesia Practice, 2019 edition; or the following American Society of Anesthesiologists (ASA) standards: (i) Basic Standards for Preanesthesia Care,

2020 edition; (ii) Standards for Basic Anesthetic Monitoring, 2020 edition; and (iii) Standards for Postanesthesia Care, 2019 edition; 2) the following American Dental Association (ADA) standards: (i) Guidelines for the Use of Sedation and General Anesthesia by Dentists, 2016 edition; (ii) Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, 2016 edition; (iii) Guidelines for Teaching Pediatric Pain Control and Sedation to Dentists and Dental Students, 2021 edition; and (iv) ADA Policy Statement: The Use of Sedation and General Anesthesia by Dentists, 2007 edition; or 3) the following American Association of Oral and Maxillofacial Surgeons (AAOMS) standards: (i) Office Anesthesia Evaluation Manual, 2018 9th edition; and (ii) Parameters of Care, 2017 6th edition.

Per Executive Order No. 2021-12, formatting changes are also made throughout this rule to conform this rule to the Utah Rulewriting Manual.

Public Hearing Information:

The rule hearing will be held on 12/20/2022 at 9:00 AM at the Heber Wells Building, 160 E 300 S, Conference Room 475, Salt Lake City, UT; and also electronically via Google Meet, information below.

Meeting link:

meet.google.com/uvt-skdj-eip

Join by phone:

(US) +1 224-513-0291
PIN: 895025220

Fiscal Information

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

A) State budget:

As described in box 5C for small businesses, the proposed amendments to renumbered Sections R156-31b-302b and R156-31b-302d may indirectly benefit state agencies who employ nurses if these state agencies are able to more easily hire qualified licensed nurses to practice in Utah, but the full fiscal and non-fiscal impacts cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits each state agency may experience from any resulting increased ability to employ qualified nurses will vary widely depending on the requirements of the agency and the individual characteristics of each nurse.

The remainder of the proposed amendments are not expected to result in any impact to the state budget as they merely streamline and update this rule in accordance with Executive Order No. 2021-12 or implement statutory changes made by H.B. 389, H.B. 384, and S.B. 101 (2022) and will not affect state practices or procedures over and above the statutory changes.

B) Local governments:

As described in 5C for small businesses, the proposed amendments to renumbered Sections R156-31b-302b and R156-31b-302d may indirectly benefit local governments who employ nurses if they are able to more easily hire qualified licensed nurses to practice in Utah, but the full fiscal and non-fiscal impacts cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits each local government may experience from any resulting increased ability to employ qualified nurses will vary widely depending on the requirements of the local government and the individual characteristics of each nurse.

The remainder of the proposed amendments are not expected to result in any impact to local governments as they merely streamline and update the rule in accordance with Executive Order No. 2021-12 or implement statutory changes made by H.B. 389, H.B. 384, and S.B. 101 (2022) and will not affect local government practices or procedures over and above the statutory changes.

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

The proposed amendments to renumbered Sections R156-31b-302b and R156-31b-302d may indirectly benefit the estimated 6,069 small businesses in Utah comprising establishments employing nurses, such as private or group practices, hospitals, or medical centers (NAICS 623110, 621399, 621330, 623110, 622310, 622210, 624310, 624230, 621610, 624120, 623990, 623312, 623220, 622110, 621991, 621910, 621493, 621420, 62111), as the amendments may facilitate the ability of these businesses to hire qualified licensed nurses to practice in Utah.

The full fiscal and non-fiscal impact cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that a small business may experience from any resulting increased ability to employ qualified nurses will vary widely depending on the requirements of the small business and the individual characteristics of each nurse.

The remainder of the proposed amendments are expected to have no measurable impact on small businesses' revenues or expenditures as they merely streamline and update this rule in accordance with Executive Order No. 2021-12 or implement statutory changes made by H.B. 389, H.B. 384, and S.B. 101 (2022).

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

The proposed amendments to renumbered Sections R156-31b-302b and R156-31b-302d may indirectly benefit the estimated 382 non-small businesses in Utah comprising establishments employing nurses, such as private or group practices, hospitals, or medical centers (NAICS 623110, 621399, 621330, 623110, 622310,

622210, 624310, 624230, 621610, 624120, 623990, 623312, 623220, 622110, 621991, 621910, 621493, 621420, 62111), as the amendments may facilitate the ability of these businesses to hire qualified licensed nurses to practice in Utah.

The full fiscal and non-fiscal impact cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that a non-small business may experience from any resulting increased ability to employ qualified nurses will vary widely depending on the requirements of the non-small business and the individual characteristics of each nurse.

The remainder of the proposed amendments are expected to have no measurable impact on non-small businesses' revenues or expenditures as they merely streamline and update the rule in accordance with Executive Order No. 2021-12 or implement statutory changes made by H.B. 389, H.B. 384, and S.B. 101 (2022).

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 approximately 50,679 licensed nurses that may be affected by the proposed amendments, but the Division does not anticipate any measurable fiscal impact to these persons over and above the statutory changes and the impact already addressed in the fiscal notes for H.B. 389, H.B. 384, and S.B. 101 (2022).

The proposed amendments to renumbered Sections R156-31b-302b and R156-31b-302d are expected to remove barriers to licensure for an RN or LPN who has not practiced as a nurse in any jurisdiction for eight or more years, by allowing them the option of completing an approved re-entry program and passing the NCLEX exam within 60 days of application, instead of completing all of the requirements for an applicant who has never held a license. However, the full fiscal and non-fiscal impact to these individuals cannot be estimated because the data necessary to determine how many of these individuals might be able to obtain licensure and then become hired is unavailable, and the benefits that each may experience from any resulting increased ability to become employed will vary depending on the employer and the individual characteristics of each nurse.

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

As described in box 5E for other persons, the Division does not anticipate any compliance costs for any affected persons from these proposed amendments.

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

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

The Division, in concert with the Board of Nursing and the Nursing Advisory Peer Education Committee, propose amendments to Rule R156-31b, the Nurse Practice Act Rule. The proposed amendments are to update this rule and implement certain requirements in accordance with statutory changes made by H.B. 389, H.B. 384, and S.B. 101 (2022). The changes are to reduce barriers of entry for LPN and RN licensees to reenter the profession after a period of inactivity. Additionally, the Division has made formatting changes throughout this rule to conform this rule to the Utah Rulewriting Manual in accordance with Executive Orders No. 2021-1 and 2021-12.

Small Businesses (less than 50 employees):

The Division finds that will not be a fiscal impact for small businesses. The Division approximates that there are

NOTICES OF PROPOSED RULES

6,069 small businesses that employ nurses in private or group practices, hospitals, and medical centers (NAICS 623110, 621399, 621330, 623110, 622310, 622210, 624310, 624230, 621610, 624120, 623990, 623312, 623220, 622110, 621991, 621910, 621493, 621420, 62111).

The proposed amendments are expected to benefit these small businesses by allowing them to hire nurses more easily. Further, the Division does not foresee any negative impact on small businesses since the grammatical amendments are made to make this rule comport to the Utah Rulewriting Manual.

Regulatory Impact to Non-Small Businesses (50 or more employees):

The Division finds that there are approximately 382 non-small businesses that employ nurses in private and group practices, hospitals, and medical centers (NAICS 623110, 621399, 621330, 623110, 622310, 622210, 624310, 624230, 621610, 624120, 623990, 623312, 623220, 622110, 621991, 621910, 621493, 621420, 62111)). However, these amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses.

Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

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

Section 58-31b-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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Incorporations by Reference Information

7. Incorporations by Reference:	
A) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	American Nurses Association (ANA) Code of Ethics for Nurses
Publisher	American Nurses Association
Issue Date	2015 edition

B) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	American Association of Nurse Anesthesiology (AANA) Standards for Nurse Anesthesia Practice
Publisher	American Association of Nurse Anesthesiology

Issue Date	2019 edition
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C) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	American Society of Anesthesiologists (ASA) Standards - Basic Standards for Preanesthesia Care
Publisher	American Society of Anesthesiologists
Issue Date	2020 edition

D) This rule adds, updates, or removes the following title of materials incorporated by references :	
Official Title of Materials Incorporated (from title page)	American Society of Anesthesiologists (ASA) Standards - Standards for Basic Anesthetic Monitoring
Publisher	American Society of Anesthesiologists
Issue Date	2020 edition

E) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	American Society of Anesthesiologists (ASA) Standards - Standards for Post anesthesia Care
Publisher	American Society of Anesthesiologists
Issue Date	2019 edition

F) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Guidelines for the Use of Sedation and General Anesthesia by Dentists
Publisher	American Dental Association (ADA)
Issue Date	2016 edition

G) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students
Publisher	American Dental Association (ADA)
Issue Date	2016 edition

H) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Guidelines for Teaching Pediatric Pain Control and Sedation to Dentists and Dental Students
Publisher	American Dental Association (ADA)
Issue Date	2021 edition

I) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	ADA Policy Statement: The Use of Sedation and General Anesthesia by Dentists
Publisher	American Dental Association (ADA)
Issue Date	2007 edition

J) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Office Anesthesia Evaluation Manual
Publisher	American Association of Oral and Maxillofacial Surgeons (AAOMS)
Issue Date	2018 9th edition

K) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Parameters of Care
Publisher	American Association of Oral and Maxillofacial Surgeons (AAOMS)
Issue Date	2017 6th edition

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until:	01/17/2023	
B) A public hearing (optional) will be held:		
On:	At:	At:
12/20/2022	9:00 AM	The rule hearing information is in Box 4 above

9. This rule change MAY become effective on:	01/24/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	11/28/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R357-3	Filing ID: 55107

Agency Information

1. Department:	Governor	
Agency:	Economic Opportunity	
Building:	World Trade Center	
Street address:	60 E South Temple	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Dane Ishihara	801-792-8764	dishihara@utah.gov

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

General Information

2. Rule or section catchline:
R357-3. Economic Development Tax Increment Financing Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this rule filing is to modify the terms under which an agreement can be modified.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
Section R357-3-107 is amended so that the office may extend the timeline outlined in an agreement due to unforeseen circumstances.

Fiscal Information

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

A) State budget:

There is no new aggregate anticipated cost or savings to the state budget. This filing is merely updating the office's procedures.

B) Local governments:

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

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

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

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

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

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

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

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

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

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Governor's Office of Economic Development, Dan Hemmert, has reviewed and approved this fiscal analysis.			

Citation Information

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

Section 63N-2-110

Public Notice Information

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

A) Comments will be accepted until: 01/17/2023

9. This rule change MAY become effective on:	01/24/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Dan Hemmert, Executive Director	Date:	11/21/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R428-1	Filing ID: 55112

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Health Care Statistics	
Room number:	106	
Building:	Cannon Health Bldg	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO 144004	
City, state and zip:	Salt Lake City, UT 84114-4004	
Contact persons:		
Name:	Phone:	Email:
Jonah Shaw	385-310-2389	jshaw@utah.gov
Bri Murphy	385-501-9347	brilmurphy@utah.gov
Mike Martin	801-538-9205	mikemartin@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R428-1. Health Data Plan and Incorporated Documents
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This filing updates the submittal guide for the All Payer Claims Database (APCD) from Version 4.0 to Version 4.1.

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

Update material incorporated by reference to reflect technical requirements expected for compliance; specifically clarify effective dates for the All Payer Claims Database (APCD) (Version 4.0 and Version 4.1) Data Submittal Guide. These changes will align variables for the Utah APCD with the national Common Data Layout.

Fiscal Information

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

A) State budget:

This rule iterates forward to the current versions of documents. The Utah Department of Health and Human Services (DHHS) determines enactment of the amended version will not create any cost or savings impact to the state budget or DHHS budget, since the change will not increase workload and can be carried out with existing budget.

B) Local governments:

This filing does not create any direct cost or savings impact to local governments since they are not directly affected by this rule; nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

None--Small businesses are not impacted by this rule change, with all potentially impacted having more than 50 employees. As a result, this rule will have no effect on small businesses for costs or savings.

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

Some data suppliers will need to program changes to their system in order to be consistent with the updated guidelines. According to our research with APCD data carriers, some suppliers may incur cost while others report \$0 as an estimate for compliance. Based on cost estimated we received from data suppliers, we estimate a compliance cost of \$8,500 per carrier to comply with proposed APCD DSG 4.1.

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.

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

DHHS anticipates that some APCD carriers will need to make programming changes to implement the additional flexibility and clarifications. By agreement with the APCD data suppliers, changes to the APCD DSG are limited to once per calendar year, so they should anticipate these changes as part of their normal business process in preparation for next year. The burden of these changes is consistent with that understanding. Based on figures reported in Box 7D and current APCD submission roster, DHHS estimates a one-time industry cost of \$357,000 (42 active carriers x \$8,500) to comply with proposed APCD DSG 4.1.

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	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$357,000	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
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	(\$357,000)	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

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

Section 26-33a-104		
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	Utah All-Payer Claims Database Data Submission Guide Version 4.1
Publisher	Department of Health and Human Services, Health Information and Analysis Programs
Issue Date	03/01/23
Issue or Version	4.1

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

Official Title of Materials Incorporated (from title page)	Utah All-Payer Claims Database Data Submission Guide Version 4.0
Publisher	Department of Health and Human Services, Health Information and Analysis Programs
Issue Date	01/15/20
Issue or Version	4.0

Public Notice Information

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

A) Comments will be accepted until:	01/17/2023
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9. This rule change MAY become effective on:	01/24/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	11/29/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R477-7-3	Filing ID: 55115

Agency Information

1. Department:	Government Operations	
Agency:	Human Resource Management	
Room number:	2100	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141531	
City, state and zip:	Taylorsville, UT 84114-1531	
Contact persons:		
Name:	Phone:	Email:
Bryan Embley	801-618-6720	bkembley@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R477-7-3. Annual Leave
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of the amendment is to codify the conditions under which the Division of Human Resource Management (DHRM) Director may make exceptions to the "use or lose" provisions for annual leave balances, as well as the conditions under which agencies can pay out such leave to employees outside of already established methods.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The amendment specifies that the DHRM Director may extend the deadline by which employees must use or forfeit annual leave by a specified time period and for a specific number of hours. The amendment also states that agencies can pay employees for annual leave outside of already established conditions only with the approval of the DHRM Director and the Governor's Office of Planning and Budget (GOPB).

Fiscal Information

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

A) State budget:
The amendment to suspend the loss of annual leave is not expected to have any fiscal impact. The amendment to allow agencies to pay an employee for some amount of unused annual leave may result in a cost to the state but the amount of that cost is inestimable because the number of hours allowed under such a payout and the actual number of hours employee have on the date of the payout will vary. Any monies paid as a result of authorizations given under this rule will have to be approved by GOPB and each state agency's leaders in compliance with normal finance practices. These amendments do not mandate any expenditure of state funds.
B) Local governments:
These amendments are not expected to have any fiscal impact on local governments because this rule only applies to the executive branch of state government.
C) Small businesses ("small business" means a business employing 1-49 persons):
These amendments are not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
These amendments are not expected to have any fiscal impact on non-small businesses because this rule only applies to the executive branch of state government.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
The amendment to allow agencies to pay employees for annual leave may result in a fiscal benefit to certain employees. However, the amount of the benefit is inestimable because the number of hours allowed to be paid down, the number of hours the employee actually has, and the employee's wage at the time will vary each time such a payout occurs.

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

There are no direct compliance costs for these amendments.

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

After conducting a thorough analysis, it was determined that these proposed rule changes will not result in a fiscal impact to businesses. Rules published by DHRM have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the "Utah Personnel Management Act," Title 63A, Chapter 17. This act limits the provisions of career service and this rule to employees of the executive branch of state government. Jenney Rees, Executive Director of the Department of Government Operations.

