

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Brody Mangum, Managing Editor

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

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Digest* should be addressed to the contact person for the rule. Questions about the *Digest* or the rule-making 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

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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.

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## EXECUTIVE ORDER 2023-07

Requiring Water Conservation at State Facilities and Increasing Utah's Drought Resiliency

**WHEREAS**, Utah is one of the driest states in the nation;

**WHEREAS**, some portion of the state has experienced drought conditions nearly every year since 2000;

**WHEREAS**, Utah experienced "extreme" and "exceptional" drought conditions in 2021 and 2022, as categorized by the U.S. Drought Monitor;

**WHEREAS**, the Great Salt Lake broke its record low in 2021 and then again in November 2022;

**WHEREAS**, water-saving actions during the past two years have kept more water in our reservoirs than we would have had with typical use;

**WHEREAS**, the valiant efforts of individual Utahns across the state help to maintain water supplies, even as Utah's population grows;

**WHEREAS**, Utahns have conserved billions of gallons of water in past conservation efforts;

**WHEREAS**, even in wet years, Utah needs to prepare for drought conditions;

**WHEREAS**, maintaining and expanding existing water-saving measures will increase Utah's drought resiliency;

**NOW, THEREFORE**, I, Spencer J. Cox, Governor of the State of Utah, hereby order the following for state facilities:

1. As used in this Order:
  - a. "State facility" means a building or structure that is owned or controlled by the state or a state governmental entity.
  - b. "State facility" does not mean:
    - i. a building or structure that is owned or controlled exclusively by:
      - A. the legislative branch of the state;
      - B. the judicial branch of the state;
      - C. the Attorney General's Office;
      - D. the State Auditor's Office;
      - E. the State Treasurer's Office;
      - F. the State Board of Education;
      - G. an independent entity as defined in Utah Code § 63E-1-102;
    - ii. an unoccupied structure that is a component of the state highway system;

- iii. a privately owned structure that is located on property owned by the state, the state's department, commission, institution, or other state agency; or
- iv. a structure that is located on land administered by the trust lands administration under a lease, permit, or contract with the trust lands administration.
- c. "State governmental entity" means any department, board, commission, institution, agency, or institution of higher education.
- 2. Each agency shall:
  - (a) assess the agency's compliance with the water conservation requirements for state facilities in Utah Code § 63A-5b-1108;
  - (b) coordinate with the Division of Facilities Construction and Management and the Division of Water Resources to implement and follow the requirements in Subsection 2(a);
  - (c) submit the information on agency water use required in Utah Code § 63A-5b-1108(3)(b) to the Division of Facilities Construction and Management in addition to the Division of Water Resources; and
  - (d) as required in Utah Code § 63A-5b-1108(5)(a), follow the Division of Water Resources' weekly watering guide: <https://conservewater.utah.gov/weekly-lawn-watering-guide/>.

I further make the following recommendations:

- 1. I recommend that water suppliers and irrigation companies:
  - a. where possible, delay the start of the irrigation season or end irrigation early;
  - b. encourage efficient landscape watering; and
  - c. as needed, contact the Division of Water Resources for assistance with developing a drought response plan and water conservation plan.
- 2. I recommend that cities and counties:
  - a. develop and adopt water efficiency standards for new construction in all sectors (residential, commercial, institutional and industrial);
  - b. evaluate opportunities to:
    - (i) limit lawn on the grounds of a city government facility and replace lawn with waterwise plants or other waterwise landscapes; and
    - (ii) update facility-management technology to include metering for water-consuming processes related to irrigation and mechanical systems;
- 3. I recommend that residential water users consider the following conservation practices:
  - a. delay outdoor irrigation or end irrigation early;
  - b. follow the Division of Water Resources' weekly watering guide provided at <https://conservewater.utah.gov/weekly-lawn-watering-guide/>;
  - c. fix irrigation inefficiencies;
  - d. purchase and install a smart controller or low-flow toilet (rebates are offered at <https://utahwatersavers.com/>);
  - e. reduce indoor water use by taking shorter showers, turning off water when not in use, and replacing appliances with water-efficient models;
  - f. follow the directions of local water providers;
  - g. convert nonfunctional grass areas to waterwise landscapes; and
  - h. reduce indoor water waste.

**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 10th day of May, 2023.

(State Seal)

**Spencer J. Cox**  
**Governor, State of Utah**

ATTEST:

**Deidre M. Henderson**  
**Lieutenant Governor, State of Utah**



**PROCLAMATION**

**WHEREAS**, since the adjournment of the 2023 General Session of the Sixty-fifth Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

**WHEREAS**, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

**WHEREAS**, this applies for all "whereas" statements;

**NOW, THEREFORE**, I, Spencer J. Cox, governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Sixty-fifth Legislature of the State of Utah into a First Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 17 day of May 2023, at 4 p.m., for the following purposes:

1. to consider extending the state of emergency declared in Executive Order 2023-05;
2. to reallocate the fiscal year 2023 and fiscal year 2024 budgets to address costs related to snow removal, flooding, flood response and mitigation, and other costs related to the conditions that gave rise to the state of emergency declared in Executive Order 2023-05; and
3. to consider amendments to House Bill 225, Firearm Possession Amendments, from the 2023 General Session.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 5th day of May 2023.

(State Seal)

**Spencer J. Cox**  
**Governor, State of Utah**

ATTEST:

**Deidre M. Henderson**  
**Lieutenant Governor, State of Utah**

2023-1S

**End of the Executive Documents Section**



## NOTICES OF PROPOSED RULES

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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 May 02, 2023, 12:00 a.m., and May 15, 2023, 11:59 p.m. are included in this, the June 01, 2023, 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 July 03, 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 September 29, 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.

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**The Proposed Rules Begin on the Following Page**

| NOTICE OF PROPOSED RULE |        |                  |
|-------------------------|--------|------------------|
| TYPE OF FILING: Repeal  |        |                  |
| Rule or Section Number: | R68-24 | Filing ID: 55393 |

**Agency Information**

|  |                               |                      |
|--|-------------------------------|----------------------|
| <b>1. Department:</b>  | Agriculture and Food          |                      |
| <b>Agency:</b>   | Plant Industry                |                      |
| <b>Building:</b>   | TSOB South Bldg, Floor 2      |                      |
| <b>Street address:</b>   | 4315 S 2700 W                 |                      |
| <b>City, state and zip:</b>  | Taylorsville, UT 84129        |                      |
| <b>Mailing address:</b>  | PO BOX 146500                 |                      |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84114-6500 |                      |
| <b>Contact persons:</b>  |                               |                      |
| <b>Name:</b>   | <b>Phone:</b>                 | <b>Email:</b>        |
| Amber Brown  | 385-245-5222                  | Ambermbrown@Utah.gov |
| Kelly Pehrson  | 801-982-2202                  | Kwpehrson@Utah.gov   |
| Brandon Forsyth  | 801-710-9945                  | Bforsyth@Utah.gov    |
| Please address questions regarding information on this notice to the persons listed above. |                               |                      |

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R68-24. Industrial Hemp License for Growers   |
| <b>3. Purpose of the new rule or reason for the change:</b>   |
| The Department of Agriculture and Food (Department) no longer licenses hemp growers because of H.B. 385 which was passed in the 2021 General Session.   |
| <b>4. Summary of the new rule or change:</b>  |
| This repeal will align with the state code that was passed in 2021. The bill removed the requirement for the Department to license hemp growers throughout the state. Therefore, this rule is repealed in its entirety. |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>                 |
| <b>A) State budget:</b>  |
| There is no impact on the state budget because the Department has not licensed hemp growers since the bill was passed. |

|   |
|---|
| <b>B) Local governments:</b>  |
| This rule is not expected to impact local governments' revenues or expenditures because local governments are not involved with licensing hemp growers. |

|  |
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| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):   |
| This rule does not affect small businesses because the Department has not licensed hemp growers since the bill was passed in 2021. |

|  |
|--|
| <b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):                                   |
| This rule does not affect non-small businesses because the Department has not licensed hemp growers since the bill was passed in 2021. |

|  |
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| <b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ): |
| This rule does not affect a person because the hemp grower license applies to facilities and not a person.   |

|  |
|--|
| <b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?): |
| There are no compliance costs for affected persons because hemp growers are no longer required to be licensed with the Department. |

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

| Regulatory Impact Table  |            |            |            |
|--------------------------|------------|------------|------------|
| Fiscal Cost              | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Cost</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| Fiscal Benefits              | FY2024     | FY2025     | FY2026     |
|------------------------------|------------|------------|------------|
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

**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:**

|                            |  |  |
|----------------------------|--|--|
| Subsection<br>4-41a-103(4) |  |  |
|----------------------------|--|--|

**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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b> | 07/10/2023 |
|---|------------|

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**

|   |                               |              |            |
|---|-------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Craig W Buttars, Commissioner | <b>Date:</b> | 05/04/2023 |
|---|-------------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE          |               |                                   |
|----------------------------------|---------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Amendment |               |                                   |
| <b>Rule or Section Number:</b>   | <b>R68-26</b> | <b>Filing ID:</b><br><b>55411</b> |

**Agency Information**

|                             |                               |
|-----------------------------|-------------------------------|
| <b>1. Department:</b>       | Agriculture and Food          |
| <b>Agency:</b>              | Plant Industry                |
| <b>Building:</b>            | TSOB South Bldg, Floor 2      |
| <b>Street address:</b>      | 4315 S 2700 W                 |
| <b>City, state and zip:</b> | Taylorville, UT 84129         |
| <b>Mailing address:</b>     | PO Box 146500                 |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-6500 |

**Contact persons:**

| Name:         | Phone:       | Email:               |
|---------------|--------------|----------------------|
| Amber Brown   | 385-245-5222 | ambermbrown@utah.gov |
| Cody James    | 385-515-1485 | codyjames@utah.gov   |
| Kelly Pehrson | 385-977-2147 | kwpehrson@utah.gov   |

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>                  |
| R68-26. Cannabinoid Product Registration and Labeling |

**3. Purpose of the new rule or reason for the change:**  
Changes are needed to clarify this rule and ensure it is consistent with changes passed by the legislature during the 2023 General Session in H.B. 227, Hemp Amendments.

**4. Summary of the new rule or change:**  
In Section R68-26-2, clarification has been added to the definition of "cannabinoid product" to add THC serving and package limits included in H.B. 227 (2023). The definition of "cannabinoid product class" has been added to replace "industrial hemp product class." The definition of "registrant" has replaced "manufacturer."

Additionally, throughout this rule, the word "industrial hemp" has generally been replaced with "cannabinoid product" because this more accurately represents the Department of Agriculture and Food's (Department) regulatory jurisdiction.

In Section R68-26-4, a requirement has been added that the certificate of analysis for each product include cannabinoid testing from the Department laboratory, a clarification that was added to the Department's rulemaking authority in H.B. 227 (2023).

In Section R68-26-5, a requirement is also added that products designed to be inhaled contain a specific warning label regarding potential health effects, also required in H.B. 227 (2023).

**Fiscal Information**

**5. 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 overall. There will be additional testing at the state laboratory, however, they will be paid for by laboratory testing fees.

**B) Local governments:**

Local governments will not be impacted by the changes because they do not regulate or register cannabinoid products.

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

Small business registrants will now need to pay for cannabinoid testing at the state lab, however, this should not lead to increased cost because the testing fee will be approximately the same as is currently charged by other labs. The requirement of cannabinoid testing itself is not new to this rule.

Small businesses will also need to update their labeling to add a warning for inhaled products. The Department estimates that this will lead to an increased cost in FY 2024 only because following 2024, they will incorporate the warning into existing labeling.

The Department estimates that 1,800 registrations will each have approximately 2,000 products with a \$0.25 additional label cost each for a total of cost of \$900,000 with 75% being borne by small businesses and 25% by non-small businesses or a total impact of \$675,000 on small businesses.

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

Non-small business registrants will now need to pay for cannabinoid testing at the state lab, however, this should not lead to increased cost because the testing fee will be approximately the same as is currently charged by other labs. The requirement of cannabinoid testing itself is not new to this rule.

Non-small businesses will also need to update their labeling to add a warning for inhaled products. The

Department estimates that this will lead to an increased cost in FY 2024 only because following 2024, they will incorporate the warning into existing labeling.

The Department estimates that 1,800 registrations will each have approximately 2,000 products with a \$0.25 additional label cost each for a total of cost of \$900,000 with 75% being borne by small businesses and 25% by non-small businesses or a total impact of \$675,000 on 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**):

Other persons will not be impacted because they do not register or regulate cannabinoid products.

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

Compliance costs will increase due to the requirement to add a warning regarding inhaled products. The Department estimates that this cost will be an increase of \$0.25 per product on the market in FY 2024 only.

**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**

| <b>Fiscal Cost</b>       | <b>FY2024</b> | <b>FY2025</b>    | <b>FY2026</b> |
|--------------------------|---------------|------------------|---------------|
| State Government         | \$0           | \$0              | \$0           |
| Local Governments        | \$0           | \$0              | \$0           |
| Small Businesses         | \$0           | \$675,000        | \$0           |
| Non-Small Businesses     | \$0           | \$225,000        | \$0           |
| Other Persons            | \$0           | \$0              | \$0           |
| <b>Total Fiscal Cost</b> | <b>\$0</b>    | <b>\$900,000</b> | <b>\$0</b>    |
| <b>Fiscal Benefits</b>   | <b>FY2024</b> | <b>FY2025</b>    | <b>FY2026</b> |
| 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        |
| <b>Total Fiscal Benefits</b>  | <b>\$0</b> | <b>\$0</b>         | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>  | <b>\$0</b> | <b>\$(900,000)</b> | <b>\$0</b> |
| <b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>   |            |                    |            |
| 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:**

|                        |                        |  |
|------------------------|------------------------|--|
| Subsection 4-41-103(4) | Subsection 4-41-403(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:** 07/03/2023

**9. This rule change MAY become effective on:** 07/10/2023

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**

|   |                               |              |            |
|---|-------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Craig W Buttars, Commissioner | <b>Date:</b> | 05/12/2023 |
|---|-------------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE        |               |                                   |
|--------------------------------|---------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Repeal  |               |                                   |
| <b>Rule or Section Number:</b> | <b>R68-32</b> | <b>Filing ID:</b><br><b>55394</b> |

**Agency Information**

|                        |                          |
|------------------------|--------------------------|
| <b>1. Department:</b>  | Agriculture and Food     |
| <b>Agency:</b>         | Plant Industry           |
| <b>Building:</b>       | TSOB South Bldg, Floor 2 |
| <b>Street address:</b> | 4315 S 2700 W            |

|                             |                               |                      |
|-----------------------------|-------------------------------|----------------------|
| <b>City, state and zip:</b> | Taylorsville, UT 84129        |                      |
| <b>Mailing address:</b>     | PO BOX 146500                 |                      |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-6500 |                      |
| <b>Contact persons:</b>     |                               |                      |
| <b>Name:</b>                | <b>Phone:</b>                 | <b>Email:</b>        |
| Amber Brown                 | 385-245-5222                  | Ambermbrown@Utah.gov |
| Kelly Pehrson               | 801-982-2202                  | Kwpehrson@Utah.gov   |
| Brandon Forsyth             | 801-710-9945                  | Bforsyth@Utah.gov    |

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

**2. Rule or section catchline:**  
R68-32. Sale and Transfer of Industrial Hemp Waste to Medical Cannabis Cultivators

**3. Purpose of the new rule or reason for the change:**  
S.B. 91 passed during the 2023 General Session, and it removed language related to medical cannabis cultivators using industrial hemp waste.

**4. Summary of the new rule or change:**  
Since S.B. 91 (2023) passed and removed language about medical cannabis cultivators using industrial hemp waste, this rule is no longer compliant with the statute. Therefore, this rule is repealed in its entirety.

**Fiscal Information**

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

**A) State budget:**  
There is no anticipated impact on the state budget because this rule did not collect or require any fees for using industrial hemp waste.

**B) Local governments:**  
There is no anticipated impact on local governments because this rule does not collect or require any fees for using industrial hemp waste.

NOTICES OF PROPOSED RULES

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

There is no anticipated impact on small businesses because this rule does not require the collection or distribution of fees.

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

There is no anticipated impact on non-small businesses because this rule did not require the collection or distribution of fees.

**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 impact on other persons because this rule does not require the collection or distribution of fees.

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

There is no anticipated impact on compliance costs because this rule did not require the collection or distribution of 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              | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Cost</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| Fiscal Benefits          | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

**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:**

|              |  |  |
|--------------|--|--|
| Subsection   |  |  |
| 4-41a-501(5) |  |  |

**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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

**9. This rule change MAY become effective on:** 07/10/2023

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**

|   |                               |              |            |
|---|-------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Craig W Buttars, Commissioner | <b>Date:</b> | 05/04/2023 |
|---|-------------------------------|--------------|------------|

**NOTICE OF PROPOSED RULE**

|                                  |               |                                   |
|----------------------------------|---------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Amendment |               |                                   |
| <b>Rule or Section Number:</b>   | <b>R68-33</b> | <b>Filing ID:</b><br><b>55413</b> |

**Agency Information**

|                       |                          |
|-----------------------|--------------------------|
| <b>1. Department:</b> | Agriculture and Food     |
| <b>Agency:</b>        | Plant Industry           |
| <b>Building:</b>      | TSOB South Bldg, Floor 2 |



|   |                               |                      |
|---|-------------------------------|----------------------|
| <b>Street address:</b>  | 4315 S 2700 W                 |                      |
| <b>City, state and zip:</b>   | Taylorsville, UT 84129        |                      |
| <b>Mailing address:</b>   | PO Box 146500                 |                      |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-6500 |                      |
| <b>Contact persons:</b>   |                               |                      |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>        |
| Amber Brown   | 385-245-5222                  | ambermbrown@utah.gov |
| Cody James  | 385-515-1485                  | codyjames@utah.gov   |
| Kelly Pehrson   | 385-977-2147                  | kwpehrson@utah.gov   |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                      |

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R68-33. Industrial Hemp Retailer Permit   |
| <b>3. Purpose of the new rule or reason for the change:</b>   |
| Clarifications are needed to ensure this rule is consistent with current law following the passage of H.B. 227, Hemp Amendments, during the 2023 General Session.   |
| <b>4. Summary of the new rule or change:</b>  |
| The definition of cannabinoid product is clarified to include per package and per serving limits put in place in H.B. 227 (2023).   |
| The text of this rule is updated throughout to reference cannabinoid products rather than industrial hemp since that is more consistent with current law and the Department of Agriculture and Food's (Department) authority under this rule. |
| Language has been added to Sections R68-33-5 and R68-33-7 adding a limitation on sales of products with THC to anyone under the age of 21, also included in H.B. 227 (2023).  |
| Clarification has also been added to Section R68-33-7 related to violations for selling products that could be appealing to children.   |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>         |
| <b>A) State budget:</b>  |
| This change clarifies rule requirements and should not impact the state budget. The change related to sales of |

|  |
|--|
| products with THC will not impact Department revenue because the same number of industrial hemp retailers should be registered each year, with the same amount of fees collected.  |
| <b>B) Local governments:</b>   |
| Local governments do not act as industrial hemp retailers and will not be impacted by this rule change.  |
| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):   |
| Small business industrial hemp retailers will not be impacted by this rule change because they clarify existing requirements.  |
| They will not be impacted by the new packaging limits because they do not produce cannabinoid products.  |
| While product sales may decrease due to the new limitation on sales of products with THC, the Department is not able to quantify the small business impact of this change because there is no current tracking of sales to those under 21 years old.                                   |
| <b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):   |
| Non-small business industrial hemp retailers will not be impacted by this rule change because they clarify existing requirements.  |
| They will not be impacted by the new packaging limits because they do not produce cannabinoid products.  |
| While product sales may decrease due to the new limitation on sales of products with THC, the Department is not able to quantify the non-small business impact of this change because there is no current tracking of sales to those under 21 years old.                               |
| <b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ): |
| Other persons will not be impacted by the changes because they do not operate as industrial hemp retailers.  |
| <b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):   |
| Compliance requirements for retailers have not changed.  |
| <b>G) Regulatory Impact Summary Table</b> (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   | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Cost</b>  | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| Fiscal Benefits   | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Benefits</b>  | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>  | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>   |            |            |            |
| The Commissioner of the Department of Agriculture and Food, Craig W Butters, has reviewed and approved this regulatory impact analysis. |            |            |            |

**Citation Information**

|   |  |  |
|---|--|--|
| <b>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:</b> |  |  |
| Section<br>4-41-103.1   |  |  |

**Public Notice Information**

|   |            |
|---|------------|
| <b>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.)</b> |            |
| <b>A) Comments will be accepted until:</b>  | 07/03/2023 |

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 07/10/2023 |
| 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**

|   |                               |              |            |
|---|-------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Craig W Butters, Commissioner | <b>Date:</b> | 05/12/2023 |
|---|-------------------------------|--------------|------------|

**NOTICE OF PROPOSED RULE**

|                                  |                |                                   |
|----------------------------------|----------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Amendment |                |                                   |
| <b>Rule or Section Number:</b>   | <b>R70-330</b> | <b>Filing ID:</b><br><b>55403</b> |

**Agency Information**

|                              |                               |                      |
|------------------------------|-------------------------------|----------------------|
| <b>1. Department:</b>        | Agriculture and Food          |                      |
| <b>Agency:</b>               | Regulatory Services           |                      |
| <b>Building:</b>             | TSOB South Bldg., Floor 2     |                      |
| <b>Street address:</b>       | 4315 S 2700 W                 |                      |
| <b>City, state, and zip:</b> | Taylorsville, UT 84129-2128   |                      |
| <b>Mailing address:</b>      | PO BOX 146500                 |                      |
| <b>City, state, and zip:</b> | Salt Lake City, UT 84114-6500 |                      |
| <b>Contact persons:</b>      |                               |                      |
| <b>Name:</b>                 | <b>Phone:</b>                 | <b>Email:</b>        |
| Travis Waller                | 801-982-2250                  | twaller@Utah.gov     |
| Amber Brown                  | 385-245-5222                  | ambermbrown@Utah.gov |
| Kelly Pehrson                | 801-982-2200                  | kwpehrson@Utah.gov   |

Please address questions regarding information on this notice to the persons listed above.