Citation Information

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

Section 34-43-103	Section 39-3-1	Section 63G-1-301
Section 63A-17-106	Section 63A-17-504	Section 63A-17-505

Public Notice Information

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

A) Comments will be accepted until: 01/17/2023

9. This rule change MAY become effective on: 01/24/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	John Barrand, Division Director	Date:	12/01/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R590-177	Filing ID:	55109
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Agency Information

1. Department:	Insurance		
Agency:	Administration		
Room number:	Suite 2300		
Building:	Taylorsville State Office Building		
Street address:	4315 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Mailing address:	PO Box 146901		
City, state and zip:	Salt Lake City, UT 84114-6901		
Contact persons:			
Name:	Phone:	Email:	
Steve Gooch	801-957-9322	sgooch@utah.gov	

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

General Information

2. Rule or section catchline:
R590-177. Life Insurance Illustrations Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Other changes make the language of this rule more clear, remove the Penalties section (old R590-177-12) because penalties are already provided for in statute, remove the Enforcement Date section (old R590-177-14) because this rule is already in force, and update the Severability section (new R590-177-11) to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation,

association, governmental entity, or public or private organization of any character other than an **agency**):

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

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

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

G) 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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

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

Section 31A-2-201	Section 31A-22-425	Section 31A-23a-402
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Public Notice Information

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

A) Comments will be accepted until:	01/17/2023
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9. This rule change MAY become effective on:	01/24/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	11/22/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R590-197	Filing ID: 55110

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

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

General Information

2. Rule or section catchline:
R590-197. Treatment of Guaranty Association Assessments as Qualified Assets

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

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

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

The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Other changes make the language of this rule more clear, add a Definitions section (new R590-197-3), and update the Severability section (new R590-197-5) to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

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

A) State budget:

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

B) Local governments:

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

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

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

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

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

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

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

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

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

G) 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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

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

Section 31A-2-201	Section 31A-17-201	Section 31A-28-109
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Public Notice Information

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

A) Comments will be accepted until: 01/17/2023

9. This rule change MAY become effective on: 01/24/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	11/22/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Rule or Section Number:	R623-8	Filing ID:	55029
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Agency Information

1. Department:	Lieutenant Governor		
Agency:	Elections		
Room number:	220		
Street address:	350 N State Street		
City, state and zip:	Salt Lake City, UT 84114		
Mailing address:	PO Box 142325		
City, state and zip:	Salt Lake City, Utah 84114-2325		
Contact persons:			
Name:	Phone:	Email:	
Ryan Cowley	801-538-1041	elections@utah.gov	

Shelly Jackson	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R623-8. Ballot Chain of Custody
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Section 20a-3a-404 requires the office of elections to make rules establishing the requirements for election officials regarding ballot security, including ballot custody, processing, and tabulation.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule establishes requirements and guidelines for election officials regarding ballot security, including the custody, documentation of custody, handling, processing, disposition, tabulation of ballots and retention practices.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule simply provides requirements and guidelines for chain of custody regarding ballot security and does not include any direct fiscal cost of savings to the state budget. There is no requirement to purchase equipment in this rule. This rule is written to be performed by existing staff in the course of their normal duties. There is an option to bring in/hire outside staff, but that is not required.
B) Local governments:
This rule only provides requirements and guidelines for chain of custody regarding ballot security and does not include any direct fiscal cost or savings to local governments. There is no requirement to purchase equipment in this rule. This rule is written to be performed by existing staff in the course of their normal duties. There is an option to bring in/hire outside staff, but that is certainly not required or even likely for election officers.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule does not apply to small businesses and as such has no fiscal cost or savings to small businesses.

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

This rule does not apply to non-small businesses and as such has no fiscal cost or savings to non-small businesses.

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

This rule does not apply to other persons and as such has no fiscal cost or savings to other persons.

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

As this rule has no anticipated cost or savings to affected persons as none apply to this rule.

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0

Net Benefits	Fiscal \$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Lieutenant Governor of the Governor's Office, Deidre M. Henderson has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 20A-3a-404		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until:	01/17/2023	
B) A public hearing (optional) will be held:		
On:	At:	At:
12/19/2022	10:00 AM	https://utah-gov.zoom.us/j/2179649426

9. This rule change MAY become effective on:	01/24/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Ryan Cowley, Director	Date:	11/01/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R628-12	Filing ID: 55116
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Agency Information

1. Department:	Money Management Council
Agency:	Administration
Room number:	Suite 180
Building:	State Capitol
Street address:	350 N State Street

City, state and zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 2315	
City, state and zip:	Salt Lake City, UT 84114-2315	
Contact persons:		
Name:	Phone:	Email:
Ann Pedroza	801-538-1883	apedroza@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R628-12. Certification of Qualified Depositories for Public Funds
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
It was brought to the Council's attention by a financial institution that wanted to become qualified to hold public funds in Utah, that the language in this rule violates the National Banking Act that makes the OCC the sole regulator that may examine banks. A financial institution can respond to discrete information requests but the language in this rule is too broad and open ended. In preparing this rule change, it was noted that several statute references needed to be changed.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This change recognizes that there are other laws that might limit the examination of a financial institution as it relates to the Money Management Act. Several statute references in this rule have been updated.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget, as this rule change does not apply to the state.
B) Local governments:
There is no anticipated cost or savings to local governments, as this rule change does not apply to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):

NOTICES OF PROPOSED RULES

There is no anticipated cost or savings to small businesses, as this change does not apply to small businesses.

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

There is no anticipated cost or savings to non-small businesses, as this change does not apply 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**):

There is no anticipated financial impact to any financial institution, as the change does not impose any additional requirements on any financial institution.

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

There are no compliance costs for affected persons as the change does not impose any additional requirements.

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

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
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Total Fiscal Benefits	\$0	\$0	\$0
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Net Fiscal Benefits	\$0	\$0	\$0
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H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Council Chair of the Utah Money Management Council, K. Wayne Cushing, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 51-7-18(2)(b)	Subsection 51-7-3(29)	
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Public Notice Information

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

A) Comments will be accepted until:	01/17/2023
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9. This rule change MAY become effective on:	01/24/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	K. Wayne Cushing, Chair	Date:	12/01/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R907-1-3	Filing ID:	55101
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Agency Information

1. Department:	Transportation
Agency:	Administration
Room no.:	Administrative Suite, 1st Floor
Building:	Calvin Rampton
Street address:	4501 S 2700 W

City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R907-1-3. Appointment of the Presiding Officer and Hearing Record
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Department of Transportation (Department) wants the Executive Director or a deputy director to have the authority to appoint an administrative law judge (ALJ) to preside over an informal agency action if they determine that doing so serves the interests of the Department, the state, or a party. The purpose of this proposed change is to grant that authority.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This proposed change adds Subsection R907-1-3(4) and makes a technical, nonsubstantive change. This new subsection also allows the executive director or a deputy director authority to appoint an ALJ to preside over a matter that does not involve a relocation assistance appeal if they determine that doing so serves the interests of the Department, the state, or a party. This new Subsection R907-1-3(4) also allows the executive director or a deputy director to pay the costs of hiring an ALJ and to hire and pay the costs of a stenographer for matters that do not involve relocation assistance appeals.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This proposed change might impact the state's budget. Should the executive director or deputy director decide to appoint an ALJ to preside over a matter or hire a stenographer to record and transcribe a hearing and cover both costs, the state's budget would be affected. The Department has a contract with an ALJ that authorizes the ALJ to charge the Department \$200 to \$250 per hour for presiding over agency actions. Stenographers charge approximately \$60 to more than \$100 per hour, depending on the firm and the services provided, plus expenses. However, it is impossible to predict how often or if the executive director or a deputy will appoint an ALJ or hire a stenographer to preside over or record and transcribe a hearing and agree to cover the costs.
B) Local governments:
This proposed rule change will not have a fiscal impact on local governments because local governments do not participate in the Department's agency actions.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed change could impact small businesses. Should a small business ask the executive director or a deputy director to appoint an ALJ to preside over an agency action or hire a stenographer to record and transcribe a hearing, this proposed change will allow the executive director or a deputy to hire an ALJ, or a stenographer, or both. However, if the executive director or a deputy does not agree to cover the costs of one or both, the small business would have to pay the costs. But hiring an ALJ or stenographer is an option available to the small business, and the small business is not required to seek the services of an ALJ or a stenographer under the proposed change.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This proposed change could impact non-small businesses. For example, should a non-small business ask the executive director or a deputy director to appoint an ALJ to preside over an agency action or hire a stenographer to record and transcribe a hearing, this proposed change will allow the executive director or a deputy to hire and pay for one or both. However, if the executive director or a deputy does not agree to cover the costs of an ALJ, or a stenographer, or both, the non-small business would have to pay the cost. But hiring an ALJ or stenographer is an option available to the non-small business, and the non-small business is not required to seek the services of an ALJ or a stenographer under the proposed change.

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 change could impact persons other than small businesses, non-small businesses, and state or local government entities ("Individuals"). Should an Individual ask the executive director or a deputy director to appoint an ALJ to preside over an agency action or hire a stenographer to record and transcribe a hearing, this proposed change will allow the executive director or a deputy to hire and pay for one or both. However, if the executive director or a deputy does not agree to cover the costs of one or both, the Individual would have to pay the cost. But hiring an ALJ or stenographer is an option available to an Individual, and the Individual is not required to seek the services of an ALJ or a stenographer under the proposed change.

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

There are no compliance costs for persons affected by this proposed change. In addition, this proposed change authorizes options for appointing an ALJ to preside over agency actions and procuring a court reporter to record and transcribe the hearings; it requires nothing of anybody.

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this fiscal analysis.

Citation Information

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

Subsection 72-1-201(h)	Subsection 63G-3-201(2)	Subsection 63G-4-102(6)
Subsection 63G-4-203(1)		

Public Notice Information

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

A) Comments will be accepted until: 01/17/2023

9. This rule change MAY become effective on: 01/24/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	11/18/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Rule or Section Number:	R926-17	Filing ID: 55114

Agency Information

1. Department:	Transportation
Agency:	Program Development
Room number:	Administrative Suite, 1st Floor

Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, State and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, State and zip:	Salt Lake City, Utah 84114-8455	
Contact persons:		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R926-17. Road Usage Charge Program
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Department of Transportation (Department) proposes this change to incorporate program knowledge gained over the past three years. During that time, the Department experienced several different program scenarios that it did not anticipate when this rule was made. Therefore, the proposed changes add text to address these unanticipated scenarios.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The proposed change allows for applying portions of vehicle registration fees for individuals that register their motor vehicle after the registration due date. There was an identified scenario that could result in lost revenue to the state. The proposed changes also prevent the state from losing revenue because of how this rule is written.

Fiscal Information

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

The proposed changes remedy a situation that could have resulted in lost revenue to the state's budget. Therefore, the Department anticipates the changes will positively impact the state's budget but cannot quantify the impact until it has time to operate under the changed rule.

B) Local governments:

The Department does not anticipate the proposed changes will impact local governments' budgets because road usage charges (RUC) do not apply to them.

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

The proposed changes likely will impact small businesses that operate vehicles to which RUCs apply. However, the Department believes this impact is inestimable currently.

The fiscal impact on small businesses depends on many independent variables such as Utah's population change, the change in prices for alternative fuel vehicles, the number of alternative fuel vehicles enrolled in the RUC program, the types of alternative fuel vehicles available on the market, and consumer behavior when confronting the options the proposed changes present to owners of alternative fuel vehicles.

The cost of calculating estimates of this possible fiscal impact exceeds the benefit the state might gain from the exercise.

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

The proposed changes likely will impact non-small businesses that operate vehicles to which RUCs apply. However, the Department believes this impact is inestimable currently because the fiscal impact on non-small businesses depends on several independent variables such as Utah's population change, the change in prices for alternative fuel vehicles, the number of alternative fuel vehicles enrolled in the RUC program, the types of alternative fuel vehicles available on the market, and consumer behavior when confronting the options the proposed changes present to owners of alternative fuel vehicles.

The cost of calculating estimates of this possible fiscal impact exceeds the benefit the state might gain from the exercise.

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*):

Possible fees would not be an additional fee but a prorated portion of registration fees that the individuals would be paying anyway. The Department believes this fiscal impact is inestimable currently because the fiscal impact

on persons other than small businesses, non-small businesses, and state or local government entities depends on many independent variables such as Utah's population change, the change in prices for alternative fuel vehicles, the number of alternative fuel vehicles enrolled in the RUC program, the types of alternative fuel vehicles available on the market, and consumer behavior when confronting the options the proposed changes present to owners of alternative fuel vehicles.

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

Possible fees would not be an additional fee but a prorated portion of registration fees that the individuals would be paying anyway. The Department believes this fiscal impact is inestimable currently because cumulative RUC depend on alternative fuel vehicle use. The cost of estimating road use for the different kinds of alternative fuel vehicles that will be using Utah roads to quantify an estimated fiscal impact on an average person affected by these proposed changes outweighs any benefit the state might gain from the exercise.

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 72-1-213.1		
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Public Notice Information

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

A) Comments will be accepted until:	01/17/2023
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9. This rule change MAY become effective on:	01/24/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	11/18/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal

Rule or Section Number:	R940-8	Filing ID: 55102
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Agency Information

1. Department:	Transportation Commission
Agency:	Administration
Room no.:	Administrative Suite, 1st Floor
Building:	Calvin Rampton Bldg
Street address:	4501 S 2700 W
City, state, and zip:	Taylorsville, UT 84129
Mailing address:	PO Box 148455

City, state, and zip:	Salt Lake City, Utah 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R940-8. Establishment of Road Usage Charge (RUC) Rates
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being repealed. In the 2022 General Session, the Legislature passed H.B. 186, which suspended the Transportation Commission's authority to set road usage charge rates. In H.B. 186, the Legislature also amended Section 72-1-213.1 to set road usage charge rate beginning January 1, 2023. The Commission proposes to repeal this rule, so it does not conflict with Section 72-1-213.1.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule is repealed in its entirety. With this proposed change, the Commission repeals this rule so it does not conflict with Section 72-1-213.1 beginning January 21, 2023.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This proposed repeal will not impact the state's budget because the Legislature suspended the Commission's authority to set road usage rates and now sets road usage rates by statute. Repealing this rule will have no fiscal impact on the state. The repeal prevents the rule from conflicting with Section 72-2-213.1.
B) Local governments:
This proposed repeal will not impact the local governments because they are not subject to road usage charges.