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R70-330. Raw Milk for Retail   |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| Changes are needed to clarify the testing requirements for the raw milk program, allow the Department of Agriculture and Food (Department) to manage the growing program effectively, ensure that raw milk sold in Utah is safe for consumers, and provide guidelines for penalties in the event that raw milk is sold without a permit. |

Changes are also needed to ensure this rule is consistent with the current statute, given changes passed in H.B. 320, during the 2023 General Session, that allows for the sale of additional raw milk products beyond milk, butter, or cream.

**4. Summary of the new rule or change:**

First, this rule has been expanded to add the definition of raw milk product in Section R70-330-2, consistent with the current statute and changes from H.B. 320 (2023).

References to raw milk products have been added throughout this rule as well.

Additionally, changes and clarifications are made to the testing requirements of the program, including adding a requirement for retesting for pathogen violations, clarification of permit suspension and reinstatement procedures to ensure that they apply to all raw milk sold in a retail setting, and clarification of retesting requirements in the event of failed testing.

Language is also added to clarify that producers are responsible for the cost of testing, consistent with statutory provisions.

Additional requirements are added regarding third-party labs that test raw milk, including a requirement that labs be listed by the Food and Drug Administration and that lab results be shared with the Department.

A section is added to provide specific penalties the Department may assess if a producer is selling raw milk without a permit.

Language is added to specify that the Department may charge fees for inspections and testing, which is already required in statute.

Additional changes have been made to the text to make it more consistent with the requirements of the Utah Rulewriting Manual.

**Fiscal Information**

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

**A) State budget:**

With the rule changes, the Department will have specific authority to charge fees for inspecting raw milk facilities and testing. The Department will start charging fees in FY 24 when this rule is effective.

The Department currently has laboratory fees in place. It anticipates that 12 small producers with 3 raw milk products will now be charged \$50 per sample for testing at an estimated \$1,800 collected monthly for a total additional revenue of \$21,600 collected through testing fees.

Inspection fees are \$26.50 per hour, with an average of 2 hours per inspection. Inspections are conducted every 6 months for each of the 12 small facilities for \$1,272 collected annually.

The Department anticipates that 20% of raw milk products fail and will require at least \$500 for additional testing. 20% of total products (36) per small producer would equal 7.2 products per year for a total of \$3,600 per producer or a combined producer total of \$43,200. This adds up to total additional revenue to the Department of \$66,072 from small businesses.

With regard to larger producers, the Department anticipates that one business will be impacted and will be charged the same fees, bringing in revenue of \$1,906 per year for product testing and \$3,600 for failed testing.

Combining the additional revenue between small and non-small producers totals \$7,1578. The Department anticipates that the program's costs will not increase but that the fee revenue will be used to pay those program costs not previously covered by fee revenue.

**B) Local governments:**

The Department does not anticipate that this change will impact local governments because they do not sell raw milk or administer the raw milk for retail programs.

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

All current raw milk products for retail producers are for small businesses, and they will be responsible for paying the fees. This means there would be approximately 12 facilities impacted and will pay a cost of \$21,600 in laboratory testing fees and approximately \$1,272 in inspection fees in FY 2024.

The Department predicts that 20% of products will fail the testing requirements and could increase costs by \$43,200. The combined costs that could impact all raw milk product small business producers is \$66,072 or an average of \$5,506 per producer.

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

The Department anticipates this change will impact one non-small business and would be charged the same amount for raw milk product testing, \$50 per product per month, and inspection fees would start at \$26.50 per hour and could increase based on the amount of time spent during the inspection. The anticipated annual cost for a non-small business is at least \$1,906.

If 20% of products fail testing requirements, the non-small business costs could increase by \$3,600. The annual anticipated total cost for one non-small business would be approximately \$5,506. These estimates are based on an anticipated three raw milk products sold.

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

Other persons should not be impacted because they do not operate raw milk for retail facilities.

**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 licensees will be increased due to the Department's fees for laboratory testing and inspection of raw milk facilities.

The raw milk product testing is \$50 per product per month. The inspection cost is \$26.50 per hour and increases with overtime hours.

Testing fees for failed products are \$500 per product.

**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**

| <b>Fiscal Cost</b>           | <b>FY2024</b>   | <b>FY2025</b>   | <b>FY2026</b>   |
|------------------------------|-----------------|-----------------|-----------------|
| State Government             | \$0             | \$0             | \$0             |
| Local Governments            | \$0             | \$0             | \$0             |
| Small Businesses             | \$66,072        | \$66,072        | \$66,072        |
| Non-Small Businesses         | \$5,506         | \$5,506         | \$5,506         |
| Other Persons                | \$0             | \$0             | \$0             |
| <b>Total Fiscal Cost</b>     | <b>\$71,578</b> | <b>\$71,578</b> | <b>\$71,578</b> |
| <b>Fiscal Benefits</b>       | <b>FY2024</b>   | <b>FY2025</b>   | <b>FY2026</b>   |
| State Government             | \$71,578        | \$71,578        | \$71,578        |
| Local Governments            | \$0             | \$0             | \$0             |
| Small Businesses             | \$0             | \$0             | \$0             |
| Non-Small Businesses         | \$0             | \$0             | \$0             |
| Other Persons                | \$0             | \$0             | \$0             |
| <b>Total Fiscal Benefits</b> | <b>\$71,578</b> | <b>\$71,578</b> | <b>\$71,578</b> |

|                     |                   |            |            |
|---------------------|-------------------|------------|------------|
| <b>Net Benefits</b> | <b>Fiscal \$0</b> | <b>\$0</b> | <b>\$0</b> |
|---------------------|-------------------|------------|------------|

**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 4-3-201 |  |  |
|-----------------|--|--|

**Incorporations by Reference Information**

**7. Incorporations by Reference:**

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

|   |   |
|---|---|
| <b>Official Title of Materials Incorporated (from title page)</b> | Grade "A" Pasteurized Milk Ordinance  |
| <b>Publisher</b>  | U.S. Department of Health and Human Services Public Health Service Food and Drug Administration |
| <b>Issue Date</b>   | July 2020   |
| <b>Issue or Version</b>   | 2019 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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b> | 07/10/2023 |
|---|------------|

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**

|   |                               |              |            |
|---|-------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Craig W Buttars, Commissioner | <b>Date:</b> | 05/09/2023 |
|---|-------------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE   |          |                  |
|---------------------------|----------|------------------|
| TYPE OF FILING: Amendment |          |                  |
| Rule or Section Number:   | R277-320 | Filing ID: 55416 |

**Agency Information**

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

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R277-320. Grow Your Own Teacher and School Counselor Pipeline Program  |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| This rule is being amended due to the passage of H.B. 190, in the 2023 General Session, which expanded the scope of the Grow Your Own scholarship program for Local Education Agencies (LEAs) to include additional license areas. |
| <b>4. Summary of the new rule or change:</b>   |
| These amendments add a definition for "Grant program candidate" or "candidate", removes the definition for "statewide assessment", and clarifies the definition of "Mentor".   |
| There is also an amendment to remove the specific date when the Superintendent must prepare an application for participation in the grant program and post the application on the Utah State Board of Education (USBE) website.    |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A) State budget:</b>  |
| This rule change is not expected to have fiscal impact on state government revenues or expenditures. The rule change does not increase or change allocations to the USBE or LEAs.  |
| <b>B) Local governments:</b>   |
| This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. LEAs now have flexibility to use the program for social workers and psychologists. There is no change to the fiscal impact for LEAs.  |
| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):   |
| This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. These changes only affect the Grow Your Own program in LEAs.   |
| <b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):   |
| There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses. |
| <b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):   |
| This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This change only affects USBE and LEAs.  |
| <b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):   |
| There are no compliance costs for affected persons. There are no additional costs for USBE or LEAs to the rule change. The fiscal note on legislation captured any costs associated with adding social workers and psychologists to the program.   |

**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.)

| <b>Regulatory Impact Table</b> |               |               |               |
|--------------------------------|---------------|---------------|---------------|
| <b>Fiscal Cost</b>             | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Cost</b>       | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>         | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Benefits</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Net Fiscal Benefits</b>     | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, 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:**

|                      |                         |                  |
|----------------------|-------------------------|------------------|
| Article X, Section 3 | Subsection 53E-3-401(4) | Section 53F5-218 |
|----------------------|-------------------------|------------------|

**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:** 07/03/2023

**9. This rule change MAY become effective on:** 07/10/2023

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**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Angie Stallings, Deputy Superintendent of Policy | <b>Date:</b> | 05/15/2023 |
|---|--|--------------|------------|

**NOTICE OF PROPOSED RULE**

**TYPE OF FILING:** Amendment

|                                |                 |                   |              |
|--------------------------------|-----------------|-------------------|--------------|
| <b>Rule or Section Number:</b> | <b>R277-400</b> | <b>Filing ID:</b> | <b>55417</b> |
|--------------------------------|-----------------|-------------------|--------------|

**Agency Information**

|                             |                               |                                  |
|-----------------------------|-------------------------------|----------------------------------|
| <b>1. Department:</b>       | Education                     |                                  |
| <b>Agency:</b>              | Administration                |                                  |
| <b>Building:</b>            | Board of Education            |                                  |
| <b>Street address:</b>      | 250 E 500 S                   |                                  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84111      |                                  |
| <b>Mailing address:</b>     | PO Box 144200                 |                                  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-4200 |                                  |
| <b>Contact persons:</b>     |                               |                                  |
| <b>Name:</b>                | <b>Phone:</b>                 | <b>Email:</b>                    |
| Angie Stallings             | 801-538-7830                  | angie.stallings@schools.utah.gov |

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

**2. Rule or section catchline:**  
R277-400. School Facility Emergency and Safety

**3. Purpose of the new rule or reason for the change:**  
This rule is being amended due to the passage of H.B. 61, 140, and 409 passed in the 2023 General Session.

**4. Summary of the new rule or change:**  
 These amendments update definitions, clarify training requirements, and adopt rules for a school's threat assessment protocols.

**Fiscal Information**

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

**A) State budget:**

This rule change is not expected to have fiscal impact on state government revenues or expenditures. This does not add any costs for the Utah State Board of Education (USBE) or other state agencies.

**B) Local governments:**

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The rule change clarifies changes due to H.B. 140 (2023), but does not add any measurable costs for Local Education Agencies (LEAs) outside the fiscal note for H.B. 140 (2023).

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects LEAs.

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

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

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

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

**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. LEAs are required to create threat assessments from H.B. 140 (2023); the rule does not add any costs for LEAs or other entities or persons.

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

**Regulatory Impact Table**

| Fiscal Cost              | FY2024     | FY2025     | FY2026     |
|--------------------------|------------|------------|------------|
| 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        |
| <b>Total Fiscal Cost</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| Fiscal Benefits              | FY2024     | FY2025     | FY2026     |
|------------------------------|------------|------------|------------|
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, 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:**

|                         |                            |                               |
|-------------------------|----------------------------|-------------------------------|
| Article X,<br>Section 3 | Subsection<br>53E-3-401(4) | Subsection<br>53G-4-402(1)(b) |
|-------------------------|----------------------------|-------------------------------|

**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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b> | 07/10/2023 |
|---|------------|

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**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Angie Stallings,<br>Deputy<br>Superintendent of<br>Policy | <b>Date:</b> | 05/15/2023 |
|---|---|--------------|------------|

| NOTICE OF PROPOSED RULE        |                 |                                   |
|--------------------------------|-----------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Repeal  |                 |                                   |
| <b>Rule or Section Number:</b> | <b>R277-403</b> | <b>Filing ID:</b><br><b>55418</b> |

**Agency Information**

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

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R277-403. School Safety Pilot Program   |
| <b>3. Purpose of the new rule or reason for the change:</b>   |
| This rule is being repealed due to the passage of H.B. 140, passed in the 2023 General Session, which discontinued the School Safety Pilot Program. |
| <b>4. Summary of the new rule or change:</b>  |
| This rule is repealed in its entirety.  |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A) State budget:</b>  |
| This rule change is not expected to have fiscal impact on state government revenues or expenditures. The repeal does not affect the Utah State Board of Education (USBE) budget.   |
| <b>B) Local governments:</b>   |
| This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The pilot program has ended and the repeal does not impact Local Education Agencies (LEAs).   |
| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):   |
| This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only impacts USBE and LEAs.   |
| <b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):   |
| There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses. |



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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The repeal only affects USBE and LEAs.

**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. There are no costs associated with repealing the rule for USBE or LEAs.

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

| Regulatory Impact Table      |            |            |            |
|------------------------------|------------|------------|------------|
| Fiscal Cost                  | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Cost</b>     | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| Fiscal Benefits              | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, 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:**

|                         |                            |  |
|-------------------------|----------------------------|--|
| Article X,<br>Section 3 | Subsection<br>53E-3-401(4) |  |
|-------------------------|----------------------------|--|

**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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 07/10/2023 |
| 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**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Angie Stallings,<br>Deputy<br>Superintendent of<br>Policy | <b>Date:</b> | 05/15/2023 |
|---|---|--------------|------------|

**NOTICE OF PROPOSED RULE**

|                                  |                 |                                   |
|----------------------------------|-----------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Amendment |                 |                                   |
| <b>Rule or Section Number:</b>   | <b>R277-407</b> | <b>Filing ID:</b><br><b>55419</b> |

**Agency Information**

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

|   |               |                                  |
|---|---------------|----------------------------------|
| <b>Contact persons:</b>   |               |                                  |
| <b>Name:</b>  | <b>Phone:</b> | <b>Email:</b>                    |
| Angie Stallings   | 801-538-7830  | angie.stallings@schools.utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |               |                                  |

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R277-407. School Fees  |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| This rule is being amended due to passage of H.B. 477 in the 2023 General Session and recommendations from the Reports and Requirements Task Force.  |
| <b>4. Summary of the new rule or change:</b>   |
| These amendments add definitions for "Maintenance of School equipment", "Something of monetary value", and "Supplemental Nutrition Assistance Program (SNAP)"; remove two references to a "permanent injunction"; and delete the definition for "Supplemental Kindergarten". |
| There is also an amendment in this rule to remove the authoritative requirement to comply with an order arising from the Permanent Injunction issued in Doe v. Utah State Board of Education, Civil No. 920903376 (3rd District 1994).                                       |
| These amendments also clarify guidance for a Local Education Agencies (LEAs) for the following: charging fees related to supplemental kindergarten; establishing a fee schedule notice to parents; and fee waiver reporting requirements.                                    |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A) State budget:</b>  |
| This rule change is not expected to have fiscal impact on state government revenues or expenditures. This does not add any expenses for the Utah State Board of Education (USBE).  |
| <b>B) Local governments:</b>   |
| This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. Supplemental kindergarten tuition is removed due to full day kindergarten being funded by the Legislature. Impacts were already captured in the fiscal note. Other technical changes do not add costs to Local Education Agencies (LEAs). |

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects USBE and LEAs.

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

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

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

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

**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. There are no additional costs to LEAs to comply with the changes.

**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.)

| <b>Regulatory Impact Table</b> |               |               |               |
|--------------------------------|---------------|---------------|---------------|
| <b>Fiscal Cost</b>             | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |

|  |               |               |               |
|--|---------------|---------------|---------------|
| <b>Total Fiscal Cost</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>   | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Benefits</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>                                |               |               |               |
| The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis. |               |               |               |

**Citation Information**

|   |                      |                            |
|---|----------------------|----------------------------|
| <b>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:</b> |                      |                            |
| Article X,<br>Section 2   | Section<br>53G-7-503 | Subsection<br>53E-3-401(4) |

**Public Notice Information**

|   |            |
|---|------------|
| <b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (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.) |            |
| <b>A) Comments will be accepted until:</b>  | 07/03/2023 |

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 07/10/2023 |
| 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**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Angie Stallings,<br>Deputy Superintendent of Policy | <b>Date:</b> | 05/15/2023 |
|---|---|--------------|------------|

| <b>NOTICE OF PROPOSED RULE</b>   |                 |                                   |
|----------------------------------|-----------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Amendment |                 |                                   |
| <b>Rule or Section Number:</b>   | <b>R277-479</b> | <b>Filing ID:</b><br><b>55420</b> |

**Agency Information**

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

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R277-479. Funding for Charter School Students With Disabilities on an IEP  |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| This rule is being amended to clarify funding calculations for charter school expansions.  |
| <b>4. Summary of the new rule or change:</b>   |
| These amendments update code references for the definition of "Charter school", removes the definition of "Previous four years", and makes several updates to the calculations related to Charter School Special Education Add-On Funding. |

**Fiscal Information**

|   |
|---|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>  |
| <b>A) State budget:</b>   |
| This rule change is not expected to have fiscal impacts on state government revenues or expenditures. The changes do not affect the Utah State Board of Education (USBE) budgets but rather clarify allocations to Local Education Agencies (LEAs). |

**B) Local governments:**

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This rule change does not have major impacts for most LEAs. It largely affects new and expanding charters by adjusting Weighted Pupil Units (WPU) for actual headcounts.

The amendment also clarifies that the foundation for existing schools will be the Average Daily Membership (ADM) for the current year and the previous four. These impacts allow funds to be distributed according to actual headcounts as opposed to projections and are more accurate.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects USBE and LEAs.

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

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

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

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

**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. There are no costs associated with clarifying the formulas for LEAs.

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

| Regulatory Impact Table      |            |            |            |
|------------------------------|------------|------------|------------|
| Fiscal Cost                  | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Cost</b>     | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| Fiscal Benefits              | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, 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:**

|                         |                                   |                   |
|-------------------------|-----------------------------------|-------------------|
| Article X, Section 3    | Subsection 53E-3-501(1)(c)(vi)(A) | Section 53E-7-206 |
| Subsection 53E-3-401(4) |                                   |                   |

**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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b> | 07/10/2023 |
|---|------------|

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**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Angie Stallings, Deputy Superintendent of Policy | <b>Date:</b> | 05/15/2023 |
|---|--|--------------|------------|

| NOTICE OF PROPOSED RULE          |                 |                                   |
|----------------------------------|-----------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Amendment |                 |                                   |
| <b>Rule or Section Number:</b>   | <b>R277-484</b> | <b>Filing ID:</b><br><b>55422</b> |

**Agency Information**

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

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R277-484. Data Standards  |
| <b>3. Purpose of the new rule or reason for the change:</b>   |
| This rule is being amended due to recommendations from the Reports and Requirements Task Force and amendments to companion Rule R277-407.<br>(EDITOR'S NOTE: The proposed amendment to Rule R277-407 is under ID 55419 in this issue, June 1, 2023, of the Bulletin.) |

|  |
|--|
| <b>4. Summary of the new rule or change:</b>   |
| These amendments remove a definition for "Fee waiver status" and update a new version of the incorporated by reference document titled "Board Reporting Deadline Table". These amendments were required due to amendments to Rule R277-407, School Fees. |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b> |
|--|

**A) State budget:**  
This rule change is not expected to have fiscal impact on state government revenues or expenditures. There are no costs to the Utah State Board Education (USBE) budgets.

**B) Local governments:**  
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The fee waiver status element is removed and the board reporting deadline table is updated with current dates, but no additional actions are required of Local Education Agencies (LEAs) so there are no added costs.

**C) Small businesses** ("small business" means a business employing 1-49 persons):  
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to USBE and LEAs.

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

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):  
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only affects USBE and LEAs.

**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. There are no costs to USBE or LEAs.

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

| Regulatory Impact Table      |            |            |            |
|------------------------------|------------|------------|------------|
| Fiscal Cost                  | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Cost</b>     | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| Fiscal Benefits              | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, 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:**

|            |             |                   |
|------------|-------------|-------------------|
| Article X, | Subsections | Section 53E-3-401 |
|------------|-------------|-------------------|

|           |                      |  |
|-----------|----------------------|--|
| Section 3 | 53E-3-301(d) and (e) |  |
|-----------|----------------------|--|

|                            |                         |  |
|----------------------------|-------------------------|--|
| Subsection 53E-3-401(8)(a) | Subsection 53E-3-511(8) |  |
|----------------------------|-------------------------|--|

**Incorporations by Reference Information**

| 7. Incorporations by Reference:  |                                |
|--|--------------------------------|
| <b>A) This rule adds, updates, or removes the following title of materials incorporated by references:</b> |                                |
| <b>Official Title of Materials Incorporated (from title page)</b>  | Board Reporting Deadline Table |
| <b>Publisher</b>   | Utah State Board of Education  |
| <b>Issue Date</b>  | December 1, 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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b> | 07/10/2023 |
|---|------------|

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**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Angie Stallings, Deputy Superintendent of Policy | <b>Date:</b> | 05/15/2023 |
|---|--|--------------|------------|

**NOTICE OF PROPOSED RULE**

|                                  |                 |                                   |
|----------------------------------|-----------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Amendment |                 |                                   |
| <b>Rule or Section Number:</b>   | <b>R277-489</b> | <b>Filing ID:</b><br><b>55423</b> |

**Agency Information**

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

|   |                               |                                  |
|---|-------------------------------|----------------------------------|
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-4200 |                                  |
| <b>Contact persons:</b>   |                               |                                  |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>                    |
| Angie Stallings   | 801-538-7830                  | angie.stallings@schools.utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                                  |

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R277-489. Kindergarten Programs and Assessment   |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| This rule is being updated due to the passage of H.B. 477 in the 2023 General Session.   |
| <b>4. Summary of the new rule or change:</b>   |
| These amendments remove references related to the enhanced and full-day kindergarten programs including program application requirements and restrictions on allowable uses of funding. This rule also includes new student membership reporting requirements. |

**Fiscal Information**

|   |
|---|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>  |
| <b>A) State budget:</b>   |
| This rule change is not expected to have fiscal impact on state government revenues or expenditures. H.B. 477 (2023) removed the enhanced and full day kindergarten grant programs and full day kindergarten will be funded through the Weighted Pupil Unit (WPU).<br><br>Fiscal impacts were already captured in the fiscal note to H.B. 477 (2023).                                       |
| <b>B) Local governments:</b>  |
| This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. H.B. 477 (2023) removed the enhanced and full day kindergarten grant programs and full day kindergarten will be funded through the WPU.<br><br>Fiscal impacts were already captured in the fiscal note to H.B. 477 (2023). There are no added costs for LEAs due to the rule change. |

|   |
|---|
| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):  |
| This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects the Utah State Board of Education (USBE) and Local Education Agencies (LEAs). |

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

|  |
|--|
| <b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ): |
| This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only affects USBE and LEAs.   |

|  |
|--|
| <b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?): |
| There are no compliance costs for affected persons. There are no added costs for USBE or LEAs.                                     |

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

| <b>Regulatory Impact Table</b> |               |               |               |
|--------------------------------|---------------|---------------|---------------|
| <b>Fiscal Cost</b>             | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| State Government               | \$0           | \$0           | \$0           |
| Local Governments              | \$0           | \$0           | \$0           |
| Small Businesses               | \$0           | \$0           | \$0           |
| Non-Small Businesses           | \$0           | \$0           | \$0           |
| Other Persons                  | \$0           | \$0           | \$0           |

NOTICES OF PROPOSED RULES

|  |               |               |               |
|--|---------------|---------------|---------------|
| <b>Total Fiscal Cost</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>   | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Benefits</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>                                |               |               |               |
| The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis. |               |               |               |

**Citation Information**

|   |                         |                  |
|---|-------------------------|------------------|
| <b>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:</b> |                         |                  |
| Article X, Section 3  | Subsection 53E-3-401(4) | Section 53F2-507 |

**Public Notice Information**

|   |            |
|---|------------|
| <b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (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.) |            |
| <b>A) Comments will be accepted until:</b>  | 07/03/2023 |

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 07/10/2023 |
| 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**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Angie Stallings, Deputy Superintendent of Policy | <b>Date:</b> | 05/15/2023 |
|---|--|--------------|------------|

| <b>NOTICE OF PROPOSED RULE</b>   |                 |                                   |
|----------------------------------|-----------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Amendment |                 |                                   |
| <b>Rule or Section Number:</b>   | <b>R277-622</b> | <b>Filing ID:</b><br><b>55424</b> |

**Agency Information**

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

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R277-622. School-based Mental Health Qualifying Grant Program  |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| This rule is being amended due to the passage of H.B. 411, in the 2023 General Session.  |
| <b>4. Summary of the new rule or change:</b>   |
| These amendments add definitions and funding provisions in support of new requirements for Local Education Agency (LEA) behavioral health support personnel. |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A) State budget:</b>  |
| This rule change is not expected to have fiscal impact on state government revenues or expenditures. The Utah State Board of Education (USBE) does not have any added costs. |



**B) Local governments:**

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. LEAs now have flexibility to pay salary and benefits, coinciding with the changes from H.B. 411 (2023). Otherwise there are no added costs to LEAs.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects USBE and LEAs.

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

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

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

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

**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. LEAs have additional flexibility to use existing funds.

**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             | FY2024 | FY2025 | FY2026 |
| 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           |
| <b>Total Fiscal Cost</b>     | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>       | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Benefits</b> | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, 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:**

|                         |                   |                               |
|-------------------------|-------------------|-------------------------------|
| Article X,<br>Section 3 | Section 53E-3-401 | Subsection<br>53E-4-302(1)(a) |
| Section 53F-2-415       |                   |                               |

**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.)

|   |            |
|---|------------|
| <b>A) Comments will be accepted until:</b>          | 07/03/2023 |
| <b>9. This rule change MAY become effective on:</b> | 07/10/2023 |

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**

|                                |                  |              |            |
|--------------------------------|------------------|--------------|------------|
| <b>Agency head or designee</b> | Angie Stallings, | <b>Date:</b> | 05/15/2023 |
|--------------------------------|------------------|--------------|------------|

NOTICES OF PROPOSED RULES

|                   |                                 |  |  |
|-------------------|---------------------------------|--|--|
| <b>and title:</b> | Deputy Superintendent of Policy |  |  |
|-------------------|---------------------------------|--|--|

| NOTICE OF PROPOSED RULE          |                 |                                   |
|----------------------------------|-----------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Amendment |                 |                                   |
| <b>Rule or Section Number:</b>   | <b>R277-625</b> | <b>Filing ID:</b><br><b>55425</b> |

**Agency Information**

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

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R277-625. Mental Health Screeners  |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| This rule is being amended due to the passage of H.B. 403, in the 2023 General Session.  |
| <b>4. Summary of the new rule or change:</b>   |
| These amendments update the requirements for the mental health screeners program, as well as make updates to the terminology; and clarify how a Local Education Agency (LEA) will notify the Superintendent of their participation in the program. |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A) State budget:</b>  |
| This rule change is not expected to have fiscal impact on state government revenues or expenditures. There are no impacts to the Utah State Board of Education (USBE) outside the changes captured in the fiscal note for H.B. 403 (2023). |

|  |               |               |               |
|--|---------------|---------------|---------------|
| <b>B) Local governments:</b>   |               |               |               |
| This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. Any fiscal impacts have been captured in the fiscal note for H.B. 403 (2023) and USBE does not estimate any additional impacts for LEAs.  |               |               |               |
| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):   |               |               |               |
| This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects USBE and LEAs.   |               |               |               |
| <b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):   |               |               |               |
| There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses. |               |               |               |
| <b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):   |               |               |               |
| This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only affects USBE and LEAs.   |               |               |               |
| <b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):   |               |               |               |
| There are no compliance costs for affected persons. USBE does not anticipate any added costs due to the reporting changes required from H.B. 403 (2023).   |               |               |               |
| <b>G) Regulatory Impact Summary Table</b> (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.)  |               |               |               |
| <b>Regulatory Impact Table</b>   |               |               |               |
| <b>Fiscal Cost</b>   | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Cost</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>   | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Benefits</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>                                |               |               |               |
| The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis. |               |               |               |

**Citation Information**

|   |                         |                  |
|---|-------------------------|------------------|
| <b>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:</b> |                         |                  |
| Article X, Section 3  | Subsection 53E-3-401(4) | Section 53F2-522 |

**Public Notice Information**

|   |            |
|---|------------|
| <b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (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.) |            |
| <b>A) Comments will be accepted until:</b>  | 07/03/2023 |
| <b>9. This rule change MAY become effective on:</b>   | 07/10/2023 |
| 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**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Angie Stallings, Deputy Superintendent of Policy | <b>Date:</b> | 05/15/2023 |
|---|--|--------------|------------|

**NOTICE OF PROPOSED RULE**

|                                  |                 |                   |              |
|----------------------------------|-----------------|-------------------|--------------|
| <b>TYPE OF FILING:</b> Amendment |                 |                   |              |
| <b>Rule or Section Number:</b>   | <b>R277-733</b> | <b>Filing ID:</b> | <b>55426</b> |

**Agency Information**

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

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R277-733. Adult Education Programs   |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| This rule is being amended in response to a corrective action from Adult Ed's monitoring visit from the U.S. Department of Education's Office of Career, Technical, and Adult Education (OCTAE) that requires the Utah State Board of Education (USB) to make changes to the Utah Adult Education Policies and Procedures Guide. |
| <b>4. Summary of the new rule or change:</b>   |
| These amendments update the Utah Adult Education Policies and Procedures Guide that is incorporated by reference, to the May 2023 version.   |
| Another rule change removes reporting requirements for fees and tuition for programs that are not federally funded.  |

**Fiscal Information**

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

**A) State budget:**

This rule change is not expected to have fiscal impact on state government revenues or expenditures. The USBE does not anticipate any impact to its budget.

**B) Local governments:**

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. Local Education Agencies (LEAs) may need to update their internal policies and procedures; however, USBE does not estimate any measurable impacts to LEA budgets associated with the technical changes.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects USBE and LEAs.

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

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

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

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

**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. LEAs may need to update their internal policies and procedures; however, USBE does not estimate any measurable impacts to LEA budgets associated with the technical changes.

**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.)

| <b>Regulatory Impact Table</b> |               |               |               |
|--------------------------------|---------------|---------------|---------------|
| <b>Fiscal Cost</b>             | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Cost</b>       | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>         | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Benefits</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Net Fiscal Benefits</b>     | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, 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:**

|                            |                       |                            |
|----------------------------|-----------------------|----------------------------|
| Article X,<br>Section 3    | Section<br>53E-10-202 | Subsection<br>53E-3-501(1) |
| Subsection<br>53E-3-401(4) | Section 53F-2-401     | Section<br>53E-10-205      |

**Incorporations by Reference Information**

|  |  |
|--|--|
| <b>7. Incorporations by Reference:</b>   |  |
| <b>A) This rule adds, updates, or removes the following title of materials incorporated by references:</b> |  |
| <b>Official Title of Materials Incorporated (from title page)</b>  | Utah Adult Education Policies and Procedures Guide |
| <b>Publisher</b>   | Utah State Board of Education                      |
| <b>Issue Date</b>  | May 2023   |

**Public Notice Information**

|   |            |
|---|------------|
| <b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (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.) |            |
| <b>A) Comments will be accepted until:</b>  | 07/03/2023 |

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 07/10/2023 |
| 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**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Angie Stallings, Deputy Superintendent of Policy | <b>Date:</b> | 05/15/2023 |
|---|--|--------------|------------|

|                                |                 |                                   |
|--------------------------------|-----------------|-----------------------------------|
| <b>NOTICE OF PROPOSED RULE</b> |                 |                                   |
| <b>TYPE OF FILING:</b> Repeal  |                 |                                   |
| <b>Rule or Section Number:</b> | <b>R277-930</b> | <b>Filing ID:</b><br><b>55427</b> |

**Agency Information**

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

|   |               |                                  |
|---|---------------|----------------------------------|
| <b>Contact persons:</b>   |               |                                  |
| <b>Name:</b>  | <b>Phone:</b> | <b>Email:</b>                    |
| Angie Stallings   | 801-538-7830  | angie.stallings@schools.utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |               |                                  |

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R277-930. English Language Learner Software  |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| This rule is being repealed due to the passage of H.B. 154, in the 2023 General Session, whereby this rule is no longer necessary. |
| <b>4. Summary of the new rule or change:</b>   |
| This rule is repealed in its entirety.   |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A) State budget:</b>  |
| This rule change is not expected to have fiscal impact on state government revenues or expenditures. The Utah State Board of Education (USBE) has no budget impact due to the repealed rule.   |
| <b>B) Local governments:</b>   |
| This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. Local Education Agencies (LEAs) have no impact from the rule repeal.  |
| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):   |
| This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects USBE and LEAs.   |
| <b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):   |
| There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses, revenues or expenditures because there are no applicable non- |

NOTICES OF PROPOSED RULES

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

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

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

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

There are no compliance costs for affected persons. The rule and program have been repealed.

**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                  | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Cost</b>     | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| Fiscal Benefits              | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, 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:**

|                         |                   |                   |
|-------------------------|-------------------|-------------------|
| Article X,<br>Section 3 | Section 53E-3-401 | Section 53F-4-219 |
|-------------------------|-------------------|-------------------|

**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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b> | 07/10/2023 |
|---|------------|

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**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Angie Stallings,<br>Deputy<br>Superintendent of<br>Policy | <b>Date:</b> | 05/15/2023 |
|---|---|--------------|------------|

**NOTICE OF PROPOSED RULE**

**TYPE OF FILING:** Amendment

|                                |                    |                   |              |
|--------------------------------|--------------------|-------------------|--------------|
| <b>Rule or Section Number:</b> | <b>R307-110-13</b> | <b>Filing ID:</b> | <b>55323</b> |
|--------------------------------|--------------------|-------------------|--------------|

**Agency Information**

|                             |                               |
|-----------------------------|-------------------------------|
| <b>1. Department:</b>       | Environmental Quality         |
| <b>Agency:</b>              | Air Quality                   |
| <b>Building:</b>            | MASOB                         |
| <b>Street address:</b>      | 195 N 1950 W                  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84116      |
| <b>Mailing address:</b>     | PO Box 144820                 |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-4820 |

| Contact persons:   |              |                  |
|--|--------------|------------------|
| Name:  | Phone:       | Email:           |
| Erica Pryor  | 385-499-3416 | epryor1@utah.gov |
| Ryan Bares   | 801-536-4216 | rbares@utah.gov  |
| Please address questions regarding information on this notice to the persons listed above. |              |                  |

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone   |
| <b>3. Purpose of the new rule or reason for the change:</b>   |
| The Utah Air Quality Board has proposed for public comment amendments to Utah State Implementation Plan (SIP), adding Subsection IX.D.11 to comply with the Clean Air Act Section 182(b) requirements for moderate ozone nonattainment areas.   |
| Section R307-110-13 incorporates Subsection IX.D.11 into this rule and shall be amended to change the Board adoption date to the anticipated adoption date of the amended plan.   |
| Additionally, the Utah Air Quality Board is requesting public comment on the following specific items: 1) the appropriateness of cost thresholds for Reasonably Available Control Measures (RACM) and Reasonably Available Control Technology (RACT); 2) whether NOX controls should be required in the absence of the demonstration of meeting the 15% Volatile Organic Compounds (VOC) reduction required by Reasonable Further Progress (RFP); 3) appropriateness of timelines requiring controls in the State Implementation Plan (SIP); and 4) whether optional components should be included in the State Implementation Plan (SIP) submission. |
| <b>4. Summary of the new rule or change:</b>  |
| This rule amendment incorporates new Subsection IX.D.11: 2015 Ozone NAAQS Northern Wasatch Front Moderate Nonattainment Area into the Utah State Implementation Plan.   |
| Public Hearing Information:<br>A public hearing will be held on 07/12/2023 at 1:00 PM at MASOB-ADMIN-1 1020C.   |
| Or use Google Meet joining information:<br>Video call link: <a href="https://meet.google.com/isu-cugd-awn">https://meet.google.com/isu-cugd-awn</a>   |
| Or dial: (US) +1 929-445-3603 PIN: 197 163 690#   |
| More phone numbers: <a href="https://meet.google.com/tel/isu-cugd-awn?pin=8184512241746&amp;hs=1">https://meet.google.com/tel/isu-cugd-awn?pin=8184512241746&amp;hs=1</a>   |

**Fiscal Information**

|   |
|---|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>  |
| <b>A) State budget:</b>   |
| This amendment to Section R307-110-13 is not expected to create additional costs or savings for the state budget since the proposed amendments demonstrate how existing state administrative rules and actions fulfill the Clean Air Act requirements.  |
| Any potential fiscal impacts associated with these actions are addressed in a separate and parallel proposed rulemaking amendments for Section R307-110-17.<br>(EDITOR'S NOTE: The proposed amendment to Section R307-110-17 is under ID 55324 in this issue, June 1, 2023, of the Bulletin.) |
| <b>B) Local governments:</b>  |
| This rule amendment is not expected to impact local governments; therefore, no cost or savings are anticipated.   |
| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):  |
| This rule amendment is not expected to impact small businesses; therefore, no cost or savings are anticipated.  |
| <b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):  |
| This rule amendment is not expected to impact non-small businesses; therefore, no cost or savings are anticipated.  |
| <b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):        |
| This rule amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local government entities; therefore, no cost or savings are anticipated.  |
| <b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):  |
| This rule amendment does not impact any entities, and therefore there are no compliance costs.  |
| <b>G) Regulatory Impact Summary Table</b> (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  | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Cost</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| Fiscal Benefits  | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>  |            |            |            |
| The Executive Director of the Department of Environmental Quality, Kim Shelley, has reviewed and approved this regulatory impact analysis. |            |            |            |

**Citation Information**

|   |   |  |
|---|---|--|
| <b>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:</b> |   |  |
| Section 19-2-104  | U.S.C. Title 42, Chapter 85, Subchapter I, Part A Section 7410 (a)(1) 2 (A) |  |

**Incorporations by Reference Information**

|  |   |
|--|---|
| <b>7. Incorporations by Reference:</b>   |   |
| <b>A) This rule adds, updates, or removes the following title of materials incorporated by references:</b> |   |
| <b>Official Title of</b>   | Utah State Implementation Plan, Section IX.D.11: 2015 Ozone NAAQS |

|   |   |
|---|---|
| <b>Materials Incorporated (from title page)</b> | Northern Wasatch Front Moderate Nonattainment Area              |
| <b>Publisher</b>                                | Division of Air Quality, Utah Department of Environment Quality |
| <b>Issue Date</b>                               | September 6, 2023   |

**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.)

|   |              |
|---|--------------|
| <b>A) Comments will be accepted until:</b>          | 07/17/2023   |
| <b>B) A public hearing (optional) will be held:</b> |              |
| <b>Date:</b>  | <b>Time:</b> |
| 07/12/2023  | 1:00 PM      |
| <b>Place (physical address or URL):</b>             |              |
| See information in Box 4 above.                     |              |