C) Small businesses ("small business" means a business employing 1-49 persons):			
This proposed repeal will not impact small businesses because the Legislature suspended the Commission's authority to set road usage rates and now sets road usage rates by statute. Repealing this rule will have no fiscal impact on small businesses. The repeal prevents this rule from conflicting with Section 72-2-213.1.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
This proposed repeal will not impact non-small businesses because the Legislature suspended the Commission's authority to set road usage rates and now sets road usage rates by statute. Repealing this rule will have no fiscal impact on non-small businesses. The repeal prevents this rule from conflicting with Section 72-2-213.1.			
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 repeal will not impact persons other than small businesses, non-small businesses, state, or local government entities because the Legislature suspended the Commission's authority to set road usage rates and now sets road usage rates by statute. Repealing this rule will have no fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities. The repeal prevents this rule from conflicting with Section 72-2-213.1.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
Repealing this rule will not cause compliance costs for anybody. The repeal prevents this rule from conflicting with Section 72-2-213.1.			
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	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Chairman of the Transportation Commission, Naghi Zeenati, has reviewed and approved this fiscal analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section		
72-1-213.1		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/17/2023

9. This rule change MAY become effective on:	01/24/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Naghi Zeenati, Chair	Date:	10/14/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R986-600	Filing ID: 55113

Agency Information

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

General Information

2. Rule or section catchline:
R986-600. Workforce Innovation and Opportunity Act
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this rule change is to update several sections concerning eligibility requirements for Workforce Innovation and Opportunity Act (WIOA) programs; add definitions; and change the requirements for training providers seeking to be included on the Utah Eligible Training Provider List (ETPL).
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule change: 1) updates the individualized WIOA career services available from the Department; 2) clarifies income eligibility and barriers to employment related to WIOA Youth services; defines "major life activities;" 3) removes child support and unemployment compensation from "excludable income" and makes such income countable income in determining eligibility for services; 4) clarifies how tuition and incentives for WIOA youth services are paid; 5) adds requirements for inclusion on the ETPL, including requirements related to a provider's federal loan default

rate and registration as a postsecondary proprietary school;
 6) clarifies the ETPL application process, including specifying certain information that must be included with a provider's application;
 7) requires that registered apprenticeship program sponsors included on the ETPL be reviewed every two years;
 8) requires a provider to request unpaid tuition payments from the Department within 90 days of training completion or withdrawal from the program;
 9) adds requirements for providers related to Department-approved student complaints and communications with Department staff;
 10) adds a requirements that a provider notify the Department of certain changes within 30 days, and other changes during the continued eligibility process; and
 11) adds provisions related to unscheduled or unannounced onsite visits to ETPL provider locations; and corrects citations.

The rule changes also makes technical, conforming, and stylistic changes in accordance with the Utah Rulewriting Manual and current Department of Workforce Services organization, policy, and procedure.

Fiscal Information

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

A) State budget:
 This rule change will not have any fiscal impact on state revenues or expenditures. Funding for these programs is from the Federal government. The amendment requires no action or expenditure by state employees or resources, and does not require additional staff to provide services.

B) Local governments:
 This rule change will not have any fiscal impact on local governments' revenues or expenditures. This amendment requires no action or expenditure by local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):
 There are no anticipated costs or savings to small businesses. This amendment requires no action or expenditure by small businesses, as participation in the ETPL is voluntary.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 There are no anticipated costs or savings to non-small businesses. This amendment requires no action or expenditure by non-small businesses, as participation in the ETPL is voluntary.

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

The amendment requires no action or expenditure by any person but may impact individuals seeking WIOA services ("customers"). The amendment creates new categories of customers deemed eligible for services; however, the amount of services will not change.

The Department cannot predict the number of customers who might become eligible with this change. The amendment makes child support and unemployment compensation "countable income" in terms of determining financial eligibility for WIOA services. Family income consists of total gross income to all family members from all sources, with some exceptions. Customers receiving unemployment compensation would qualify for services under the dislocated worker program; therefore, that change will not impact eligibility for services.

Some customers may be over the family income limit for WIOA services if child support is included as countable income. There is, however, no cost-effective data to quantify or predict the number of customers who would might be receiving child support payments.

Further, the Department cannot readily determine if counting such income will cause a customer to exceed the household income limit.

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

This rule change may cause minimal compliance costs for affected persons as it requires certain reports from businesses that chose to be included on the ETPL. The changes that must be reported are changes initiated by the business, so the Department cannot accurately estimate the compliance costs as it cannot predict such changes. This rule change does not create any new administrative fees.

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	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Workforce Services, Casey Cameron, has reviewed and approved this regulatory impact analysis.			

Citation Information

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

Title 35A, Chapter 5		
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Public Notice Information

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

A) Comments will be accepted until:	01/17/2023
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9. This rule change MAY become effective on:	01/24/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	11/30/2022
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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		
Rule or Section Number:	R68-25	Filing ID: 55108
Effective Date:	11/22/2022	

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	4315 S 2700 W, TSOB South Bldg, Floor 2	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Cody James	385-515-1485	codyjames@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R68-25. Industrial Hemp Program-Cannabinoid Product Processors
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Emergency changes are needed to clarify the allowances of a Tier Three and Tier Four processing licensee to ensure product safety, as well as to remove the requirement for licensees to participate in the FBI Rap Back program for background checks because the Department of Agriculture and Food's (Department) application to have hemp processors participate in this program was denied.
4. Summary of the new rule or change (What does this filing do?):
Section R68-25 is updated to clarify that Tier Three licensees may receive bulk cannabinoid product rather than concentrate and to remove their ability to manufacture under their license. A change has also been made to clarify that a Tier Four licensee may only sell finished product to a retailer. Additionally, language is removed from Section R68-25-4 requiring licensees to participate in the FBI Rap Back program (referenced in Subsection 4-41-103.2(6)). The Department's application to have hemp processors participate in this program was denied and statutory language will be clarified in the future to ensure the application is approved.

NOTICES OF 120-DAY (EMERGENCY) RULES

5A) The agency finds that regular rulemaking would:	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
X	place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:	
The licensing clarifications are needed to ensure that licensees are producing products that are safe for the public to consume and to address concerns that have arisen under the Department's management of the hemp program. The background check changes are needed to ensure the Department is following federal law.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A) State budget:	
The changes will not impact the state budget because they make this rule consistent with current Department practice or are clarifying changes only.	
B) Local governments:	
Local governments are not licensed under the industrial hemp program and will not be impacted by the changes.	
C) Small businesses ("small business" means a business employing 1-49 persons):	
Small businesses should not be impacted by this change because the changes are clarifying licensing requirements and the costs to participate in the program should not change. Background check costs will not change because licensees have not yet participated in the Rap Back program.	

D) Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
Other persons should not be impacted by this change because the changes are clarifying licensing requirements and the costs to participate in the program should not change. Background check costs will not change because licensees have not yet participated in the Rap Back program.
E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
The fees charged by the Department and compliance requirements of the program will not be impacted by this rule change.
F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
This rule change will not have a fiscal impact on businesses. Craig W Buttars, Commissioner

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection		
4-41-103(4)		

Agency Authorization Information

Agency head or designee and title:	Craig W Buttars, Commissioner	Date:	11/22/2022
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End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R25-3	Filing ID: 54548
Effective Date:	11/29/2022	

Agency Information

1. Department:	Government Operations	
Agency:	Finance	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141031	
City, state and zip:	Salt Lake City, UT 84114-1031	
Contact persons:		
Name:	Phone:	Email:
Janica Gines	801-957-7727	jmgines@utah.gov
Jennifer Hardy	801-957-7732	jrhardy@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R25-3. Personal Use Expenditures Administrative Penalty Appeal Process

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

Subsection 63A-3-110 (4)(b) requires the Division of Finance to create rules describing the appeals process for an appeal as described in Subsection 63A-3-110 (4)(a). This rule describes the appeals process for an employee who has been found by a governmental entity to have made a personal use expenditure in violation of Subsection 63A-3-110 (2).

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 as described have been received.

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

This rule needs is necessary to ensure compliance with the statute and to allow employees found to have made a personal use expenditure in violation of Subsection 63A-3-110 (2) a path to appeal the governmental entity's findings and related decision. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jenney Rees, Executive Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R315-301	Filing ID: 50749
Effective Date:	11/30/2022	

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room number:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
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:
R315-301. Solid Waste Authority, Definitions, and General Requirements
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-6-105 allows the Waste Management and Radiation Control Board to make rules establishing the minimum standards for protection of human health and the environment.
Subsection 19-6-108(12) requires that operation plans be reviewed every five years.
Section 19-6-109 authorizes officers, employees or representatives of the director to inspect places where solid waste is generated, transported, stored, treated or disposed. It also authorizes facilities to self-inspect.
This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.
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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-301 contains the definitions and the basic prohibitions against disposal of waste except in sites that are approved and contain the necessary design, engineering, and closure elements that will provide protection to public health and the environment. This rule is also the foundation of the permit program required by the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-302	Filing ID: 50748
Effective Date:	11/30/2022	

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room number:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
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:
R315-302. Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements

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 19-6-104(1)(d) requires the Waste Management and Radiation Control Board (Board) to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility.