**9. This rule change MAY become effective on:** 09/07/2023

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**

|   |                                  |              |            |
|---|----------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Bryce C. Bird, Division Director | <b>Date:</b> | 05/09/2023 |
|---|----------------------------------|--------------|------------|

**NOTICE OF PROPOSED RULE**

|                                  |                    |                   |
|----------------------------------|--------------------|-------------------|
| <b>TYPE OF FILING:</b> Amendment |                    |                   |
| <b>Rule or Section Number:</b>   | <b>R307-110-17</b> | <b>Filing ID:</b> |
|                                  |                    | <b>55324</b>      |

**Agency Information**

|                             |                               |
|-----------------------------|-------------------------------|
| <b>1. Department:</b>       | Environmental Quality         |
| <b>Agency:</b>              | Air Quality                   |
| <b>Building:</b>            | MASOB                         |
| <b>Street address:</b>      | 195 N 1950 W                  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84116      |
| <b>Mailing address:</b>     | PO BOX 144820                 |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-4820 |



| Contact persons:   |              |                  |
|--|--------------|------------------|
| Name:  | Phone:       | Email:           |
| Erica Pryor  | 385-499-3416 | epryor1@utah.gov |
| Ryan Bares   | 801-536-4216 | rbares@utah.gov  |
| Please address questions regarding information on this notice to the persons listed above. |              |                  |

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits   |
| <b>3. Purpose of the new rule or reason for the change:</b>   |
| The Utah Air Quality Board has proposed for public comment amendments to Utah State Implementation Plan (SIP), adding Subsections IX.H.31 and IX.H.32 Emission Limits and Operating Practices to comply with the Clean Air Act Section 182(b)(2) requirements for moderate ozone nonattainment areas. |
| Section R307-110-17 incorporates Subsection IX.H.31 and IX.H.32 into the rule and shall be amended to change the Board adoption date to the anticipated adoption date of the amended plan.  |
| <b>4. Summary of the new rule or change:</b>  |
| This rule amendment incorporates new subsections into the Utah State Implementation Plan, including Subsection IX.H.31 and IX.H.32: Emission Limits and Operating Practices into the Utah State Implementation Plan.  |
| Public Hearing Information:<br>A public hearing will be held on 07/12/2023 at 1:00 PM at MASOB-ADMIN-1 1020C.   |
| Or use Google Meet joining information:<br>Video call link: <a href="https://meet.google.com/isu-cugd-awn">https://meet.google.com/isu-cugd-awn</a>   |
| Or dial: (US) +1 929-445-3603 PIN: 197 163 690#<br>More phone numbers: <a href="https://meet.google.com/tel/isu-cugd-awn?pin=8184512241746&amp;hs=1">https://meet.google.com/tel/isu-cugd-awn?pin=8184512241746&amp;hs=1</a>  |

**Fiscal Information**

|   |
|---|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>  |
| <b>A) State budget:</b>   |
| This rule amendment is not expected to create additional costs or savings for the state government because these facilities are already permitted and inspected under |

existing rules. Inspectors will be able to confirm compliance as part of normal inspection processes.

**B) Local governments:**

This rule amendment is not expected to impact local governments; therefore no costs or savings are anticipated.

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

This rule amendment is not expected to impact small businesses; therefore no costs or savings are anticipated.

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

The Utah Division of Air Quality anticipates that these changes to the proposed rule will impact three non-small businesses. The impacts are described below. All estimated fiscal impacts were provided by the impacted entities to the Utah Division of Air Quality as part of their Reasonably Available Control Technology analyses.

(1) NOx reduction for Chevron Products Company Salt Lake Refinery (Cost Information from 7/1/18 PM2.5 SIP Evaluation Report and Resubmitted 02/23/2023 and 02/24/2023). Installation of ultra-low NOx burners on Crude Heaters F21001 and F21002 that meet an emission rate of 0.025 lb/MMBtu (as required in Section IX Part H.32.b.b of the SIP).

F21001:  
Installed Capital Costs: \$720,614  
Annual Costs: \$117,277  
Implementation timeline: 05/01/2026

F21002:  
Installed Capital Costs: \$690,583  
Annual Costs: \$112,389  
Implementation timeline: 05/01/2026

(2) NOx limits for Tesoro Refining & Marketing Company LLC Marathon Refinery (Cost Information from 01/31/2023 RACT Analysis). Installation of Selective Catalytic Reduction on two cogeneration turbines with heat recovery steam generation that meet an emission concentration limitation of 2ppmv@ 15%O2 (as required in Section IX Part H.32.j.b of the SIP).

Installed Capital Costs: \$18,263,558  
Annual Costs: \$2,069,462  
Implementation timeline: 05/01/2026

(3) Volatile Organic Compound limits for US Magnesium LLC (Cost Information from 01/31/2023 RACT Analysis). Installation of a steam stripper in series with regenerative thermal oxidizer on boron plant process wastewater ponds (as required in Section IX Part H.32.k.a of the SIP).

Installed Capital Costs: \$3,749,632  
 Annual Costs: \$5,077,156  
 Implementation timeline: 10/01/2024

These numbers were provided by the sources when they submitted their Reasonable Available Control Technologies analyses. Those reports are publicly available for review: <https://deq.utah.gov/air-quality/northern-wasatch-front-moderate-ozone-sip-technical-support-documentation#supporting-tds>

**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 amendment does not apply to persons other than small business, non-small businesses, state, or local government entities, thus no additional costs are expected as a result of these changes to the proposed rule.

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

No additional compliance costs are expected as a result of these changes to the proposed 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.)

| <b>Regulatory Impact Table</b> |                    |                     |               |
|--------------------------------|--------------------|---------------------|---------------|
| <b>Fiscal Cost</b>             | <b>FY2024</b>      | <b>FY2025</b>       | <b>FY2026</b> |
| State Government               | \$0                | \$0                 | \$0           |
| Local Governments              | \$0                | \$0                 | \$0           |
| Small Businesses               | \$0                | \$0                 | \$0           |
| Non-Small Businesses           | \$3,749,632        | \$24,749,911        | \$0           |
| Other Persons                  | \$0                | \$0                 | \$0           |
| <b>Total Fiscal Cost</b>       | <b>\$3,749,632</b> | <b>\$24,749,911</b> | <b>\$0</b>    |
| <b>Fiscal Benefits</b>         | <b>FY2024</b>      | <b>FY2025</b>       | <b>FY2026</b> |
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b>           | <b>\$0</b>            | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>(\$3,749,632)</b> | <b>(\$24,749,911)</b> | <b>\$0</b> |

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

The Executive Director of the Department of Environmental Quality, Kim Shelley, 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 19-2-104 | U.S.C. Title 42, Chapter 85, Subchapter I, Part A Section 7410 (a)(1) 2 (A) |
|------------------|---|

**Incorporations by Reference Information**

**7. Incorporations by Reference :**

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

|   |   |
|---|---|
| <b>Official Title of Materials Incorporated (from title page)</b> | Utah State Implementation Plan, Subsection IX.H.31 and IX.H.32: Emission Limits and Operating Practices |
| <b>Publisher</b>  | Division of Air Quality, Utah Department of Environment Quality   |
| <b>Issue Date</b>   | September 6, 2023   |

**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:** 07/17/2023

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

| <b>Date:</b> | <b>Time:</b> | <b>Place (physical address or URL):</b> |
|--------------|--------------|---|
| 07/12/2023   | 1:00 PM      | See information in Box 4 above.         |

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 09/07/2023 |
| 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**

|   |                                  |              |            |
|---|----------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Bryce C. Bird, Division Director | <b>Date:</b> | 05/09/2023 |
|---|----------------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE          |         |                         |
|----------------------------------|---------|-------------------------|
| <b>TYPE OF FILING:</b> Amendment |         |                         |
| <b>Rule or Section Number:</b>   | R357-22 | <b>Filing ID:</b> 55412 |

**Agency Information**

|  |                              |                    |
|--|------------------------------|--------------------|
| <b>1. Department:</b>  | Governor                     |                    |
| <b>Agency:</b>   | Economic Opportunity         |                    |
| <b>Building:</b>   | World Trade Center           |                    |
| <b>Street address:</b>   | 60 E South Temple, Suite 300 |                    |
| <b>City, state and zip:</b>  | Salt Lake City, UT 84111     |                    |
| <b>Contact persons:</b>  |                              |                    |
| <b>Name:</b>   | <b>Phone:</b>                | <b>Email:</b>      |
| Dane Ishihara  | 801-792-8764                 | dishihara@utah.gov |
| Please address questions regarding information on this notice to the persons listed above. |                              |                    |

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R357-22. Rural Employment Expansion Program   |
| <b>3. Purpose of the new rule or reason for the change:</b>   |
| The purpose of this change is to clarify language in the existing rule, add clarity by consistently using the phrase "written agreement," and add definitions to this rule.   |
| <b>4. Summary of the new rule or change:</b>  |
| Rule R357-22 is amended to clarify language in the existing rule, consistently use the phrase "written agreement," and add definitions to the rule for the eligible hiring period, eligible employment period, and contract termination date. |

**Fiscal Information**

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| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b> |
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|  |
|--|
| <b>A) State budget:</b>  |
| There is no new aggregate anticipated costs or savings to the state budget. The amendment is merely clarifying language and terms. |

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| <b>B) Local governments:</b>   |
| There is no new aggregate anticipated cost of savings to local governments because local governments are not required to comply with or enforce this rule. |

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|---|
| <b>C) Small businesses</b> ("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.   |

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|---|
| <b>D) Non-small businesses</b> ("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 for non-small businesses, nor does it increase the costs associated with any existing obligation. |
| Participation in the program is optional.   |

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

|  |
|--|
| <b>F) Compliance costs for affected persons</b> (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.                           |

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|---|
| <b>G) Regulatory Impact Summary Table</b> (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  | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Cost</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| Fiscal Benefits  | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>  |            |            |            |
| The Executive Director of the Governor’s Office of Economic Opportunity, Ryan Starks, has reviewed and approved this regulatory impact analysis. |            |            |            |

**Citation Information**

|   |  |  |
|---|--|--|
| <b>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:</b> |  |  |
| Subsection<br>63N-4-403(3)(c)   |  |  |

**Public Notice Information**

|   |            |
|---|------------|
| <b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (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.) |            |
| <b>A) Comments will be accepted until:</b>  | 07/03/2023 |

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 07/10/2023 |
| 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**

|   |                                    |              |            |
|---|------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Ryan Starks,<br>Executive Director | <b>Date:</b> | 05/12/2023 |
|---|------------------------------------|--------------|------------|

**NOTICE OF PROPOSED RULE**

|                                  |                 |                                   |
|----------------------------------|-----------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Amendment |                 |                                   |
| <b>Rule or Section Number:</b>   | <b>R392-102</b> | <b>Filing ID:</b><br><b>55428</b> |

**Agency Information**

|                             |   |                   |  |
|-----------------------------|---|-------------------|--|
| <b>1. Department:</b>       | Health and Human Services               |                   |  |
| <b>Agency:</b>              | Population Health, Environmental Health |                   |  |
| <b>Room number:</b>         | Second Floor                            |                   |  |
| <b>Building:</b>            | Cannon Health Building                  |                   |  |
| <b>Street address:</b>      | 288 N 1460 W                            |                   |  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84116                |                   |  |
| <b>Mailing address:</b>     | PO Box 142102                           |                   |  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-2102           |                   |  |
| <b>Contact persons:</b>     |   |                   |  |
| <b>Name:</b>                | <b>Phone:</b>                           | <b>Email:</b>     |  |
| Karl Hartman                | 801-538-6191                            | khartman@utah.gov |  |

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R392-102. Food Truck Sanitation  |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| This rule is being amended to ensure that the rule language is consistent with statutory language in Title 11, Chapter 56, Mobile Business Licensing and Regulation Act, as amended after the passage of H.B. 408 in the 2023 General Session. |

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|--|
| <p><b>4. Summary of the new rule or change:</b></p> <p>The changes include:<br/>                 1) amends the catchline from "Food Truck Sanitation" to "Mobile Food Business Sanitation" in order to include food carts as defined.</p> <p>In Section R392-102-2:<br/>                 1) adds definitions for "Drinking water," "Mobile food business," "Mobile food business operator," "Mobile food business employee," "Potentially hazardous food," and "Small producer;"<br/>                 2) amends definitions for "Catering operation," "Commissary," "FDA Food Code," "Food cart," "Food truck," "Ice cream truck," "Primary permit," "Person in charge," and "Shaved ice establishment; and<br/>                 3) removes definitions for "Primary permit," and "Secondary permit."</p> <p>In Section R392-102-3:<br/>                 1) exempts certain tier-one food truck operators from the requirement to have a commissary (substantive); and<br/>                 2) require that commissary 3-compartment sinks are provided with hot and cold water under pressure (not previously included in the rule, but it is an industry standard and an expectation of food truck operators who are renting a commissary).</p> <p>In Section R392-102-4:<br/>                 1) removes all references to primary and secondary permits, and restructure the permit issuance process as required by Subsection 11-56-104(1);<br/>                 2) establishes procedures for permit suspension; and<br/>                 3) establishes new procedures to ensure food truck and food cart permit visibility.</p> <p>In Section R392-102-6:<br/>                 This section change provides for the allowance of a specific food cart exemption.</p> <p>In Section R392-102-7:<br/>                 This section change establishes water and wastewater holding tank capacity requirements for food carts.</p> <p>In Section R392-102-11:<br/>                 This section change coincides with statutory language in Section 4-4-107 as amended following the passage of H.B. 523 (2023).</p> <p>In Section R392-102-14:<br/>                 This section change requires toilet water discharged from a food truck to discharge to a dedicated wastewater holding tank. (Industry standard, and historically required by the local health officer as part of the plan review.)</p> <p>In Section R392-102-16:<br/>                 This section change includes inspection fee language from Section 11-56-104.</p> <p>Section R392-102-17 is a new section, consistent with all other rules promulgated under Title R392.</p> |
|--|

|   |
|---|
| <p><b>Fiscal Information</b></p> <p><b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b></p> <p><b>A) State budget:</b></p> <p>No anticipated cost or savings because the substantive changes do not result in a change in current practice or procedures at the Department of Health and Human Services.</p> <p><b>B) Local governments:</b></p> <p>No anticipated cost or savings because the substantive changes do not result in a change in current practice or procedures at the local health departments.</p> <p><b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>Amendments to this rule will result in a fiscal benefit to certain tier-one food truck operators because they will be exempt from the requirement to have a commissary, see Subsection R392-102-3(3).</p> <p>The monthly rental rate for a food truck commissary is between \$500 and \$1,000. However, commissary businesses are also small businesses, and they will experience a fiscal cost that is equal to the fiscal benefit granted to the food truck operators who qualify for a commissary exemption.</p> <p>These costs offset, so the net regulatory impact to small businesses is zero.</p> <p><b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>No anticipated cost or savings because the substantive changes reflect current industry practice.</p> <p><b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</p> <p>No anticipated cost or savings because the substantive changes reflect current industry practice.</p> <p><b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):</p> <p>No anticipated cost or savings because the substantive changes reflect current industry practice.</p> <p><b>G) Regulatory Impact Summary Table</b> (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.)</p> |
|---|

| Regulatory Impact Table   |            |            |            |
|---|------------|------------|------------|
| Fiscal Cost   | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Cost</b>  | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| Fiscal Benefits   | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Benefits</b>  | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>  | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>   |            |            |            |
| The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis. |            |            |            |

**Citation Information**

|   |                          |                   |
|---|--------------------------|-------------------|
| <b>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:</b> |                          |                   |
| Section 26B-1-202   | Section 26B-7-113        | Section 26B-7-402 |
| Subsection 26B-1-202(25)  | Subsection 26B-1-202(26) |                   |

**Public Notice Information**

|   |            |
|---|------------|
| <b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (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.) |            |
| <b>A) Comments will be accepted until:</b>  | 07/03/2023 |

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 07/10/2023 |
| 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**

|   |                                     |              |            |
|---|-------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 05/15/2023 |
|---|-------------------------------------|--------------|------------|

**NOTICE OF PROPOSED RULE**

|   |                 |                   |              |
|---|-----------------|-------------------|--------------|
| <b>TYPE OF FILING:</b> Repeal and Reenact |                 |                   |              |
| <b>Rule or Section Number:</b>            | <b>R392-302</b> | <b>Filing ID:</b> | <b>55392</b> |

**Agency Information**

|                             |  |                   |
|-----------------------------|--|-------------------|
| <b>1. Department:</b>       | Health and Human Services                              |                   |
| <b>Agency:</b>              | Disease Control and Prevention, Environmental Services |                   |
| <b>Room number:</b>         | Second Floor   |                   |
| <b>Building:</b>            | Cannon Health Building                                 |                   |
| <b>Street address:</b>      | 288 N 1460 W   |                   |
| <b>City, state and zip:</b> | Salt Lake City, UT 84116                               |                   |
| <b>Mailing address:</b>     | PO Box 142102  |                   |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-2102                          |                   |
| <b>Contact persons:</b>     |  |                   |
| <b>Name:</b>                | <b>Phone:</b>  | <b>Email:</b>     |
| Karl Hartman                | 801-538-6191   | khartman@utah.gov |

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R392-302. Design, Construction and Operation of Public Pools  |
| <b>3. Purpose of the new rule or reason for the change:</b>   |
| This proposed repeal and reenactment to Rule R392-302 simplifies this rule, removes outdated language and redundancies, and provides technical and conforming changes in accordance with the Utah Rulewriting Manual. |

**4. Summary of the new rule or change:**

The amendments to Rule R392-302 provide technical and conforming changes throughout this rule and remove unnecessary and repetitive language. Other sections have been amended to improve clarity and ease of use, and to reflect current public pool sanitation, construction, and operation practices.

Section R392-302-1 is added to specify the statute under which this rule is authorized and to explain the purpose of this rule.

Section R392-302-2 is added to describe individuals and groups to whom this rule applies, and to specify exclusions to such.

In Section R392-302-3:

1) adds definitions for: Bather, Breakpoint chlorination, Building code, Circulation system, Collection tank, Combined chlorine Cryptosporidium outbreak warning, Diving area, Flume, Free available chlorine, Hyperchlorination, Imminent health hazard, Infinity edge, Lazy river, Local health department, Manager, Mg/l, Overflow gutter system, Oxidation, Oxidation Reduction Potential (ORP), Parts Per Million (PPM), Peak occupancy, Plumbing code, Plumbing fixture, Pool operator, Recessed steps, Runout, Skimmer, Surf pool, Temporary pool, Vacation rental, Wading area, and Wave pool;

2) amends the definitions for: Cleansing shower, Float tank, Interactive water feature, Living unit, Special purpose pool, Surge tank was amended to Surge system, Hydrotherapy pool was amended to Therapy pool, Unblockable drain, and Wading pool; and

3) removes unnecessary definitions for: AED, Executive Director, High bather load, Illuminance uniformity, and Lamp lumens.

The Department of Health and Human Services (Department) makes numerous nonsubstantive revisions including the rewording and restructuring of these sections to simplify the language and to clarify the intent to align more closely with the authorizing statute and the Utah Rulewriting Manual.

The Department creates new sections and moves existing provisions from other sections in this rule to improve readability and flow.

The Department makes substantive amendments that are described below within each section description.

In Section R392-302-4, adds that the requirement of this rule supersedes the requirement of building code pertaining to standards for specialized buildings as described in Section 15A-1-208.

In Section R392-302-5, adds a requirement that if any substantive changes are made to the originally approved design plans, the manager shall submit the amended design plan drawings, stamped, and signed by the

designing engineer or architect to the local health department for approval.

Section R392-302-8 is a new section. It is added to clarify what needs to be done to solid waste generated at a public pool facility.

In Section R392-302-9, adds that the manager of a non-cementitious pool shall submit documentation to the local health department that the surface materials meet standards listed in this section.

In Section R392-302-13, changes the catchline and adds sloped entry, a section for guardrails, and clarified language between steps and stairs.

Section R392-302-16 is a new section combining previous provisions from decks and walkways and overflow gutters and skimming devices. The maximum thickness of the handhold was updated from 3 1/2 inches to 4 inches to accommodate both tile and pour-in-place coping thicknesses.

In Section R392-302-17, adds a provision for the surface below the barrier; it needs to be a solid material such as paving stones, concrete or another surface approved by the local health officer to deter unauthorized entry by digging under the barrier to get to the pool. Also, changes provision from all gates and doors need to open outward from the pool area to only one needs to open outward from the pool area. This allows building egress to open toward the pool enclosure if there is still one gate or door opening outward from the pool area.

In Section R392-302-18:

1) clarifies language to include lumens lux, and foot-candles of indoor and outdoor pool surfaces to align with the Model Aquatic Health Code (MAHC) and the International Swimming Pool and Spa Code (ISPSC);

2) adds a deck lumination requirement to be consistent with the ISPSC Section 321;

3) defines nighttime hours from 30 minutes before sunset to 30 minutes after sunrise;

4) simplifies electrical wiring requirements to meet building code instead of outlining specific requirements; and

5) updates American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) Standard 62.1 to the current 2019 standard.

In Section R392-302-19:

1) adds that equipment must be maintained and continuously operational, not just provided. This provision stated that only multipoint valves needed to comply with NSF/ANSI 50 standard, added that all circulation equipment needs to comply with NSF/ANSI 50 standard;

2) separates pool boilers and pressure vessels from pool heat exchangers;

3) adds a provision for pool water heat exchangers;

4) limits the scope of the exemption from a local health officer to skimmer water level instead of leaving the exemption open to the entire circulation system;

5) updates the surge system requirements to fit the definition of surge system;  
6) adds that the circulation equipment needs to be protected from environmental conditions including UV radiation and secured from unauthorized personnel (Subsection (1)(i)(iii), and Subsection (1)(i)(iv)); and  
7) in Table 1 - removes high bather load turnover rate. The minimum turnover rate is now six hours instead of eight hours to come more in line with industry practices.

In Section R392-302-20, makes language consistent between wall inlet or wall orifice and floor inlet and floor orifice based on recommendations from industry.

In Section R392-302-22:

1) adds language that the local health officer may allow an exemption to the size requirement for overflow gutter systems and allow a skimmer system in a pool that has a surface area greater than 3,500 square feet if sufficient skimming is provided through the skimmer system;  
2) adds language to clarify surge system requirements, including water level sensors and controls built-in to maintain the pool water level;  
3) adds an exemption for the gutter to extend completely around the pool unless approved by the local health officer; and  
4) adds language that the skimmer basket needs to be maintained in good working condition and emptied frequently.

In Section R392-302-23:

1) removes the requirement for the effluent gauge in Subsection (13)(b)(i) to be consistent with other filtration sections of this rule; and  
2) removes the requirement that the local health officer needs to determine if there is a backflow issue before requiring a hose bib vacuum breaker and added that each hose bib is required to be equipped with a hose bib vacuum breaker.

In Section R392-302-24:

1) adds that if Oxidation Reduction Potential (ORP) feeders are used, pool side testing needs to be done at least weekly; and  
2) removes the provision for use of Chlorine gas as a disinfectant unless the local health officer approves use of Chlorine gas. Currently, there are not any public pools in Utah that use Chlorine gas as a disinfectant.

In Section R392-302-25, reformats Table 2 and Table 3.

Section R392-302-26:

1) moves this section for ease of reading and flow of the rule;  
2) includes a bather load for each type of pool that is defined instead of basing the bather load calculations on indoor vs outdoor pool location; and  
3) adds that a sign indicating the calculated bather load shall be posted. The local health officers are already requiring this in practice.

In Section R392-302-27, changes the maximum height of dressing room partitions to 12 inches instead of 10 inches and adds that the partitions extend not less than 60 inches above the finished floor surface. This is to come more in line with industry standards.

In Section R392-302-28; adds Table 5 in accordance with the ISPSC for Shower Fixture Requirements.

In Section R392-302-29:

1) updates the requirements for a lifeguarding training program;  
2) clarifies requirements for lifeguards, including acceptable alteration of tasks; and  
3) changes the active voice from manager to bather shall comply with the personal hygiene and behavior rules.

In Section R392-302-34, adds that records may be written or digital.

In Section R392-302-37, clarifies that the required sign needs to be a two-inch safety sign. There was not a size requirement.

In Section R392-302-39, adds that the direct supervision needs to be a person that is licensed by the Utah Division of Professional Licensing (DOPL) to perform the assigned task.

In Section R392-302-40, adds that waterslide vehicles are designed and constructed of smooth, easily cleanable, durable materials.

In Section R392-302-41:

1) the local health officer can no longer exempt interactive water features from Section R392-302-29 or Section R392-302-26. These sections have redefined supervision of bathers and how to calculate the bather load for interactive water features and no longer need this exemption;  
2) clarifies that the required sign needs to be a two-inch safety sign. There was not a size requirement.

In Section R392-302-42, the deadline for the study currently in the pool rule has expired. The findings of this study concluded that instructional pools need to meet the entire pool rule as written except for use of teaching implements such as underwater ledges.

Section R392-302-43 is added to this rule to match other rules under Title R392.



**Fiscal Information**

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

**A) State budget:**

No anticipated cost or savings because the substantive changes do not result in a change in current practice or procedures at the Department of Health and Human Services.

**B) Local governments:**

No anticipated cost or savings because the substantive changes do not result in a change in current practice or procedures at the local health departments.

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

No anticipated cost or savings because the substantive changes reflect current industry practice.

In addition, Section R392-302-4 contains a grandfather clause which states that, except in the case of an imminent health hazard, this rule does not require a construction change in any portion of a public pool if the facility was constructed in compliance with the law in effect when the facility was constructed.

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

No anticipated costs or savings because the substantive changes reflect current industry practice.

In addition, Section R392-302-4 contains a grandfather clause that states that, except in the case of an imminent health hazard, the rule does not require a construction change in any portion of a public pool if the facility was constructed in compliance with the law in effect when the facility was constructed.

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

No anticipated costs or savings because the substantive changes reflect current industry practice.

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

No anticipated costs or savings because the substantive changes reflect current industry practice.

**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                  | FY2024     | FY2025     | FY2026     |
|------------------------------|------------|------------|------------|
| 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        |
| <b>Total Fiscal Cost</b>     | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| Fiscal Benefits              | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

**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 26B-1-202 | Section 26B-7-402 | Section 26B-7-113

**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:** 07/03/2023

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 07/10/2023 |
| 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**

|   |                                     |              |            |
|---|-------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 05/03/2023 |
|---|-------------------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE          |                |                                   |
|----------------------------------|----------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Amendment |                |                                   |
| <b>Rule or Section Number:</b>   | <b>R432-13</b> | <b>Filing ID:</b><br><b>55415</b> |

**Agency Information**

|   |                                |                   |
|---|--------------------------------|-------------------|
| <b>1. Department:</b>   | Health and Human Services      |                   |
| <b>Agency:</b>  | Health Care Facility Licensing |                   |
| <b>Room number:</b>   | 1st Floor                      |                   |
| <b>Building:</b>  | Multi-Agency State Office Bldg |                   |
| <b>Street address:</b>  | 195 N 1950 W                   |                   |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84116       |                   |
| <b>Mailing address:</b>   | PO Box 144103                  |                   |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-4103  |                   |
| <b>Contact persons:</b>   |                                |                   |
| <b>Name:</b>  | <b>Phone:</b>                  | <b>Email:</b>     |
| Janice Weinman  | 385-321-5586                   | jweinman@utah.gov |
| Jonah Shaw  | 385-310-2389                   | jshaw@utah.gov    |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                                |                   |

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R432-13. Freestanding Ambulatory Surgical Center Construction Rule   |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| The purpose of this amendment is to modify and replace outdated language with the Utah Rulewriting Manual standards. |
| <b>4. Summary of the new rule or change:</b>   |
| The revisions include more specific language consistent with the Utah Rulewriting Manual.                            |

Additionally, this rule replaces outdated citations with their updated counterparts, this is due to the recodification of the Department of Health and Human Services' (Department) statute, Title 26B, Chapter 2, following the 2023 General Session.

**Fiscal Information**

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

**A) State budget:**

State government process was thoroughly reviewed. This change will not impact the current process for licensure and re-licensure surveys.

No change to the state budget is expected because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

Substantive changes only constitute removal of incorporated materials that will be encompassed as recommended standards in the Department plans review process of Rule R432-4.

**B) Local governments:**

Local government city business licensing requirements were considered.

This proposed rule amendment should not impact local governments' revenues or expenditures because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

The Freestanding Ambulatory Surgical Construction Standards are regulated by the Department of Health and Human Services and not local governments.

There will be no change in local business licensing or any other item(s) with which local government is involved.

Substantive changes only constitute removal of incorporated materials that will be encompassed as recommended standards in the Department plans review process of Rule R432-4.

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

After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for small businesses because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

Substantive changes only constitute removal of incorporated materials that will be encompassed as recommended standards in the Department plans review process of Rule R432-4.

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

After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for non-small businesses because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

Substantive changes only constitute removal of incorporated materials that will be encompassed as recommended standards in the Department plans review process of Rule R432-4.

**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**):

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to affected persons because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

Substantive changes only constitute removal of incorporated materials that will be encompassed as recommended standards in the department plans review process of Rule R432-4.

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

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to compliance costs for affected persons because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

Substantive changes only constitute removal of incorporated materials that will be encompassed as recommended standards in the Department plans review process of Rule R432-4.

**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             | FY2024 | FY2025 | FY2026 |
| 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           |
| <b>Total Fiscal Cost</b>     | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>       | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Benefits</b> | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |

**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 26B-2-202 |  |  |
|-------------------|--|--|

**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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b> | 07/10/2023 |
|---|------------|

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**

|   |                                     |              |            |
|---|-------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 05/15/2023 |
|---|-------------------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE   |        |                  |
|---------------------------|--------|------------------|
| TYPE OF FILING: Amendment |        |                  |
| Rule or Section Number:   | R460-3 | Filing ID: 55430 |

**Agency Information**

|   |                            |                 |
|---|----------------------------|-----------------|
| <b>1. Department:</b>   | Housing Corporation        |                 |
| <b>Agency:</b>  | Administration             |                 |
| <b>Street address:</b>  | 2479 Lake Park Boulevard   |                 |
| <b>City, state and zip:</b>   | West Valley City, UT 84120 |                 |
| <b>Contact persons:</b>   |                            |                 |
| <b>Name:</b>  | <b>Phone:</b>              | <b>Email:</b>   |
| Jonathan Hanks  | 801-902-8221               | jhanks@uthc.org |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                            |                 |

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R460-3. Programs of UHC   |
| <b>3. Purpose of the new rule or reason for the change:</b>   |
| The purpose of changes to this rule include: 1) adding verbiage to implement changes required by Section 63H-8-502, First-time Homebuyer Assistance Program; 2) removing unnecessary or duplicative verbiage; and 3) adding verbiage for clarity and consistency. |
| <b>4. Summary of the new rule or change:</b>  |
| The changes add definitions at the beginning of this rule section for improved clarity.   |
| Several subsections are renumbered and are amended to reorder language for clarity.   |
| Language is added regarding the First-time Homebuyer Assistance Program (Assistance Program) to:  |
| 1) clarify that the Assistance Program may only be used in conjunction with a mortgage loan;  |
| 2) clarify that a reservation shall automatically terminate if requested or required documentation is not received by Utah Housing;   |
| 3) clarify language that some single-family mortgage programs may include the ability to purchase a single real estate interest dwelling with one or two units;   |
| 4) clarify language that includes the purchase of a single real estate interest dwelling with one or two units for some single-family programs;   |

- 5) clarify language regarding the applicability of income limits, acquisition limits, and purchase price limits to each mortgage loan;
- 6) define when Assistance Program funds may be used and how the disbursement of those funds will be evidenced;
- 7) provide guidance on requesting and reserving Assistance Program funds and associated timelines;
- 8) establish funds as first-come, first-serve;
- 9) state that Assistance Program funds are considered a loan and repayable under certain circumstances;
- 10) require the recipient of Assistance Program funds to be a Utah resident for a period of time;
- 11) explain that Assistance Program funds may be used in conjunction with a mortgage loan to pay off a construction loan or similar financing for a manufactured or modular residential unit placed on a permanent foundation;
- 12) clarify UHC's president's ability to establish income limits for the Assistance Program;
- 13) clarify the limits that are applicable when determining acquisition costs when Assistance Program funds are used; and
- 14) clarify a limitation on Assistance Program reservation requests.

**Fiscal Information**

|   |
|---|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>  |
| <b>A) State budget:</b>   |
| There is no anticipated cost or savings to the state budget because Subsection 63H-8-102(3)(b) states that the Utah Housing Corporation (UHC) is a "financially independent body" and therefore, receives no state appropriation.   |
| <b>B) Local governments:</b>  |
| There is expected to be an inestimable fiscal benefit to local governments in the form of increased building permit and impact fees, sales tax, and property tax revenues.  |
| However, it is impossible to estimate the amount by which local government may benefit as it is unknown where and when eligible new homes will be constructed, the amount of building materials to be purchased in any given municipality, or the number of workers hired from local communities and how long they might be working in a given community and contribute to sales tax revenue. |
| Further, it is impractical to gather building permit data from every political subdivision because each is unique and addresses building permit and impact fees differently.  |
| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):  |
| There is expected to be an inestimable fiscal benefit to small businesses engaged in mortgage lending for single-family properties.   |

However, it is impossible to predict the revenue that may be received by small business mortgage lenders because it is impossible to predict which mortgage lender a consumer may engage to process, underwrite, close, and fund a mortgage.

Further, it is not feasible to gather a list of applicable fees charged by each mortgage lender (as well as each branch of the mortgage lender) to determine the amount of revenue they may receive for processing and funding a mortgage loan.

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

There is expected to be an inestimable fiscal benefit to non-small businesses engaged in mortgage lending for single-family properties.

However, it is impossible to predict the revenue that may be received by non-small businesses because it is impossible to predict which mortgage lender a consumer may engage to process, underwrite, close, and fund a mortgage.

Further, it is not feasible to gather a list of applicable fees charged by each mortgage lender (as well as each branch of the mortgage lender) to determine the amount of revenue they may receive for processing and funding a mortgage loan.

**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 cost to a person receiving Assistance Program funds may range from \$0 - \$1,000 based on the number of extension, reservation transfer, or other similar requests.

The cost is considered inestimable because every home and mortgage scenario is unique, i.e., some persons may not need any requests and some may need one, two, or more.

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

There may be some cost to affected persons in terms of systems programming to add additional steps to include Assistance Program funds in the processing, underwriting, and funding a lender undertakes with a mortgage loan. Because this will vary by lender, software vendor, etc. the cost is considered inestimable though negligible.

**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**

| <b>Fiscal Cost</b>           | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
|------------------------------|---------------|---------------|---------------|
| 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           |
| <b>Total Fiscal Cost</b>     | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>       | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Benefits</b> | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |

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

The President and CEO of the Utah Housing Corporation, David C. Damschen, 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 63H-8-301 | Section 63H-8-302 | Section 63H-8-303 |
| Section 63H-8-502 |                   |                   |

**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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 07/10/2023 |
| 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**

|   |                                      |              |            |
|---|--------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | David C. Damschen, President and CEO | <b>Date:</b> | 05/15/2023 |
|---|--------------------------------------|--------------|------------|

| NOTICE OF PROPOSED RULE                   |                |                                   |
|---|----------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Repeal and Reenact |                |                                   |
| <b>Rule or Section Number:</b>            | <b>R501-13</b> | <b>Filing ID:</b><br><b>55421</b> |

**Agency Information**

|   |                                   |                   |
|---|-----------------------------------|-------------------|
| <b>1. Department:</b>   | Health and Human Services         |                   |
| <b>Agency:</b>  | Health Services Program Licensing |                   |
| <b>Building:</b>  | MASOB                             |                   |
| <b>Street address:</b>  | 195 N 1950 W                      |                   |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84116          |                   |
| <b>Contact persons:</b>   |                                   |                   |
| <b>Name:</b>  | <b>Phone:</b>                     | <b>Email:</b>     |
| Janice Weinman  | 385-321-5586                      | jweinman@utah.gov |
| Jonah Shaw  | 385-310-2389                      | jshaw@utah.gov    |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                                   |                   |

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R501-13. Adult Day Care  |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| The purpose of this amendment is to modify and replace outdated language with the Utah Rulewriting Manual.<br><br>Additionally, this amendment replaces outdated citations following the consolidation of the Department of Health and Human Services' (Department) statute, Title 26B, Chapter 2. |
| <b>4. Summary of the new rule or change:</b>   |
| The revisions include more specific language and formatting consistent with the Utah Rulewriting Manual.   |

Additionally, it removes outdated citations and aligns this rule with current industry standards.

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A) State budget:</b>  |
| State government process was thoroughly reviewed. This change will not impact the current process for licensure and re- licensure.<br><br>No change to the state budget is expected because this amendment modifies and replaces outdated language and citations, most of the stricken content is now located in Rule R501-1.<br><br>New content aligns with federal and industry standards already in practice.   |
| <b>B) Local governments:</b>   |
| Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.<br><br>The Day Treatment Programs are regulated by the Department and not local governments. There will be no change in local business licensing or any other item(s) with which local government is involved.<br><br>There are no fiscal impacts to local governments resulting from the substantive or nonsubstantive changes in this rule content. |
| <b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>   |
| Small businesses impacted will be insignificant, as the new rule content was amended to address duplicative content across all rule categories.<br><br>Rule R501-1 is the streamlined and updated version of the stricken content of this rule as it applies to all license categories. These entities have always fit into the statutory definition requiring licensure, so the new content better addresses their services and clarifies and guides them toward compliance.<br><br>There are no fiscal impacts to small businesses resulting from the substantive or nonsubstantive changes in this rule content.                |
| <b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>   |
| Non-small businesses impacted will be insignificant, as the new rule content was amended to address duplicative content across all rule categories.  |

Rule R501-1 is the streamlined and updated version of the stricken content of this rule as it applies to all license categories. These entities have always fit into the statutory definition requiring licensure, so the new content just better addresses their services and clarifies and guides them toward compliance.

There are no fiscal impacts to non-small businesses resulting from the substantive or nonsubstantive changes in this rule content.

**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**):

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to any affected persons because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

The substantive and nonsubstantive changes being made clarify and outline existing industry standards and requirements for the protection of clients in adult daycare programs. There will be no fiscal impacts on any affected persons as a result of this rule.

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

This rule amendment does not introduce any new processes that will incur a cost for affected persons.