Section 19-6-105 allows the Board to make rules establishing the minimum standards for protection of human health and the environment.

Subsection 19-6-108(12) requires that operation plans be reviewed every five years.

Section 19-6-109 authorizes inspections of places where solid waste is generated, transported, stored, treated or disposed. It also authorizes facilities to self-inspect.

This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-302 contains siting requirements for solid waste disposal facilities and the general outline of the operations, monitoring, closure, and post-closure care of a solid waste disposal facility. This rule forms the basis of the permit program required by the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-303	Filing ID:	53252
Effective Date:	11/30/2022		

Agency Information

1. Department:	Environmental Quality
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Agency:	Waste Management and Radiation Control, Waste Management	
Room number:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
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:
R315-303. Landfilling Standards

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 19-6-104(1)(d) requires the Waste Management and Radiation Control Board (Board) to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility.

Section 19-6-105 allows the Board to make rules establishing the minimum standards for protection of human health and the environment.

Subsection 19-6-108(12) requires that operation plans be reviewed every five years.

This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-303 contains requirements for solid waste disposal facilities performance requirements, design

standards, operation, and maintenance standards. This rule forms the basis of the permit program required by the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-304	Filing ID:	50751
Effective Date:	11/30/2022		

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room number:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
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:
R315-304. Industrial Solid Waste Landfill Requirements
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-6-105 allows the Waste Management and Radiation Control Board to make rules establishing the minimum standards for protection of human health and the environment.
Subsection 19-6-108(12) requires that operation plans be reviewed every five years.

This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-304 is necessary to implement the requirements of the statute to review plans for facilities that dispose of nonhazardous solid waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-305	Filing ID:	50757
Effective Date:	11/30/2022		

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room number:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
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:	
R315-305. Class IV and VI Landfill Requirements	
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	
<p>Subsection 19-6-104(1)(d) requires the Waste Management and Radiation Control Board (Board) to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility.</p> <p>Section 19-6-105 allows the Board to make rules establishing the minimum standards for protection of human health and the environment.</p> <p>Subsection 19-6-108(12) requires that operation plans be reviewed every five years.</p> <p>Section 19-6-109 authorizes inspections of places where solid waste is generated, transported, stored, treated or disposed. It also authorizes facilities to self-inspect.</p> <p>This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.</p>	
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 from any interested persons either supporting or opposing this rule during or since the last five-year review.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
Rule R315-305 contains requirements for solid waste disposal facilities performance requirements, design standards, operation, and maintenance standards. This rule forms the basis of the permit program for Class IV and VI landfills required by the Solid and Hazardous Waste Act and is referenced by other solid waste rules. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R315-306	Filing ID: 50753
Effective Date:	11/30/2022	

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room number:	Second Floor	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Kari Lundeen	801-536-0253	klundeen@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:	
R315-306. Incinerator Standards	
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	
<p>Subsection 19-6-104(1)(j) requires the Waste Management and Radiation Control Board (Board) to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility.</p> <p>Subsection 19-6-105(1)(a) requires the Board to establish minimum standards for protection of human health and the environment for the storage, collection, transport, transfer, recovery, treatment, and disposal of solid waste, including requirements for the approval by the director of plans for the construction, extension, operation, and closure of solid waste disposal sites.</p> <p>Subsection 19-6-108(12) requires that operation plans be reviewed every five years.</p>	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-306 contains requirements for non-hazardous solid waste incineration facilities performance requirements, design standards, and operation and maintenance standards that will provide protection to human health and the environment. This rule is foundational to the permit program required by the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-307	Filing ID:	54189
Effective Date:	11/30/2022		

Agency Information

1. Department:	Environmental Quality		
Agency:	Waste Management and Radiation Control, Waste Management		
Room number:	Second Floor		
Building:	Multi-Agency State Office Building		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144880		
City, state and zip:	Salt Lake City, UT 84114-4880		
Contact persons:			
Name:	Phone:	Email:	
Tom Ball	801-536-0251	tball@utah.gov	

Kari Lundeen	801-536-0253	klundeen@utah.gov
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Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
R315-307. Landtreatment Disposal Standards

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 19-6-104(1)(j) requires the Waste Management and Radiation Control Board (Board) to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility.

Subsection 19-6-105(1)(a) requires the Board to establish minimum standards for protection of human health and the environment for the storage, collection, transport, transfer, recovery, treatment, and disposal of solid waste, including requirements for the approval by the director of plans for the construction, extension, operation, and closure of solid waste disposal sites.

Subsection 19-6-108(12) requires that operation plans be reviewed every five years.

This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-307 contains standards that apply to any facility that engages in the landtreatment, landfarming, or landspreading disposal of solid waste in a manner that has a reasonable agronomic benefit to soils. This rule is foundational to the permit program required by the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R315-308	Filing ID: 50755
Effective Date:	11/30/2022	

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room number:	Second Floor	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Kari Lundeen	801-536-0253	klundeen@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-308. Ground Water Monitoring Requirements
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 19-6-105(1)(a) requires the Waste Management and Radiation Control Board to establish minimum standards for protection of human health and the environment for the storage, collection, transport, transfer, recovery, treatment, and disposal of solid waste, including requirements for the approval by the director of plans for the construction, extension, operation, and closure of solid waste disposal sites.
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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R315-308 establishes ground water monitoring requirements and compliance schedules for each existing landfill, pile, or land treatment disposal facility that is required to perform ground water monitoring. The requirements for groundwater monitoring are an integral part of the solid waste program to protect human health and the environment. Groundwater monitoring must be included in a state solid waste program for that program to be approved by the EPA. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R315-309	Filing ID: 50754
Effective Date:	11/30/2022	

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room number:	Second Floor	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Kari Lundeen	801-536-0253	klundeen@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-309. Financial Assurance

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 19-6-105(1)(a) requires the Waste Management and Radiation Control Board to establish minimum standards for protection of human health and the environment for the storage, collection, transport, transfer, recovery, treatment, and disposal of solid waste, including requirements for the approval by the director of plans for the construction, extension, operation, and closure of solid waste disposal sites.

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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-309 contains the requirement for financial assurance. Financial assurance is required part of a solid waste program that is to maintain EPA approval and meet the requirement for financial assurance found in Subsection 19-6-108(9)(c). This rule is foundational to the permit program required by the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-310	Filing ID:	50763
Effective Date:	11/30/2022		

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Waste Management
Room number:	Second Floor
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144880
City, state and zip:	Salt Lake City, UT 84114-4880

Contact persons:		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Kari Lundeen	801-536-0253	klundeen@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R315-310. Permit Requirements for Solid Waste Facilities

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 19-6-105(1)(a) requires the Waste Management and Radiation Control Board to establish minimum standards for protection of human health and the environment for the storage, collection, transport, transfer, recovery, treatment, and disposal of solid waste, including requirements for the approval by the director of plans for the construction, extension, operation, and closure of solid waste disposal sites.

Subsection 19-6-108(12) requires that operation plans be reviewed every five years.

Subsection 19-6-109 authorizes inspections by the director or their representatives to inspect.

This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-310 contains the requirement for a permit to operate a nonhazardous solid waste facility. The permitting program is an integral part of the solid waste program and is required to maintain EPA program approval and to meet the requirements of Section 19-6-108. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-311	Filing ID:	50756
Effective Date:	11/30/2022		

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room number:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Spencer Wickham	801-536-0082	swickham@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-311. Permit Approval for Solid Waste Disposal, Waste Tire Storage, Energy Recovery, and Incinerator Facilities
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 19-6-104(1)(d) requires the Waste Management and Radiation Control Board (Board) to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility.
Section 19-6-105 allows the Board to make rules establishing the minimum standards for protection of human health and the environment.

Subsection 19-6-108(12) requires that operation plans be reviewed every five years.