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

| Regulatory Impact Table  |            |            |            |
|--------------------------|------------|------------|------------|
| Fiscal Cost              | FY2024     | FY2025     | FY2026     |
| 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        |
| <b>Total Fiscal Cost</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| Fiscal Benefits          | FY2024     | FY2025     | FY2026     |

|                              |            |            |            |
|------------------------------|------------|------------|------------|
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

**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 26B-2-104 | Section 26B-2-101 |  |
|-------------------|-------------------|--|

**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:** 07/03/2023

**9. This rule change MAY become effective on:** 07/10/2023

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**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber,<br>Executive Director | <b>Date:</b> | 05/15/2023 |
|---|--|--------------|------------|

| NOTICE OF PROPOSED RULE   |         |                  |
|---------------------------|---------|------------------|
| TYPE OF FILING: Amendment |         |                  |
| Rule or Section Number:   | R653-11 | Filing ID: 55429 |

**Agency Information**

|   |                            |                          |
|---|----------------------------|--------------------------|
| <b>1. Department:</b>   | Natural Resources          |                          |
| <b>Agency:</b>  | Water Resources            |                          |
| <b>Room number:</b>   | 310                        |                          |
| <b>Building:</b>  | Natural Resources Building |                          |
| <b>Street address:</b>  | 1594 W North Temple        |                          |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114   |                          |
| <b>Contact persons:</b>   |                            |                          |
| <b>Name:</b>  | <b>Phone:</b>              | <b>Email:</b>            |
| Martin Bushman  | 801-538-7273               | martinbushman@agutah.gov |
| Joel Williams   | 801-538-7349               | joelwilliams@utah.gov    |
| Shelby Ericksen   | 801-300-1623               | shelbyericksen@utah.gov  |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                            |                          |

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R653-11. Water Conservation Requirements and Incentives  |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| The Utah Legislature enacted S.B. 118 in the 2023 General Session, which amends Section 73-10-37. This section of code directs the Utah Division of Water Resources (Division) to provide a financial incentive to landowners that convert lawn to water efficient landscaping, consistent with statutory and regulatory requirements.   |
| The S.B. 118 (2023) amendment includes:<br>1) new and revised definitions;<br>2) refined directives governing the Division's administration of the existing lawn conversion incentive program; and<br>3) directives for a new program authorizing the Division to award grants to eligible water conservancy districts to augment financial incentives provided through their respective lawn conversion incentive programs. |
| The purpose of the proposed rule changes is to implement the Legislature's directives in S.B. 118 (Section 73-10-37), as authorized and instructed in Subsection 73-10-37(5).  |

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|--|
| <b>4. Summary of the new rule or change:</b>   |
| The proposed amendments to Rule R653-11 reconcile and harmonize existing rule with new legislative provisions and directives in Section 73-10-37, as enacted in S.B. 118 (2023).   |
| The proposed rule amendments:<br>1) alter existing definitions to harmonize with and implement new statutory requirements;<br>2) blend and reconcile existing rule language with new statutory directives governing lawn conversion financial incentives awarded by the Division to landowners, and grants awarded to water conservancy districts;<br>3) establish the process by which landowners may receive a lawn conversion incentive and water conservancy districts receive lawn conversion grants (Subsection 73-10-37(5)(a));<br>4) define "water efficient landscaping" (Subsection 73-10-37(5)(b));<br>5) identify the maximum incentive from grant money allowable for each square foot of lawn converted to water efficient landscaping or maximum aggregate amount (Subsection 73-10-37(5)(c)); and<br>6) establish regional-based water use efficiency standards designed to reduce water consumption and conserve culinary and secondary water supplies (Subsection 73-10-37(5)(d)). |
| The amendments fulfill statutory directives in Subsection 73-10-37(5) will enable the Division to better perform the responsibilities and administer the programs it is charged to in S.B. 118 (2023).   |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A) State budget:</b>  |
| The rule amendments implement water conservation incentives imposed in Section 73-10-37.   |
| In S.B. 118, the Legislature appropriated \$3,011,200 in funding to the Division for planning and administering the lawn conversion incentive programs (\$11,200), and to distribute to landowners and water conservancy districts for financial incentives to convert existing lawn to drought resistant landscaping (\$3,000,000). |
| This rule governs the distribution of \$3,000,000 to:<br>1) reimburse some costs incurred converting lawn to drought resistant landscaping; and<br>2) assist eligible water conservancy districts fund incentives under their respective lawn conversion incentive programs.   |
| The incentive programs will be administered by existing staff at the Division; no new hires or overtime pay will be required.  |



|   |
|---|
| <p><b>B) Local governments:</b></p> <p>The lawn conversion incentive program will not fiscally impact local governments negatively.</p> <p>The program makes funding available to:</p> <ol style="list-style-type: none"> <li>1) property owners as an incentive to convert lawns into water efficient landscaping; and</li> <li>2) water conservancy districts for use in funding financial incentives awarded through their respective lawn conversion incentive programs.</li> </ol> <p>The rule does not require:</p> <ol style="list-style-type: none"> <li>1) landowners to convert their lawns to drought resistant landscaping or to seek reimbursement of costs for such conversions from the Division; or</li> <li>2) water conservancy districts to implement and fund lawn conversion incentive programs or to seek a grant from the Division.</li> </ol> <p>Grants are not reimbursed to the Division or any other entity by recipient districts.</p> <p>Participation in the program is completely voluntary under this rule. Those that choose to participate and receive funding, however, must pay whatever portion of the conversion's costs not covered by the incentive award.</p> <p>The cost to convert lawn to drought resistant landscaping varies considerably depending on contractor, region of the state, and actual work performed but average costs are generally between \$4 and \$12 a square foot. The state incentive provided in the rule is \$1.50 a square foot.</p> <p>A lawn conversion, once completed, will reduce the landowner's outdoor water use and the associated costs, and eliminate lawn maintenance. It will also conserve water supplies in the community, reduce the likelihood of shortages, and delay the need for further water development by water providers.</p> |
| <p><b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>To the extent a landowner is not a local government and more closely related to a small or large business, it will be impacted similarly to that described in the local government section.</p> <p>A residual benefit of the rule amendment and the incentive program it implements to small and large businesses will be increased demand for:</p> <ol style="list-style-type: none"> <li>1) landscaping services by qualified contractors; and</li> <li>2) organic and inorganic materials (plants, shrubs, trees, gravel, rock, etc.) used in water efficient landscaping.</li> </ol> <p>In total, the incentive program over the next couple years will infuse \$3,000,000 in state incentive money and participant's corresponding cost share into the purchase of landscaping services and associated materials.</p>   |

| <p><b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>Impacts to non-small businesses are anticipated to be no different than to small businesses. See small business impact response above.</p>   |                         |        |        |  |             |        |        |        |                  |     |     |     |                   |     |     |     |                  |     |     |     |
|---|-------------------------|--------|--------|--|-------------|--------|--------|--------|------------------|-----|-----|-----|-------------------|-----|-----|-----|------------------|-----|-----|-----|
| <p><b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</p> <p>No anticipated impacts to other persons different than local governments, small businesses, or non-small businesses. See the previous responses above.</p>  |                         |        |        |  |             |        |        |        |                  |     |     |     |                   |     |     |     |                  |     |     |     |
| <p><b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):</p> <p>The rule does not require landowners to convert their lawns to drought resistant landscaping or to seek reimbursement of costs for such conversions from the Division. Nor does it compel water conservancy districts to implement and fund lawn conversion incentive programs or to seek a grant from the Division.</p> <p>Participation in the program is completely voluntary under this rule. Those that choose to participate and receive funding, however, must pay whatever portion of the conversion's costs not covered by the incentive award.</p> <p>The cost to convert lawn to water efficient landscaping varies considerably depending on contractor, region of the state, and actual work performed but average costs are generally between \$4 and \$12 a square foot. The state incentive provided in the rule is \$1.50 a square foot. A lawn conversion, once completed, will reduce the landowner's outdoor water use and the associated costs, and the need for eliminate lawn maintenance. It will also conserve water supplies in the community, reduce the likelihood of shortages, and delay the need for further water development by water providers.</p> <p>Again, participation in the program under this rule is voluntary.</p> |                         |        |        |  |             |        |        |        |                  |     |     |     |                   |     |     |     |                  |     |     |     |
| <p><b>G) Regulatory Impact Summary Table</b> (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.)</p> <table border="1"> <thead> <tr> <th colspan="4">Regulatory Impact Table</th> </tr> <tr> <th>Fiscal Cost</th> <th>FY2024</th> <th>FY2025</th> <th>FY2026</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>   | Regulatory Impact Table |        |        |  | Fiscal Cost | FY2024 | FY2025 | FY2026 | State Government | \$0 | \$0 | \$0 | Local Governments | \$0 | \$0 | \$0 | Small Businesses | \$0 | \$0 | \$0 |
| Regulatory Impact Table   |                         |        |        |  |             |        |        |        |                  |     |     |     |                   |     |     |     |                  |     |     |     |
| Fiscal Cost   | FY2024                  | FY2025 | FY2026 |  |             |        |        |        |                  |     |     |     |                   |     |     |     |                  |     |     |     |
| 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           |
| <b>Total Fiscal Cost</b>  | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>  | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Benefits</b>  | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Net Fiscal Benefits</b>  | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>                                       |               |               |               |
| The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis. |               |               |               |

**Citation Information**

|   |                        |  |
|---|------------------------|--|
| <b>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:</b> |                        |  |
| Section 73-10-37  | Subsection 73-10-37(5) |  |

**Public Notice Information**

|   |            |
|---|------------|
| <b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (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.) |            |
| <b>A) Comments will be accepted until:</b>  | 07/03/2023 |
| <b>9. This rule change MAY become effective on:</b>   | 07/10/2023 |
| 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**

|   |                              |              |            |
|---|------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Candice Hasenyager, Director | <b>Date:</b> | 05/15/2023 |
|---|------------------------------|--------------|------------|

**NOTICE OF PROPOSED RULE**

|                                  |               |                   |              |
|----------------------------------|---------------|-------------------|--------------|
| <b>TYPE OF FILING:</b> Amendment |               |                   |              |
| <b>Rule or Section Number:</b>   | <b>R657-5</b> | <b>Filing ID:</b> | <b>55414</b> |

**Agency Information**

|                             |                                 |                     |
|-----------------------------|---------------------------------|---------------------|
| <b>1. Department:</b>       | Natural Resources               |                     |
| <b>Agency:</b>              | Wildlife Resources              |                     |
| <b>Room number:</b>         | Suite 2110                      |                     |
| <b>Building:</b>            | Department of Natural Resources |                     |
| <b>Street address:</b>      | 1594 W North Temple             |                     |
| <b>City, state and zip:</b> | Salt Lake City, UT 84116        |                     |
| <b>Mailing address:</b>     | PO Box 146301                   |                     |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-6301   |                     |
| <b>Contact persons:</b>     |                                 |                     |
| <b>Name:</b>                | <b>Phone:</b>                   | <b>Email:</b>       |
| Staci Coons                 | 801-450-3093                    | stacicoons@utah.gov |

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R657-5. Taking Big Game   |
| <b>3. Purpose of the new rule or reason for the change:</b>   |
| This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking Big Game.   |
| <b>4. Summary of the new rule or change:</b>  |
| The proposed amendments to this rule:<br>1) requires mandatory reporting within 30 days of the season end for all antlerless hunters;<br>2) sets requirements for game retrieval and meat salvage;<br>3) allows for permits to be issued due to wildlife health considerations;<br>4) discontinues issuing a replacement tag for CWD-positive animals;<br>5) prohibits the sale of "inedible byproducts";<br>6) restricts the use of electronics on weapons;<br>7) sets weapon restrictions for Handgun-Archery-Muzzleloader-Shotgun-Straight-walled Rifle hunts; |

- 8) sets weapon restrictions for "restricted weapon hunts";
- 9) prohibits the use of projectiles for which the path can be altered or electronically tracked after it is sent in motion;
- 10) prohibits the use of real-time information on hunter or game location to aid in the stalking of a specific big game animal on HAMSS and Restricted Weapon Hunts;
- 11) prohibits the use of visual enhancement technology;
- 12) prohibits the use of pattern recognition technology;
- 13) prohibits the use of live-feed aerial imaging;
- 14) prohibits the use of electronically amplified calls or sounds for the taking of big game;
- 15) prohibits the use of any type of aircraft, drone, or other airborne vehicle or device between July 31 and January 31st to locate, or attempt to observe or locate any protected wildlife;
- 16) prohibit the use of any type of night vision device between July 31 and January 31st to locate, or attempt to observe or locate any protected wildlife; and
- 17) technical corrections as needed.

**Fiscal Information**

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

**A) State budget:**

The proposed rule amendments allows for the implementation of the Technology Committee recommendations as requested by the Utah Wildlife Board, the DWR determines that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

**B) Local governments:**

Local governments are not directly or indirectly impacted by these proposed amendments because the rule does not create a situation requiring services from local governments.

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

The proposed rule amendments do have the potential to impact small businesses that deal in the sale of inedible animal byproducts as this will no longer be legal.

It is impossible to estimate the number of small businesses that may be impacted or the financial loss because the sale of inedible animal byproducts is currently not regulated.

This would include the sale of sinew, bones, spoiled meat, and ground up carcasses from wild game as feed.

This would not impact a small businesses entire operation because it is only limited to wild game species and would not impact domestic meat sources.

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

The proposed rule amendments do not have the potential to impact non-small businesses nor is a service required of them to implement the rule amendments.

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

The proposed rule amendments do not have the potential to impact other persons that hunt big game in Utah, nor is a service required of them, however the amendments may require them to remove equipment that is now illegal to hunt with from their firearms.

The amendments are changes to equipment requirements and do not result in a fiscal impact.

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

The DWR determines that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah.

**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**

| <b>Fiscal Cost</b>       | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
|--------------------------|---------------|---------------|---------------|
| 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           |
| <b>Total Fiscal Cost</b> | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>   | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses. The Executive Director of the Department of Natural Resources, Joel Ferry, 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 23-14-18 | Section 23-14-19 |  |
|------------------|------------------|--|

**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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

**9. This rule change MAY become effective on:** 07/10/2023

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**

|   |                               |              |            |
|---|-------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | J. Shirley, Division Director | <b>Date:</b> | 05/15/2023 |
|---|-------------------------------|--------------|------------|

**NOTICE OF PROPOSED RULE**

|                                  |                |                                   |
|----------------------------------|----------------|-----------------------------------|
| <b>TYPE OF FILING:</b> Amendment |                |                                   |
| <b>Rule or Section Number:</b>   | <b>R657-37</b> | <b>Filing ID:</b><br><b>55410</b> |

**Agency Information**

|                       |                                 |
|-----------------------|---------------------------------|
| <b>1. Department:</b> | Natural Resources               |
| <b>Agency:</b>        | Wildlife Resources              |
| <b>Room number:</b>   | Suite 2110                      |
| <b>Building:</b>      | Department of Natural Resources |

|   |                               |                     |
|---|-------------------------------|---------------------|
| <b>Street address:</b>  | 1594 W North Temple           |                     |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84116      |                     |
| <b>Mailing address:</b>   | PO Box 146301                 |                     |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-6301 |                     |
| <b>Contact persons:</b>   |                               |                     |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>       |
| Staci Coons   | 801-450-3093                  | stacicoons@utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                     |

**General Information**

**2. Rule or section catchline:**  
R657-37. Cooperative Wildlife Management Units for Big Game or Turkey

**3. Purpose of the new rule or reason for the change:**  
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR)rule pursuant to Big Game CWMU's.

**4. Summary of the new rule or change:**  
The proposed amendments to this rule remove "landowner association members" and replaces it with "landowners, presidents, operators" general members of the association should not have been included in the original language.

**Fiscal Information**

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

**A) State budget:**  
The proposed rule amendments clarifies who cannot apply for CWMU permits, all of these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR determines that these amendments do not create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

**B) Local governments:**  
Since the proposed amendments make adjustments to current application regulations this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

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

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

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

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

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

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in the hunting opportunities provided by CWMU's because there are no additional requirements placed on them.

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

The DWR determines that this amendment will not create additional costs for those participating in big game hunting in Utah.

**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.)

| <b>Regulatory Impact Table</b> |               |               |               |
|--------------------------------|---------------|---------------|---------------|
| <b>Fiscal Cost</b>             | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Cost</b>       | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>         | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |

|                              |            |            |            |
|------------------------------|------------|------------|------------|
| 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        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

The Executive Director of the Department of Natural Resources, Joel Ferry, 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 23-23-3 |  |  |
|-----------------|--|--|

**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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b> | 07/10/2023 |
|---|------------|

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**

|   |                                      |              |            |
|---|--------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Justin Shirley,<br>Division Director | <b>Date:</b> | 05/08/2023 |
|---|--------------------------------------|--------------|------------|

**End of the Notices of Proposed Rules Section**



## NOTICES OF CHANGES IN PROPOSED RULES

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

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends July 03, 2023.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Digest*. Additions made to the rule appear underlined (*example*). Deletions made to the rule appear struck out with brackets surrounding them (~~*example*~~). A row of dots in the text between paragraphs (. . . . .) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through September 29, 2023, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

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**The Changes in Proposed Rules Begin on the Following Page**

| NOTICE OF CHANGE IN PROPOSED RULE    |                   |                         |
|--------------------------------------|-------------------|-------------------------|
| <b>Rule or Section Number:</b>       | <b>R307-315</b>   | <b>Filing ID: 55176</b> |
| <b>Date of Previous Publication:</b> | <b>01/15/2023</b> |                         |

**Agency Information**

|   |                               |                  |
|---|-------------------------------|------------------|
| <b>1. Department:</b>   | Environmental Quality         |                  |
| <b>Agency:</b>  | Air Quality                   |                  |
| <b>Building:</b>  | MASOB                         |                  |
| <b>Street address:</b>  | 195 N 1950 W                  |                  |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84116      |                  |
| <b>Mailing address:</b>   | PO Box 144820                 |                  |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-4820 |                  |
| <b>Contact persons:</b>   |                               |                  |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>    |
| Erica Pryor   | 385-499-3416                  | epryor1@utah.gov |
| Ryan Bares  | 385-536-4216                  | rbares@utah.gov  |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                  |

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R307-315. NOx Emission Controls for Natural Gas-Fired Boilers 2.0-5.0 MMBtu   |
| <b>3. Reason for this change:</b>   |
| The changes were made to the proposed rule after comments received during the public comment period.  |
| <b>4. Summary of this change:</b>   |
| The changes are: 1) clarifying language was added; 2) the compliance schedule was extended from May 1, 2023, to May 1, 2024; 3) the testing and compliance methods were changed to allow for portable gas analyzers to be used to verify compliance with requirements in this rule.<br>(EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the January 15, 2023, issue of the Utah State Bulletin, on page 37. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all |

of the changes that will be enforceable should the agency make this rule effective.)

**Fiscal Information**

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

**A) State budget:**

The changes to the proposed rule do not result in changes to the originally identified fiscal impacts to the state budget.

The fiscal impact of this rule on state budgets is unknown. This rule will eventually impact all boilers between 2.0 and 5.0MMBtu in impacted counties, a portion of which are owned and operated by the state. This rule does not require retrofits to existing boilers, so the near-term impact of this rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life.

A Division of Air Quality (DAQ) analysis identified 2,026 boilers in the 2.0- 5.0MMBtu range located in the impacted counties, but the proportion owned and operated by state government is not known. DAQ estimates a cost difference of approximately \$19,000 for replacing a 3.34MMBtu standard boiler with an Ultra-Low NOx boiler rated at 9ppmv. However, the timing of replacements is unknown and therefore the fiscal impact cannot be accurately estimated.

**B) Local government:**

The changes to the proposed rule do not result in changes to the originally identified fiscal impacts to local governments.

The fiscal impact of this rule on local governments is unknown. This rule will eventually impact all boilers between 2.0 and 5.0 MMBtu in impacted counties, a portion of which are owned and operated by local governments. This rule does not require retrofits to existing boilers, so the near-term impact of the rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life.

A DAQ analysis identified 2,026 boilers in the 2.0-5.0MMBtu range located in the impacted counties, but the proportion owned and operated by local governments is not known. DAQ estimates a cost difference of approximately \$19,000 for replacing a 3.34MMBtu standard boiler with an Ultra-Low NOx boiler rated at 9ppmv. However, the timing of replacements is unknown and therefore, the fiscal impact cannot be accurately estimated.



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

The changes to the proposed rule do not result in changes to the originally identified fiscal impacts for small businesses.

The fiscal impact of this rule on small business is unknown. This rule will eventually impact all boilers between 2.0 and 5.0MMBtu in impacted counties, a portion of which are owned and operated by small businesses. This rule does not require retrofits to existing boilers, so the near-term impact of the rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life.

A DAQ analysis identified 2,026 boilers in the 2.0-5.0MMBtu range located in the impacted counties, but the proportion owned and operated by small businesses is not known. DAQ estimates a cost difference of approximately \$19,000 for replacing a 3.34MMBtu standard boiler with an Ultra-Low NOx boiler rated at 9ppmv. However, the timing of replacements is unknown and therefore, the fiscal impact cannot be accurately estimated.

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

The changes to the proposed rule do not result in changes to the originally identified fiscal impacts to non-small businesses.

The fiscal impact of this rule on non-small business is unknown. This rule will eventually impact all boilers between 2.0 and 5.0MMBtu in impacted counties, a portion of which are owned and operated by non-small businesses. This rule does not require retrofits to existing boilers, so the near-term impact of the rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life.

A DAQ analysis identified 2,026 boilers in the 2.0-5.0MMBtu range located in the impacted counties, but the proportion owned and operated by non-small businesses is not known. DAQ estimates a cost difference of approximately \$19,000 for replacing a 3.34MMBtu standard boiler with an Ultra-Low NOx boiler rated at 9ppmv. However, the timing of replacements is unknown and therefore the fiscal impact cannot be accurately estimated.

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

The changes to the proposed rule do not result in changes to the originally identified fiscal impacts to other persons.

The fiscal impact of this rule on other persons is unknown. This rule will eventually impact all boilers between 2.0 and 5.0MMBtu in impacted counties, a portion of which are owned and operated persons other than small businesses, non-small businesses, state, or local governments. This rule does not require retrofits to existing boilers, so the near-term impact of the rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life.

A DAQ analysis identified 2,026 boilers in the 2.0-5.0MMBtu range located in the impacted counties, but the proportion owned and operated by other persons is not known. DAQ estimates a cost difference of approximately \$19,000 for replacing a 3.34MMBtu standard boiler with an Ultra-Low NOx boiler rated at 9ppmv. However, the timing of replacements is unknown and therefore the fiscal impact cannot be accurately estimated.

**F) Compliance costs for affected persons:**

Based on quotes received from boiler distributors and maintenance companies, compliance costs for affected persons are estimated at \$600 once every five years.

**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**

| <b>Fiscal Cost</b>       | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
|--------------------------|---------------|---------------|---------------|
| 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           |
| <b>Total Fiscal Cost</b> | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>   | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| State Government         | \$0           | \$0           | \$0           |
| Local Governments        | \$0           | \$0           | \$0           |
| Small Businesses         | \$0           | \$0           | \$0           |
| Non-Small Businesses     | \$0           | \$0           | \$0           |

NOTICES OF CHANGES IN PROPOSED RULES

|   |            |            |            |
|---|------------|------------|------------|
| Other Persons   | \$0        | \$0        | \$0        |
| <b>Total Fiscal Benefits</b>  | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>  | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>   |            |            |            |
| The Executive Director of the Department of Environmental Quality, Kim D Shelly, has reviewed and approved this regulatory impact analysis. |            |            |            |

**Citation Information**

|   |  |  |
|---|--|--|
| <b>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:</b> |  |  |
| Section 19-2-104  |  |  |

**Public Notice Information**

|   |            |
|---|------------|
| <b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (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.) |            |
| <b>A) Comments will be accepted until:</b>  | 07/03/2023 |

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 07/10/2023 |
| 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**

|   |                         |              |            |
|---|-------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Bryce C. Bird, Director | <b>Date:</b> | 04/18/2023 |
|---|-------------------------|--------------|------------|

| NOTICE OF CHANGE IN PROPOSED RULE    |            |                         |
|--------------------------------------|------------|-------------------------|
| <b>Rule or Section Number:</b>       | R307-316   | <b>Filing ID:</b> 55177 |
| <b>Date of Previous Publication:</b> | 01/15/2023 |                         |

**Agency Information**

|                        |                       |
|------------------------|-----------------------|
| <b>1. Department:</b>  | Environmental Quality |
| <b>Agency:</b>         | Air Quality           |
| <b>Building:</b>       | MASOB                 |
| <b>Street address:</b> | 195 N 1950 W          |

|   |                               |                  |
|---|-------------------------------|------------------|
| <b>City, state and zip:</b>   | Salt Lake City, UT 84116      |                  |
| <b>Mailing address:</b>   | PO Box 144820                 |                  |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-4820 |                  |
| <b>Contact persons:</b>   |                               |                  |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>    |
| Erica Pryor   | 385-499-3416                  | epryor1@utah.gov |
| Ryan Bares  | 385-536-4216                  | rbares@utah.gov  |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                  |

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R307-316. NOx Emission Controls for Natural Gas-Fired Boilers greater than 5.0 MMBtu  |
| <b>3. Reason for this change:</b>   |
| The changes were made to the proposed rule after comments received during the public comment period.  |
| <b>4. Summary of this change:</b>   |
| The changes are: 1) clarifying language was added; 2) the compliance schedule was extended from May 1, 2023, to May 1, 2024; 3) the testing and compliance methods were changed to allow for portable gas analyzers to be used to verify compliance with requirements in this rule. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the January 15, 2023, issue of the Utah State Bulletin, on page 41. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.) |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>                     |
| <b>A) State budget:</b>  |
| The changes to the proposed rule do not result in changes to the originally identified fiscal impacts to the state budget. |
| The fiscal impact of this rule on state budgets is unknown. This rule will eventually impact all boilers above 5 MMBtu     |

in impacted counties, a portion of which are owned and operated by the state. This rule does not require retrofits to existing boilers, so the near-term impact of the rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life.

A Division of Air Quality (DAQ) analysis identified 620 boilers greater than 5 MMBtu located in the impacted counties, but the proportion owned and operated by state government is not known. DAQ estimates a cost difference between \$13,000 and \$26,000 for a 6.7MMBtu standard boiler that is replaced with an Ultra-Low NOx boiler rated at 9 ppmv. However, since the timing of replacement is unknown; the fiscal impact cannot be accurately estimated.

**B) Local government:**

The changes to the proposed rule do not result in changes to the originally identified fiscal impacts to local governments.

The fiscal impact of this rule on local governments is unknown. This rule will eventually impact all boilers above 5 MMBtu in impacted counties, a portion of which are owned and operated by local governments. This rule does not require retrofits to existing boilers, so the near-term impact of the rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life.

A DAQ analysis identified 620 boilers over 5 MMBtu located in the impacted counties, but the proportion owned and operated by local governments is not known. DAQ estimates a cost difference between \$13,000 and \$26,000 for a 6.7MMBtu standard boiler that is replaced with an Ultra-Low NOx boiler rated at 9 ppmv. However, since the timing of replacement is unknown; the fiscal impact cannot be accurately estimated.

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

The changes to the proposed rule do not result in changes to the originally identified fiscal impacts for small businesses.

The fiscal impact of this rule on small business is unknown. This rule will eventually impact all boilers above 5 MMBtu in impacted counties, a portion of which are owned and operated by small businesses. This rule does not require retrofits to existing boilers, so the near-term impact of the rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life.

A DAQ analysis identified 620 boilers over 5 MMBtu located in the impacted counties, but the proportion owned and operated by small businesses is not known. DAQ estimates a cost difference between \$13,000 and \$26,000

for a 6.7MMBtu standard boiler that is replaced with an Ultra-Low NOx boiler rated at 9 ppmv. However, since the timing of replacement is unknown; the fiscal impact cannot be accurately estimated.

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

The changes to the proposed rule do not result in changes to the originally identified fiscal impacts to non-small businesses.

The fiscal impact of this rule on non-small business is unknown. This rule will eventually impact all boilers above 5 MMBtu in impacted counties, a portion of which are owned and operated by non-small businesses. This rule does not require retrofits to existing boilers, so the near-term impact of the rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life.

A DAQ analysis identified 620 boilers over 5 MMBtu located in the impacted counties, but the proportion owned and operated by non-small businesses is not known. DAQ estimates a cost difference between \$13,000 and \$26,000 for a 6.7MMBtu standard boiler that is replaced with an Ultra-Low NOx boiler rated at 9 ppmv. However, since the timing of replacement is unknown; the fiscal impact cannot be accurately estimated.

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

The changes to the proposed rule do not result in changes to the originally identified fiscal impacts to other persons.

The fiscal impact of this rule on other persons is unknown. This rule will eventually impact all boilers above 5 MMBtu in impacted counties, a portion of which are owned and operated persons other than small businesses, non-small businesses, state, or local governments. This rule does not require retrofits to existing boilers, so the near-term impact of the rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life.

A DAQ analysis identified 620 boilers over 5 MMBtu located in the impacted counties, but the proportion owned and operated by other persons is not known. DAQ estimates a cost difference between \$13,000 and \$26,000 for a 6.7MMBtu standard boiler that is replaced with an Ultra Low NOx boiler rated at 9 ppmv. However, since the timing of replacement is unknown, the fiscal impact cannot be accurately estimated.

NOTICES OF CHANGES IN PROPOSED RULES

**F) Compliance costs for affected persons:**

Based on quotes received from boiler distributors and maintenance companies, compliance costs for affected persons are estimated at \$600 once every five years.

**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.)

| <b>Regulatory Impact Table</b> |               |               |               |
|--------------------------------|---------------|---------------|---------------|
| <b>Fiscal Cost</b>             | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |
| <b>Total Fiscal Cost</b>       | <b>\$0</b>    | <b>\$0</b>    | <b>\$0</b>    |
| <b>Fiscal Benefits</b>         | <b>FY2024</b> | <b>FY2025</b> | <b>FY2026</b> |
| 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           |

|                              |            |            |            |
|------------------------------|------------|------------|------------|
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
|------------------------------|------------|------------|------------|

|                            |            |            |            |
|----------------------------|------------|------------|------------|
| <b>Net Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
|----------------------------|------------|------------|------------|

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

The Executive Director of the Department of Environmental Quality, Kim D Shelly, 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 19-2-104 |  |  |
|------------------|--|--|

**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.)

|  |            |
|--|------------|
| <b>A) Comments will be accepted until:</b> | 07/03/2023 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b> | 07/10/2023 |
|---|------------|

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**

|   |                            |              |            |
|---|----------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Bryce C. Bird,<br>Director | <b>Date:</b> | 04/18/2023 |
|---|----------------------------|--------------|------------|

**End of the Notices of Changes in Proposed Rules Section**

## NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

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

| NOTICE OF EMERGENCY (120-DAY) RULE |                   |                         |
|------------------------------------|-------------------|-------------------------|
| <b>Rule or Section Number:</b>     | <b>R650-302</b>   | <b>Filing ID: 55407</b> |
| <b>Effective Date:</b>             | <b>05/11/2023</b> |                         |

|   |              |                  |
|---|--------------|------------------|
| Caroline Weiler   | 801-538-5500 | cweiler@utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |              |                  |

### Agency Information

|                             |  |                          |
|-----------------------------|--|--------------------------|
| <b>1. Department:</b>       | Natural Resources                        |                          |
| <b>Agency:</b>              | Outdoor Recreation                       |                          |
| <b>Room number:</b>         | 100                                      |                          |
| <b>Building:</b>            | Department of Natural Resources Building |                          |
| <b>Street address:</b>      | 1594 W North Temple                      |                          |
| <b>City, state and zip:</b> | Salt Lake City, UT 84116                 |                          |
| <b>Contact persons:</b>     |  |                          |
| <b>Name:</b>                | <b>Phone:</b>                            | <b>Email:</b>            |
| Tara McKee                  | 801-538-5500                             | tmckee@utah.gov          |
| Patrick Morrison            | 801-538-5500                             | patrickmorrison@utah.gov |

### General Information

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R650-302. Utah Outdoor Recreation Infrastructure Grant  |
| <b>3. Purpose of the new rule or reason for the change:</b>   |
| Subsection 79-8-402(1) provides the Division shall make rules "establishing the eligibility and reporting criteria for an entity to receive an infrastructure grant [...]"  |
| The Division of Outdoor Recreation (Division) has been working to finalize the Utah Outdoor Recreation Infrastructure Grant rule pursuant to this statutory mandate but was unable to finalize the rule prior to the 2023 grant cycle. The Division believes this emergency rule is necessary given the Utah Code provides the Division shall make rules to establish the eligibility and reporting criteria for this cycle's grants. The Division anticipates promulgating a final, permanent rule within the next 120 days pursuant to Section 63G-3-301. |

|  |   |
|--|---|
| <b>4. Summary of the new rule or change:</b>   |   |
| This rule establishes eligibility and reporting criteria for an entity to receive a Utah Outdoor Recreation Infrastructure Grant, including: the form and process of submitting an application to the Division for an infrastructure grant; which entities are eligible to apply for an infrastructure grant; specific categories of recreational infrastructure projects that are eligible for an infrastructure grant; the method and formula for determining grant amounts; and the reporting requirements of grant recipients. |   |
| <b>5A) The agency finds that regular rulemaking would:</b>   |   |
| <input type="checkbox"/>   | cause an imminent peril to the public health, safety, or welfare;                           |
| <input type="checkbox"/>   | cause an imminent budget reduction because of budget restraints or federal requirements; or |
| <input checked="" type="checkbox"/>  | place the agency in violation of federal or state law.                                      |
| <b>B) Specific reasons and justifications for this finding:</b>  |   |
| Subsection 79-8-402(1) provides the Division shall make rules "establishing the eligibility and reporting criteria for an entity to receive an infrastructure grant [...]"   |   |
| This rule carries out this rulemaking mandate and therefore, brings the Division into compliance with Utah law.  |   |

**Fiscal Information**

|   |  |
|---|--|
| <b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>  |  |
| <b>A) State budget:</b>   |  |
| There are no anticipated costs or savings to the state budget associated with this emergency rule because this rule had existed under the Office of Outdoor Recreation (under the Governor's Office of Economic Opportunity) prior to merging the Office of Outdoor Recreation (from the Governor's Office) into the Division of Outdoor Recreation (under the Department of Natural Resources) and the content of this rule is the same/what entities have been functioning under. |  |
| <b>B) Local governments:</b>  |  |
| There are no anticipated costs or savings to local governments associated with this emergency rule because this rule had existed under the Office of Outdoor Recreation (under the Governor's Office of Economic Opportunity) prior to merging the Office of Outdoor Recreation into the Division of Outdoor Recreation and the content of this rule is the same/what entities have been functioning under.   |  |
| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):  |  |
| There are no anticipated costs or savings to the small businesses associated with this emergency rule because this rule had existed under the Office of Outdoor   |  |

|  |
|--|
| Recreation (under the Governor's Office of Economic Opportunity) prior to merging the Office of Outdoor Recreation into the Division of Outdoor Recreation and the content of this rule is the same/what entities have been functioning under.   |
| <b>D) Persons other than small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):   |
| There are no anticipated costs or savings to persons other than small businesses, state, or local government entities associated with this emergency rule because this rule had existed under the Office of Outdoor Recreation (under the Governor's Office of Economic Opportunity) prior to merging the Office of Outdoor Recreation into the Division of Outdoor Recreation and the content of this rule is the same/what entities have been functioning under. |
| <b>E) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):   |
| There are no anticipated compliance costs associated with this emergency rule because this rule had existed under the Office of Outdoor Recreation (under the Governor's Office of Economic Opportunity) prior to merging the Office of Outdoor Recreation into the Division of Outdoor Recreation and the content of this rule is the same/what entities have been functioning under.   |
| <b>F) Comments by the department head on the fiscal impact this rule may have on businesses</b> (Include the name and title of the department head):   |
| No fiscal impact on businesses. Joel Ferry, Executive Director   |

**Citation Information**

|   |  |  |
|---|--|--|
| <b>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:</b> |  |  |
| Subsection<br>79-8-402(1)   |  |  |

**Agency Authorization Information**

|   |                          |              |            |
|---|--------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Jason Curry,<br>Director | <b>Date:</b> | 05/05/2023 |
|---|--------------------------|--------------|------------|

| NOTICE OF EMERGENCY (120-DAY) RULE |                   |                         |
|------------------------------------|-------------------|-------------------------|
| <b>Rule or Section Number:</b>     | <b>R650-303</b>   | <b>Filing ID: 55408</b> |
| <b>Effective Date:</b>             | <b>05/11/2023</b> |                         |

**Agency Information**

|   |  |                          |
|---|--|--------------------------|
| <b>1. Department:</b>   | Natural Resources                        |                          |
| <b>Agency:</b>  | Outdoor Recreation                       |                          |
| <b>Room number:</b>   | 100                                      |                          |
| <b>Building:</b>  | Department of Natural Resources Building |                          |
| <b>Street address:</b>  | 1594 W North Temple                      |                          |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84116                 |                          |
| <b>Contact persons:</b>   |  |                          |
| <b>Name:</b>  | <b>Phone:</b>                            | <b>Email:</b>            |
| Tara McKee  | 801-538-5500                             | tmckee@utah.gov          |
| Patrick Morrison  | 801-538-5500                             | patrickmorrison@utah.gov |
| Caroline Weiler   | 801-538-5500                             | cweiler@utah.gov         |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |  |                          |

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R650-303. Restoration Recreation Infrastructure Grant Program  |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| Subsection 79-8-202(3) provides the Division of Outdoor Recreation (Division) shall make rules "establishing the eligibility and reporting criteria for an entity to receive a recreation restoration infrastructure grant [...]"  |
| The Division has been working to finalize the Restoration Recreation Infrastructure Grant Program rule pursuant to this statutory mandate but was unable to finalize this rule prior to the 2023 grant cycle. The Division believes this emergency rule is necessary given the Utah Code provides the Division shall make rules to establish the eligibility and reporting criteria for this cycle's grants. |
| The Division anticipates promulgating a final, permanent rule within the next 120 days pursuant to Section 63G-3-301.  |
| <b>4. Summary of the new rule or change:</b>   |
| This rule establishes eligibility and reporting criteria for an entity to receive a Restoration Recreation Infrastructure  |

Grant, including: the form and process of submitting annual project proposals to the Division for a recreation restoration infrastructure grant; which entities are eligible to apply for a recreation restoration infrastructure grant; specific categories of recreation restoration projects that are eligible for a recreation restoration infrastructure grant; the method and formula for determining recreation restoration infrastructure grant amounts; and the reporting requirements of a recipient of a recreation restoration infrastructure grant.

**5A) The agency finds that regular rulemaking would:**

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

**B) Specific reasons and justifications for this finding:**

Subsection 79-8-202(3) provides the Division shall make rules "establishing the eligibility and reporting criteria for an entity to apply for and receive a recreation restoration infrastructure grant [...]"

This rule carries out this rulemaking mandate and therefore, brings the Division into compliance with Utah law.

**Fiscal Information**

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

**A) State budget:**

There are no anticipated costs or savings to the state budget associated with this emergency rule because this rule had existed under the Office of Outdoor Recreation (under the Governor's Office of Economic Opportunity) prior to merging the Office of Outdoor Recreation (from the Governor's Office) into the Division of Outdoor Recreation (under the Department of Natural Resources) and the content of this rule is the same/what entities have been functioning under.

**B) Local governments:**

There are no anticipated costs or savings to local governments associated with this emergency rule because this rule had existed under the Office of Outdoor Recreation (under the Governor's Office of Economic Opportunity) prior to merging the Office of Outdoor Recreation into the Division of Outdoor Recreation and the content of this rule is the same/what entities have been functioning under.

NOTICES OF 120-DAY (EMERGENCY) RULES

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

There are no anticipated costs or savings to the small businesses associated with this emergency rule because this rule had existed under the Office of Outdoor Recreation (under the Governor's Office of Economic Opportunity) prior to merging the Office of Outdoor Recreation into the Division of Outdoor Recreation and the content of this rule is the same/what entities have been functioning under.

**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*):

There are no anticipated costs or savings to persons other than small businesses, state, or local government entities associated with this emergency rule because this rule had existed under the Office of Outdoor Recreation (under the Governor's Office of Economic Opportunity) prior to merging the Office of Outdoor Recreation into the Division of Outdoor Recreation and the content of this rule is the same/what entities have been functioning under.

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

There are no anticipated compliance costs associated with this emergency rule because this rule had existed under the Office of Outdoor Recreation (under the Governor's Office of Economic Opportunity) prior to merging the Office of Outdoor Recreation into the Division of Outdoor Recreation and the content of this rule is the same/what entities have been functioning under.

**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):

No fiscal impact on businesses. Joel Ferry, Executive Director

**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  |  |  |
| 79-8-202(3) |  |  |

**Agency Authorization Information**

|   |                          |              |            |
|---|--------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Jason Curry,<br>Director | <b>Date:</b> | 05/05/2023 |
|---|--------------------------|--------------|------------|

**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](http://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

|                        |            |                         |
|------------------------|------------|-------------------------|
| <b>Rule Number:</b>    | R156-63a   | <b>Filing ID:</b> 50292 |
| <b>Effective Date:</b> | 05/02/2023 |                         |

### Agency Information

|   |                               |                   |
|---|-------------------------------|-------------------|
| <b>1. Department:</b>   | Commerce                      |                   |
| <b>Agency:</b>  | Professional Licensing        |                   |
| <b>Building:</b>  | Heber M Wells Building        |                   |
| <b>Street address:</b>  | 160 E 300 S                   |                   |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84111-2316 |                   |
| <b>Mailing address:</b>   | PO Box 146741                 |                   |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-6741 |                   |
| <b>Contact persons:</b>   |                               |                   |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>     |
| Tracy Taylor  | 801-530-6628                  | trtaylor@utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                   |

### General Information

|   |   |
|---|---|
| <b>2. Rule catchline:</b>   | R156-63a. Security Personnel Licensing Act Contract Security Rule |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b> |   |

Title 58, Chapter 63, provides for the licensure and regulation of contract security companies, armed private security officers and unarmed private security officers.