This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

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 other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-311 is an integral part of the solid waste permitting program and defines major and minor modifications to permit and outlines the public comment process. Without this rule, the permit program would not meet the requirements of the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Doug Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-312	Filing ID:	50766
Effective Date:	11/30/2022		

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room number:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Spencer Wickham	801-536-0082	swickham@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-312. Recycling and Composting Facility Standards
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-6-105 allows the Board to make rules establishing the minimum standards for protection of human health and the environment. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.
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 from any interested persons either supporting or opposing this rule during or since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R315-312 provides the standards for operation of recycling and compost facilities that are allowed by the Solid and Hazardous Waste Act. This rule also sets the standards that will assure that these facilities are operated in a way that protects human health and the environment. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Doug Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-313	Filing ID: 50764
Effective Date:	11/30/2022	

Agency Information

1. Department:	Environmental Quality
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Agency:	Waste Management and Radiation Control, Waste Management	
Room number:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	801-536-0222	tball@utah.gov
Spencer Wickham	801-536-0082	swickham@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-313. Transfer Stations and Drop Box Facilities
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 19-6-104(1)(d) requires the Waste Management and Radiation Control Board (Board) to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Section 19-6-105 allows the Board to make rules establishing the minimum standards for protection of human health and the environment. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.
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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-313 provides the standards for operation of transfer stations and drop box facilities that are allowed by the Solid and Hazardous Waste Act. This rule also sets the standards that will assure that these facilities are operated in a way that protects human health and the environment. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-314	Filing ID:	50760
Effective Date:	11/30/2022		

Agency Information

1. Department:	Environmental Quality		
Agency:	Waste Management and Radiation Control, Waste Management		
Room number:	Second Floor		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144880		
City, state and zip:	Salt Lake City, UT 84114-4880		
Contact persons:			
Name:	Phone:	Email:	
Tom Ball	801-536-0251	tball@utah.gov	
Spencer Wickham	801-536-0082	swickham@utah.gov	

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

General Information

2. Rule catchline:
R315-314. Facility Standards for Piles Used for Storage and Treatment
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 19-6-104(1)(d) requires the Solid and Hazardous Waste Control Board (Board) to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility.

Section 19-6-105 allows the Board to make rules establishing the minimum standards for protection of human health and the environment.

Subsection 19-6-108(12) requires that operation plans be reviewed every five years.

This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-314 provides the standards for operation of facilities that treat and store solid waste in piles as allowed by the Solid and Hazardous Waste Act. This rule also sets the standards that will assure that these facilities are operated in a way that protects human health and the environment. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-315	Filing ID:	50762
Effective Date:	11/30/2022		

Agency Information

1. Department:	Environmental Quality		
Agency:	Waste Management and Radiation Control, Waste Management		
Room number:	Second Floor		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Spencer Wickham	801-536-0082	swickham@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-315. Special Waste Requirements
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-6-105 allows the Board to make rules establishing the minimum standards for protection of human health and the environment for the storage, collection, transport, transfer, recovery, treatment, and disposal of solid waste.
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 from any interested persons either supporting or opposing this rule during or since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R315-315 sets standards for the management of special wastes. These wastes can present special risks or require special handling which is set forth in Rule R315-315. When these standards are obeyed, it will assure that these wastes do not present an unacceptable risk to public health or the environment. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-316	Filing ID:	50761
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Effective Date:	11/30/2022
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Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room number:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
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:
R315-316. Infectious Waste Requirements
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 19-6-105(1)(h) requires the Solid and Hazardous Waste Control Board to make rules which relate to the collection, transportation, processing, treatment, storage, and disposal of infectious waste in health facilities in accordance with the requirements of Section 19-6-106.
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 from any interested persons either supporting or opposing this rule during or since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R315-316 sets standards for the management of infectious waste. This waste can present special risks or require special handling which is set forth in Rule R315-316. When facilities comply with these standards, it will assure that these wastes do not present an unacceptable risk to public health or the environment. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-317	Filing ID:	50770
Effective Date:	11/30/2022		

Agency Information

1. Department:	Environmental Quality		
Agency:	Waste Management and Radiation Control, Waste Management		
Room number:	Second Floor		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144880		
City, state and zip:	Salt Lake City, UT 84114-4880		
Contact persons:			
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:
R315-317. Other Processes, Variances, Violations, and Petition for Rule Change
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-6-111 allows the Waste Management and Radiation Control Board to grant variances if an application for variance is received.
Section 19-6-112 allows the director to serve a notice of violation when any person is in violation of an approved solid waste plan, the Solid and Hazardous Waste Act, or the rules. This section also allows the director to issue orders.
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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-317 sets the procedures for granting of variances, issuing of notices of violation, and procedures for rule change petitions. These are all an important part of the permit program for regulation of solid waste management facilities. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-318	Filing ID:	50765
Effective Date:	11/30/2022		

Agency Information

1. Department:	Environmental Quality		
Agency:	Waste Management and Radiation Control, Waste Management		
Room number:	Second Floor		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144880		
City, state and zip:	Salt Lake City, UT 84114-4880		
Contact persons:			
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:
R315-318. Permit by Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Section 19-6-104 requires the Waste Management and Radiation Control Board to meet the requirements of federal law related to solid waste.

Section 19-6-108 requires new facilities to submit operation plans and obtain approval prior to operating. This section also contains provisions for exemptions from certain approvals.

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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Permitting of solid waste facilities is a requirement to receive program approval from the EPA and is also required by the Solid and Hazardous Waste Act. Rule R315-318 sets out the procedures and conditions that will allow facilities that are permitted under another state program to receive a permit by rule and be in compliance with the Solid and Hazardous Waste Act and the solid waste rules and not be burdened by regulation by two different agencies. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R315-320	Filing ID:	50767
Effective Date:	11/30/2022		

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Waste Management
Room number:	Second Floor
Building:	MASOB
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144880
City, state and zip:	Salt Lake City, UT 84114-4880

Contact persons:		
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:
R315-320. Waste Tire Transporter and Recycler Requirements

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 19-6-105(1)(a) requires the Solid and Hazardous Waste Control Board (Board) to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility.

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 from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-320 contains requirements for Waste Tire Transporter and Recycler Requirements. This rule forms the basis for the regulation of the waste tire program in Utah. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Division Director	Date:	11/21/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R414-515	Filing ID:	51017
Effective Date:	11/30/2022		

Agency Information

1. Department:	Health and Human Services
Agency:	Health Care Financing, Coverage and Reimbursement Policy

Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R414-515. Long Term Acute Care
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26B-1-213 grants the Department of Health and Human Services (Department) the authority to adopt, amend, or repeal rules, and Section 26-18-3 requires the Department to implement the Medicaid program through administrative rules.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department did not receive any written comments regarding this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The Department has determined that this rule is necessary because it establishes long term acute care for Medicaid members that include provisions for member eligibility, program access, service coverage, preadmission review, continued stay review, and reimbursement. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	11/30/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R590-124	Filing ID: 53878
Effective Date:	12/01/2022	

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-124. Loss Information Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 31A-23a-402 authorizes the insurance commissioner to define unfair methods of competition. This rule requires that, upon a written request from an insured, an insurer must provide the insured with their loss information.
Section R590-124-4 of this rule provides instructions as to what loss information insurers are required to release, when and how often they must release it, and in what format.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Insurance has received no written comments regarding this rule during the past five years.

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

It is important that the law provide guidelines to insurers for the maintenance and dissemination of loss information to the insured and other insurers. Otherwise, loss information would not be released by insurers. Loss information is important for insureds to determine if their efforts to reduce losses has been successful; it is important for insurers who want to provide the insured with a competitive quote for their business. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	12/01/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-155	Filing ID:	54149
Effective Date:	12/01/2022		

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

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

General Information

2. Rule catchline:
R590-155. Utah Life and Health Insurance Guaranty Association Summary Document
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code. Section 31A-28-119 provides guidelines for the Utah Life and Health Insurance Guaranty Association (ULHIGA) summary and disclaimer document.