Subsection 58-1-106(1) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58.

Subsection 58-1-202(1)(a) provides that the Security Services Licensing Board's duties, functions and responsibilities includes recommending to the director appropriate rules.

This rule was enacted to clarify the provisions of Title 58, Chapter 63, with respect to contract security companies, armed private security officers, and unarmed private security officers.

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

Since this rule was last reviewed in May 2018, this rule has been amended one time in May 2019, see DAR File No. 43318.

In December 2018, the Division received numerous written comments/emails to the proposed rule filing amendments. Following a 12/13/2018 rule hearing and after reviewing the submitted comments, the Division and Security Services Licensing Board determined additional proposed amendments needed to be made to this rule.

On 03/07/2019, a change in proposed rule (CPR) filing was filed and an additional 04/11/2019 rule hearing was conducted. The Division received no additional written comments with regards to the CPR filing amendments and all amendments were made effective by the Division on 05/13/2019.

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

This rule is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 63. This rule is also necessary as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Mark B. Steinagel,<br>Division Director | <b>Date:</b> | 03/31/2023 |
|---|---|--------------|------------|

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

|                        |                   |                   |              |
|------------------------|-------------------|-------------------|--------------|
| <b>Rule Number:</b>    | <b>R156-63b</b>   | <b>Filing ID:</b> | <b>50291</b> |
| <b>Effective Date:</b> | <b>05/02/2023</b> |                   |              |

**Agency Information**

|                             |                               |                   |
|-----------------------------|-------------------------------|-------------------|
| <b>1. Department:</b>       | Commerce                      |                   |
| <b>Agency:</b>              | Professional Licensing        |                   |
| <b>Building:</b>            | Heber M Wells Building        |                   |
| <b>Street address:</b>      | 160 E 300 S                   |                   |
| <b>City, state and zip:</b> | Salt Lake City, UT 84111-2316 |                   |
| <b>Mailing address:</b>     | PO Box 146741                 |                   |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-6741 |                   |
| <b>Contact persons:</b>     |                               |                   |
| <b>Name:</b>                | <b>Phone:</b>                 | <b>Email:</b>     |
| Tracy Taylor                | 801-530-6628                  | trtaylor@utah.gov |

Please address questions regarding information on this notice to the persons listed above.

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R156-63b. Security Personnel Licensing Act Armored Car Rule   |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b> |

Title 58, Chapter 63, provides for the licensure and regulation of armored car companies and armored car security officers.

Subsection 58-1-106(1) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58.

Subsection 58-1-202(1)(a) provides that the Security Services Licensing Board's duties, functions, and responsibilities includes recommending to the director appropriate rules.

This rule was enacted to clarify the provisions of Title 58, Chapter 63, with respect to armored car companies and armored car security officers.

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

Since this rule was last reviewed in May 2018, this rule has been amended one time in May 2019, see DAR File No. 43319.

In December 2018, the Division received numerous written comments/emails to the proposed rule filing amendments. Following a 12/13/2018 rule hearing and after reviewing the submitted comments, the Division and Security Services Licensing Board determined additional proposed amendments needed to be made to this rule.

On 03/07/2019, a change in proposed rule (CPR) filing was filed and an additional 04/11/2019 rule hearing was conducted. The Division received no additional written comments with regards to the CPR filing amendments and all amendments were made effective by the Division on 05/13/2019.

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

This rule is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 63. This rule is also necessary as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Mark B. Steinagel,<br>Division Director | <b>Date:</b> | 03/31/2023 |
|---|---|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |                   |                         |
|--|-------------------|-------------------------|
| <b>Rule Number:</b>                                      | <b>R305-4</b>     | <b>Filing ID: 55036</b> |
| <b>Effective Date:</b>                                   | <b>05/08/2023</b> |                         |

**Agency Information**

|   |                               |                   |
|---|-------------------------------|-------------------|
| <b>1. Department:</b>   | Environmental Quality         |                   |
| <b>Agency:</b>  | Administration                |                   |
| <b>Building:</b>  | MASOB                         |                   |
| <b>Street address:</b>  | 195 N 1950 W                  |                   |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84116      |                   |
| <b>Mailing address:</b>   | PO BOX 144820                 |                   |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-4820 |                   |
| <b>Contact persons:</b>   |                               |                   |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>     |
| Erica Pryor   | 385-499-3416                  | epryor1@utah.gov  |
| Mat Carlile   | 385-306-6535                  | mcarlile@utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                   |

**General Information**

|  |
|--|
| <b>2. Rule catchline:</b>  |
| R305-4. Clean Fuels and Emission Reduction Technology Program  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>  |
| The Clean Fuels and Vehicle Technology Grant and Loan Program is authorized under Sections 19-1-401 through 19-1-405. Section 19-1-403 creates the Clean Fuels and Emission Reduction Fund (previously the Clean Fuels and Vehicle Technology Program Fund). |
| This rule provides procedures of administering the Clean Fuels and Vehicle Technology Program Fund.  |
| <b>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:</b>   |
| No written comments have been received since the last five-year review.  |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>   |

This rule provides loans and grants for purchase of clean fuel refueling equipment for private sector business vehicles, government vehicles, and energy-efficient for residential dwellings. Therefore, this rule should be continued.

**Agency Authorization Information**

|   |                                      |              |            |
|---|--------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Kimberly Shelley, Executive Director | <b>Date:</b> | 05/03/2023 |
|---|--------------------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |                   |                         |
|--|-------------------|-------------------------|
| <b>Rule Number:</b>                                      | <b>R392-102</b>   | <b>Filing ID: 54030</b> |
| <b>Effective Date:</b>                                   | <b>05/04/2023</b> |                         |

**Agency Information**

|   |  |                   |
|---|--|-------------------|
| <b>1. Department:</b>   | Health and Human Services                              |                   |
| <b>Agency:</b>  | Disease Control and Prevention, Environmental Services |                   |
| <b>Room number:</b>   | Second Floor   |                   |
| <b>Building:</b>  | Cannon Health Building                                 |                   |
| <b>Street address:</b>  | 288 N 1460 W   |                   |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84116                               |                   |
| <b>Mailing address:</b>   | PO Box 142102  |                   |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-2102                          |                   |
| <b>Contact persons:</b>   |  |                   |
| <b>Name:</b>  | <b>Phone:</b>  | <b>Email:</b>     |
| Karl Hartman  | 801-538-6191   | khartman@utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |  |                   |

**General Information**

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| <b>2. Rule catchline:</b>  |
| R392-102. Food Truck Sanitation  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>                                      |
| This rule is authorized by Sections 26B-7-402 and 26B-1-202. Specifically, Subsection 26B-7-402(1) orders the Department of Health and Human Services (Department) to establish and adopt this rule. |

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

The Department has not received comments supporting or opposing this rule.

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

In addition to being required in statute, this rule establishes uniform standards for the regulation of food trucks, including the permitting process, plan reviews, inspections, construction, sanitary operations, and equipment requirements, which provide for the prevention and control of health hazards associated with food trucks that are likely to affect public health.

This rule requires a food truck operator to adhere to uniform statewide standards for constructing, operating, and maintaining a food truck in a manner that safeguards public health, including risk factors contributing to injury, sickness, death, and disability, and ensures that food is safe, unadulterated, and honestly presented when offered to the consumer. Therefore, this rule should be continued.

**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber,<br>Executive<br>Director | <b>Date:</b> | 05/03/2023 |
|---|---|--------------|------------|

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

|                        |                   |                   |              |
|------------------------|-------------------|-------------------|--------------|
| <b>Rule Number:</b>    | <b>R414-311</b>   | <b>Filing ID:</b> | <b>52942</b> |
| <b>Effective Date:</b> | <b>05/04/2023</b> |                   |              |

**Agency Information**

|                             |  |               |  |
|-----------------------------|--|---------------|--|
| <b>1. Department:</b>       | Health and Human Services                                |               |  |
| <b>Agency:</b>              | Health Care Financing, Coverage and Reimbursement Policy |               |  |
| <b>Building:</b>            | Cannon Health Building                                   |               |  |
| <b>Street address:</b>      | 288 N 1460 W   |               |  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84116                                 |               |  |
| <b>Mailing address:</b>     | PO Box 143102  |               |  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-3102                            |               |  |
| <b>Contact persons:</b>     |  |               |  |
| <b>Name:</b>                | <b>Phone:</b>  | <b>Email:</b> |  |

|                   |              |                       |
|-------------------|--------------|-----------------------|
| 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 persons listed above.

**General Information**

|                                   |
|-----------------------------------|
| <b>2. Rule catchline:</b>         |
| R414-311. Targeted Adult Medicaid |

**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 power to adopt, amend, or rescind rules, and Section 26B-3-108 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 eligibility provisions and requirements for the Targeted Adult Medicaid program. Therefore, this rule should be continued.

The Department anticipates amending this rule following the recodification of the Department's statute.

**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber,<br>Executive<br>Director | <b>Date:</b> | 05/04/2023 |
|---|---|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |                   |                         |
|--|-------------------|-------------------------|
| <b>Rule Number:</b>                                      | <b>R430-50</b>    | <b>Filing ID: 54347</b> |
| <b>Effective Date:</b>                                   | <b>05/04/2023</b> |                         |

**Agency Information**

|   |  |                   |
|---|--|-------------------|
| <b>1. Department:</b>   | Health and Human Services                  |                   |
| <b>Agency:</b>  | Residential Child Care Licensing           |                   |
| <b>Building:</b>  | Multi-Agency State Office Building (MASOB) |                   |
| <b>Street address:</b>  | 195 N 1950 W                               |                   |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84116                   |                   |
| <b>Contact persons:</b>   |  |                   |
| <b>Name:</b>  | <b>Phone:</b>                              | <b>Email:</b>     |
| Janice Weinman  | 385-321-5586                               | jweinman@utah.gov |
| Simon Bolivar   | 801-803-4618                               | sbolivar@utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |  |                   |

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R430-50. Residential Certificate Child Care   |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>   |
| Title 26, Chapter 39, the Child Care Licensing Act, authorizes the Office of Residential Child Care Licensing to make and enforce rules as they pertain to child care licensing and certification.  |
| <b>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:</b>  |
| No written comments were received.  |
| <b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>  |
| This rule is necessary as it sets forth the standards for foundational standards necessary to protect the health and safety of children in residential child care facilities and defines the general procedures and requirements to get and maintain a residential certificate to provide child care. Therefore, this rule should be continued. |
| The Department of Health and Human Services (Department) anticipates an amendment to this rule  |

following the consolidation and recodification of the Department's statute.

**Agency Authorization Information**

|   |                                     |              |            |
|---|-------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 05/04/2023 |
|---|-------------------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION |                   |                         |
|--|-------------------|-------------------------|
| <b>Rule Number:</b>                                      | <b>R430-90</b>    | <b>Filing ID: 54348</b> |
| <b>Effective Date:</b>                                   | <b>05/04/2023</b> |                         |

**Agency Information**

|   |  |                   |
|---|--|-------------------|
| <b>1. Department:</b>   | Health and Human Services                  |                   |
| <b>Agency:</b>  | Residential Child Care Licensing           |                   |
| <b>Building:</b>  | Multi-Agency State Office Building (MASOB) |                   |
| <b>Street address:</b>  | 195 N 1950 W                               |                   |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84116                   |                   |
| <b>Contact persons:</b>   |  |                   |
| <b>Name:</b>  | <b>Phone:</b>                              | <b>Email:</b>     |
| Janice Weinman  | 385-321-5586                               | jweinman@utah.gov |
| Simon Bolivar   | 801-803-4618                               | sbolivar@utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |  |                   |

**General Information**

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| <b>2. Rule catchline:</b>  |
| R430-90. Licensed Family Child Care  |
| <b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>                                    |
| Title 26B, Chapter 2, Part 4, Child Care Licensing, authorizes the Office of Residential Child Care Licensing to make and enforce rules as they pertain to child care licensing and certification. |
| <b>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:</b>                                 |
| No written comments were received.   |

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

This rule is necessary as it sets forth the standards for foundational standards necessary to protect the health and safety of children in residential child care facilities and defines the general procedures and requirements to get and maintain a residential certificate to provide child care. Therefore, this rule should be continued.

The Department of Health and Human Services (Department) anticipates an amendment to this rule following the consolidation and recodification of the Department's statute.

**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber,<br>Executive<br>Director | <b>Date:</b> | 05/04/2023 |
|---|---|--------------|------------|

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

|                        |                   |                   |              |
|------------------------|-------------------|-------------------|--------------|
| <b>Rule Number:</b>    | <b>R527-303</b>   | <b>Filing ID:</b> | <b>53905</b> |
| <b>Effective Date:</b> | <b>05/04/2023</b> |                   |              |

**Agency Information**

|                             |                               |                  |
|-----------------------------|-------------------------------|------------------|
| <b>1. Department:</b>       | Health and Human Services     |                  |
| <b>Agency:</b>              | Recovery Services             |                  |
| <b>Street address:</b>      | 4315 S 2700 W, 1st Floor      |                  |
| <b>City, state and zip:</b> | Taylorsville, UT 84129        |                  |
| <b>Mailing address:</b>     | PO Box 45033                  |                  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84145-0033 |                  |
| <b>Contact persons:</b>     |                               |                  |
| <b>Name:</b>                | <b>Phone:</b>                 | <b>Email:</b>    |
| Scott Weight                | 801-741-7435                  | sweigh2@utah.gov |
| Casey Cole                  | 801-741-7523                  | cacole@utah.gov  |

|            |              |                |
|------------|--------------|----------------|
| Jonah Shaw | 385-310-2389 | jshaw@utah.gov |
|------------|--------------|----------------|

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

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| <b>2. Rule catchline:</b>              |
| R527-303. Automatic Payment Withdrawal |

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

This rule is authorized by Subsection 26B-9-112(6) which specifies how Office of Recovery Services (ORS) will determine the eligibility of an obligor to make child support payments via automatic payment withdrawal from a bank account in lieu of income withholding.

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

This is the initial five-year review of this rule. No comments have been received.

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

This rule should be continued because the statute under which this rule is enacted is still in effect. Section 26B-9-112 allows ORS to enter into an agreement with an obligor to automatically withdraw from an obligor's account at a financial institution a specified dollar amount, on a specified date(s) each month, via electronic funds transfer, for the payment of the obligor's child support obligation.

This rule specifies the eligibility requirements an obligor must meet in order to enter in to an automatic payment withdrawal agreement with ORS. Therefore, this rule should be continued.

**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber,<br>Executive<br>Director | <b>Date:</b> | 05/04/2023 |
|---|---|--------------|------------|

**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Agriculture and Food

#### Animal Industry

No. 55281 (Amendment) R58-2: Diseases, Inspections and Quarantines

Published: 04/01/2023

Effective: 05/23/2023

No. 55284 (Amendment) R58-4: Use of Animal Drugs and Biologicals

Published: 04/01/2023

Effective: 05/23/2023

No. 55285 (Amendment) R58-6: Poultry and Captive-Raised Gamebirds

Published: 04/01/2023

Effective: 05/23/2023

No. 55283 (Amendment) R58-14: Holding Live Raccoons Or Coyotes in Captivity

Published: 04/01/2023

Effective: 05/23/2023

### Crime Victim Reparations

#### Administration

No. 55308 (Amendment) R270-1-23: Sexual Assault Forensic Examinations

Published: 04/15/2023

Effective: 05/22/2023

No. 55311 (Amendment) R270-1-25: Victim Services Awards

Published: 04/15/2023

Effective: 05/23/2023

### Education

#### Administration

No. 55288 (Amendment) R277-104: ADA Complaint Procedure

Published: 04/15/2023

Effective: 05/23/2023

No. 55289 (New Rule) R277-329: Local School District Board Policies for Evaluation of Classified Employees

Published: 04/15/2023

Effective: 05/23/2023

No. 55290 (Repeal) R277-532: Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees)

Published: 04/15/2023

Effective: 05/23/2023

No. 55248 (Amendment) R277-552: Charter School Timelines and Approval Processes

Published: 03/01/2023

Effective: 05/23/2023

No. 55248 (Change in Proposed Rule) R277-552: Charter School Timelines and Approval Processes

Published: 04/15/2023

Effective: 05/23/2023

No. 55291 (Amendment) R277-751: Special Education Extended School Year (ESY)

Published: 04/15/2023

Effective: 05/23/2023

No. 55292 (Amendment) R277-927: Teacher and Student Success Act (TSSA) Program

Published: 04/15/2023

Effective: 05/23/2023

### Environmental Quality

#### Drinking Water

No. 55217 (Amendment) R309-700: Financial Assistance: State Drinking Water State Revolving Fund (SRF) Loan Program

Published: 03/01/2023

NOTICES OF RULE EFFECTIVE DATES

Effective: 05/22/2023

No. 55218 (Amendment) R309-705: Financial Assistance: Federal Drinking Water State Revolving Fund (SRF) Loan Program  
Published: 03/01/2023  
Effective: 05/22/2023

No. 55219 (Repeal and Reenact) R309-800: Capacity Development Program  
Published: 03/01/2023  
Effective: 05/22/2023

Health and Human Services

Health Care Financing, Coverage and Reimbursement Policy  
No. 55021 (Amendment) R414-520: Admission Criteria for Medically Complex Children's Waiver  
Published: 11/15/2022  
Effective: 05/05/2023

No. 55021 (Change in Proposed Rule) R414-520: Admission Criteria for Medically Complex Children's Waiver  
Published: 03/15/2023  
Effective: 05/05/2023

Health Care Facility Licensing  
No. 55197 (Amendment) R432-9: Specialty Hospital - Rehabilitation Construction Rule  
Published: 03/01/2023  
Effective: 05/05/2023

No. 55192 (Amendment) R432-14: Birthing Center Construction Rule  
Published: 03/01/2023  
Effective: 05/05/2023

No. 55269 (Amendment) R432-16: Hospice Inpatient Facility Construction  
Published: 03/15/2023  
Effective: 05/05/2023

No. 55268 (Repeal) R432-30: Adjudicative Procedure  
Published: 03/15/2023  
Effective: 05/05/2023

No. 55251 (Amendment) R432-40: Long-Term Care Facility Immunizations  
Published: 03/01/2023  
Effective: 05/05/2023

No. 55270 (Amendment) R432-105: Specialty Hospital - Orthopedics  
Published: 04/01/2023  
Effective: 05/9/2023

No. 55267 (Amendment) R432-106: Specialty Hospital - Critical Access  
Published: 03/15/2023  
Effective: 05/05/2023

No. 55271 (Amendment) R432-300: Small Health Care Facility - Type N  
Published: 04/01/2023  
Effective: 05/9/2023

No. 55265 (Amendment) R432-750: Hospice Rule  
Published: 03/15/2023  
Effective: 05/05/2023

Insurance

Administration  
No. 55275 (Amendment) R590-261: Health Benefit Plan Adverse Benefit Determinations  
Published: 04/01/2023  
Effective: 05/09/2023

No. 55276 (Amendment) R590-268: Small Employer Stop-Loss Insurance  
Published: 04/01/2023  
Effective: 05/09/2023

No. 55277 (Amendment) R590-275: Qualified Health Plan Alternate Enrollment  
Published: 04/01/2023  
Effective: 05/09/2023

No. 55278 (Amendment) R590-284: Corporate Governance Annual Disclosure Rule  
Published: 04/01/2023  
Effective: 05/09/2023

Natural Resources

Outdoor Recreation  
No. 55260 (New Rule) R650-407: Off-Highway Vehicle Advisory Council  
Published: 03/15/2023  
Effective: 04/28/2023

State Parks  
No. 55253 (Repeal) R651-407: Off-Highway Vehicle Advisory Council  
Published: 03/15/2023  
Effective: 05/05/2023

Public Safety

Highway Patrol  
No. 55305 (Amendment) R714-158: Vehicle Safety Inspection Program Requirements  
Published: 04/15/2023  
Effective: 05/23/2023

No. 55306 (Amendment) R714-570: Mental Health Resources or First Responders Grant Funding  
Published: 04/15/2023  
Effective: 05/23/2023

**End of the Notices of Rule Effective Dates Section**