The purpose of this rule is to specify the form and content of the summary and disclaimer document for insurers to disclose to policy and contract holders the intent that contractual guarantees are not covered or have limited coverage by ULHIGA.

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

The Department of Insurance has received no written comments regarding this rule during the past five years.

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

Section 31A-28-119 prohibits agents from telling prospective insureds that the policy they are buying is covered by ULHIGA in the event that the insurance company becomes insolvent. This assurance has been used deceptively to sell policies when the insurer was financially insolvent or unsound. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	12/01/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-215	Filing ID:	54611
Effective Date:	12/01/2022		

Agency Information

1. Department:	Insurance
Agency:	Administration
Room number:	Suite 2300
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W
City, state and zip:	Taylorsville, UT 84129
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-215. Permissible Arbitration Provisions for Individual and Group Health Insurance

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

Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code. This rule defines "permissible arbitration provisions" and provides guidelines upon which disclosure of a contract arbitration provision is to be made.

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

The Department of Insurance has received no written comments regarding this rule during the past five years.

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

Federal law requires states to establish rules that set guidelines for the use of arbitration in the claims process. This rule provides those guidelines. Once an insured has exhausted the insurer's internal appeals process, they have the right to arbitration. This rule defines arbitration in its several forms, as well as the process itself. This rule ensures that the arbitration process is the same in all US states, which reduces confusion and misunderstanding. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	12/01/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R850-70	Filing ID:	52040
Effective Date:	11/22/2022		

Agency Information

1. Department:	School and Institutional Trust Lands
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Agency:	Administration
Room number:	Suite 500
Street address:	675 E 500 S
City, state and zip:	Salt Lake City, UT 84102-2818

Contact persons:		
Name:	Phone:	Email:
Mike Johnson	801-538-5180	mjohnson@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov

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

General Information

2. Rule catchline:
R850-70. Sales of Forest Products From Trust Lands Administration Lands

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

Subsection 53C-2-20(l)(a)(ii) authorizes the director of the School and Institutional Trust Lands Administration (SITLA) to provide for the sale of forest products, desert products, and other vegetative material from Trust Lands Administration land. This rule establishes the guidelines for SITLA to follow in the management and sale of these resources.

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

No written comments have been received by SITLA concerning this rule since the previous five-year notice of review.

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

This rule establishes the guidelines for SITLA to follow in the management and sale of forest product resources located on trust lands. It also provides the public with the requirements for the acquisition of these resources. The sale of these products provides valuable revenue for the benefit of the respective beneficiary of the land. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Michelle McConkie, Director	Date:	11/22/2022
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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

Plant Industry

No. 54869 (Amendment) R68-25: Industrial Hemp Program-Cannabinoid Product Processors
Published: 10/01/2022
Effective: 11/22/2022

Alcoholic Beverage Services

Administration

No. 54841 (Amendment) R82-1-102: Definitions
Published: 09/15/2022
Effective: 12/01/2022

No. 54842 (Amendment) R82-1-208: Percentage Lease Agreements
Published: 09/15/2022
Effective: 12/01/2022

No. 54843 (Amendment) R82-2-202.1: Late License Renewals
Published: 09/15/2022
Effective: 12/01/2022

No. 54844 (Amendment) R82-2-306: Operational Matters
Published: 09/15/2022
Effective: 12/01/2022

No. 54845 (Amendment) R82-2-308: Consignment Inventory Package Agencies
Published: 09/15/2022
Effective: 12/01/2022

No. 54847 (Amendment) R82-5-202: Retail License Renewals
Published: 09/15/2022
Effective: 12/01/2022

No. 54848 (Amendment) R82-6-701: On Premise Beer Retailer -- Reserved
Published: 09/15/2022
Effective: 12/01/2022

No. 54849 (Amendment) R82-9-201: Application Requirements
Published: 09/15/2022
Effective: 12/01/2022

Commerce

Administration

No. 54884 (Amendment) R151-3: Americans with Disabilities Act Rule
Published: 10/15/2022
Effective: 11/21/2022

Communications Authority Board (Utah)

Administration

No. 54815 (Amendment) R174-1: Utah Communications Authority Board
Published: 11/01/2022
Effective: 12/08/2022

Environmental Quality

Waste Management and Radiation Control, Radiation
No. 54863 (Amendment) R313-19-100: Transportation
Published: 10/01/2022
Effective: 11/14/2022

Health and Human Services

Administration (Health)

No. 54732 (New Rule) R380-500: Agency Authority
Published: 08/01/2022
Effective: 11/21/2022

NOTICES OF RULE EFFECTIVE DATES

Insurance

Administration

No. 54942 (Amendment) R590-93-4: Duties of an Insurer

That Uses a Producer

Published: 10/15/2022

Effective: 11/22/2022

No. 54988 (Repeal and Reenact) R590-130: Rules

Governing Advertisements of Insurance

Published: 11/01/2022

Effective: 12/08/2022

No. 54989 (Amendment) R590-198: Valuation of Life

Insurance Policies

Published: 11/01/2022

Effective: 12/08/2022

No. 54943 (Repeal) R590-232: Authorization for a Health

Maintenance Organization to Provide Services as Third Party

Administrator of Health Care Benefits

Published: 10/15/2022

Effective: 11/22/2022

No. 54990 (Amendment) R590-235: Medicare Prescription

Drug Plan

Published: 11/01/2022

Effective: 12/08/2022

No. 54944 (Amendment) R590-251: Preneed Life

Insurance Minimum Standards to Determine Reserve

Liabilities and Nonforfeiture Values

Published: 10/15/2022

Effective: 11/22/2022

No. 54991 (Repeal) R590-270: Risk Adjustment Data

Submission Requirements

Published: 11/01/2022

Effective: 12/08/2022

No. 54945 (New Rule) R590-289: Term and Universal Life

Insurance Reserve Financing

Published: 10/15/2022

Effective: 11/22/2022

Natural Resources

State Parks

No. 54911 (Amendment) R651-604: Operation or Use of

Audio Devices

Published: 10/15/2022

Effective: 11/22/2022

No. 54933 (Repeal) R651-605: Begging and Soliciting

Published: 10/15/2022

Effective: 11/22/2022

No. 54914 (Repeal) R651-609: Explosives and Fireworks

Published: 10/15/2022

Effective: 11/22/2022

No. 54915 (Repeal) R651-617: Permit Violation

Published: 10/15/2022

Effective: 11/22/2022

No. 54918 (Amendment) R651-620: Protection of

Resources Park System Property

Published: 10/15/2022

Effective: 11/22/2022

No. 54916 (Repeal) R651-622: Rock Climbing

Published: 10/15/2022

Effective: 11/22/2022

No. 54917 (Repeal) R651-623: Sale or Distribution of

Printed Material

Published: 10/15/2022

Effective: 11/22/2022

Wildlife Resources

No. 54979 (Amendment) R657-13: Taking Fish and

Crayfish

Published: 11/01/2022

Effective: 12/08/2022

No. 54980 (Amendment) R657-14: Commercial Harvesting

of Protected Aquatic Wildlife

Published: 11/01/2022

Effective: 12/08/2022

No. 54982 (Repeal and Reenact) R657-43: Landowner

Permits

Published: 11/01/2022

Effective: 12/08/2022

No. 54981 (Amendment) R657-62: Drawing Application

Procedures

Published: 11/01/2022

Effective: 12/08/2022

Public Service Commission

Administration

No. 54832 (Amendment) R746-349: Competitive Entry and

Reporting Requirements

Published: 10/15/2022

Effective: 11/21/2022

Workforce Services

Administration

No. 54978 (Repeal) R982-800: Utah Data Research

Center

Published: 11/01/2022

Effective: 12/08/2022

Employment Development

No. 54872 (Amendment) R986-300: Refugee Transitional

Cash Assistance

Published: 10/01/2022

Effective: 12/01/2022

End of the Notices of Rule Effective Dates Section