

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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EDITOR'S NOTES

Virtual Utah Department of Health and Human Services Public Hearing via Zoom Regarding Filing on Rule R384-415, ID 55390

The hearing on the proposed rule amendment to Rule R384-415, Electronic Cigarette Substance Standards, is scheduled for Monday, July 17, 2023, at 10:00 AM to 11:30 AM.

This public hearing will be held virtually via this Zoom Link:

<https://utah-gov.zoom.us/j/81726822728?pwd=RHBHZmtkRUdlRHNNY3hJWG4wRXJEZz09>

Passcode: r384-Jul17

Or join by phone: US: +1 669 900 6833 or +1 346 248 7799 / Webinar ID: 817 2682 2728 / Passcode: 9701631242

AGENDA

1. Welcome by Braden Ainsworth, Program Manager and Hearing Officer
2. Overview to Proposed Rule Amendment to R384-415, Electronic Cigarette Substance Standards, by McKenna Christensen, Policy Analyst
3. Public Comments
4. Conclusion

Please send an email to: tobaccorulescomments@utah.gov if you would like to sign up to provide public comments during the virtual public hearing on Monday, July 17, 2023, or if you have any questions.

There will also be an option to sign up for public comment while at the hearing.

Overview to Proposed Rule Amendment to R384-415 – Electronic Cigarette Substance Standards

With the passage of H.B. 23 from the 2020 General Session, the Utah Department of Health (UDOH) was required to establish labeling, nicotine content, packaging, and product quality standards for manufacturer sealed electronic cigarette substances, otherwise known as a sealed electronic cigarette pod or cartridge.

UDOH had multiple previous rule filings for this rule, with the final being DAR filing No. 53559 which was made effective on September 9, 2021.

The Utah Department of Health and Human Services (DHHS) filed a proposed amendment to Rule R384-415, under ID 55390, which was published in the Utah State Bulletin on May 15, 2023, starting on page 89.

The Utah DHHS also filed a Change In Proposed Rule (CPR) to Rule R384-415, under ID 55390, which was published in the Utah State Bulletin on June 15, 2023, starting on page 90. The earliest effective date for this CPR may be July 25, 2023.

If the proposed rule amendment and CPR go into effect as written, the following requirements would apply:

1. A retailer may sell electronic cigarette substances and electronic cigarette products that have received FDA Premarket Tobacco Product Application (PMTA) approval regardless of nicotine concentration.
2. A tobacco retailer would be prohibited from selling an electronic cigarette substance or an electronic cigarette product that has received a PMTA denial if no appeal was filed or the denial was affirmed after an appeal, but would be allowed to sell it during an appeal if permitted by FDA or a court order.
3. The sale of manufacturer sealed electronic cigarette products not subject to a PMTA denial order would be limited to 5% by weight per container or do not exceed a 59mg/mL concentration of nicotine.

EDITOR'S NOTES

4. The sale of non-manufacturer sealed electronic cigarette substances not subject to a PMTA denial order would not be changed by the proposed amendment, and would remain limited to 360 mg nicotine per container or do not exceed a 24mg/mL concentration of nicotine.

5. There is one change in the CPR which is correcting an "and" to an "or" in Subsection R384-415-5(1)(a)(ii). The current Subsection R384-415-5(1)(a)(ii) uses the word "or" and the Department did not intend to change that aspect of the nicotine limit for electronic cigarette products in the original filing.

6. The proposed rule amendment also includes nonsubstantive changes that reflect recodification of statutes from Utah Code Title 26 into Title 26B and nonsubstantive grammatical changes.

A copy of the proposed rule amendment to Rule R384-415 can be found beginning on page 90 of the Utah Office of Administrative Rules' Utah State Bulletin, published on June 15, 2023, found at: <https://rules.utah.gov/wp-content/uploads/b20230615.pdf>.

The final date for accepting written comments is close of business on Monday, July 17, 2023. Please send written comments to: tobaccorulescomments@utah.gov or to the Tobacco Prevention and Control Program, Utah Department of Health and Human Services, PO Box 142106, Salt Lake City, UT 84114-2106.

End of the Editor's Notes Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between June 16, 2023, 12:00 a.m., and June 30, 2023, 11:59 p.m. are included in this, the July 15, 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 August 14, 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 November 13, 2023, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R25-7	Filing ID: 55521

Agency Information

1. Department:	Government Operations	
Agency:	Finance	
Room number:	3rd Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141031	
City, state and zip:	Salt Lake City, UT 84114-1031	
Contact persons:		
Name:	Phone:	Email:
Ally Branch	801-597-3523	abbranch@utah.gov
Van Christensen	801-808-0698	vhchristensen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R25-7. Travel-Related Reimbursements for State Travelers
3. Purpose of the new rule or reason for the change:
The agency is changing this rule in order to change reimbursements rates and travel policy.
4. Summary of the new rule or change:
This rule will change per diem rates to the federal travel reimbursement rates which are: rates for the contiguous US established by the US General Services Administration; rates for Alaska, Hawaii, US Territories, and possessions established by the US Department of Defense; and rates for foreign travel established by the US Department of State.
The mileage reimbursement rate will also change for state agencies to a calculated rate rounded to the nearest cent based on the average of the federal travel reimbursement rate if use of a privately-owned automobile is authorized or if no government-furnished automobile is available and the federal travel reimbursement rate if a government-furnished automobile is available.

This rule change also prescribes a new system for state agencies that will be implemented for travel reimbursements and compliance with the rates.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The fiscal impact of this proposed rule change on the state's budget is undeterminable since the amount of expected travel is unknown. However, there will be some increase in travel costs/reimbursements since the federal travel reimbursements rates for meals and lodging are higher than the rates previously used.
There also will be some decrease in the amounts for mileage reimbursements for those agencies that previously reimbursed travelers at 62 cents since the calculated rate will be 27% lower.
B) Local governments:
The fiscal impact of this proposed rule change on local governments is undeterminable since the amount of expected travel is unknown.
Also, local governments are allowed to prescribe rates that are more stringent than those established in this rule.
Additionally, they may reimburse mileage at the federal reimbursement rates rather than the proposed calculated rate that state agencies will use.
It is impossible to know what the local governments will adopt for travel.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed rule change is expected to have little to no fiscal impact on small businesses because small businesses do not follow this rule.
The only effect it may have on a small business is if a state agency or political subdivision were to reimburse a small business for related state business travel.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This proposed rule change is expected to have little to no fiscal impact on non-small businesses because non-small businesses do not follow this rule.
The only effect it may have on a non-small business is if a state agency or political subdivision were to reimburse a non-small business for related State business travel.

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

This proposed rule change is expected to have little to no effect on other persons. Board members' travel costs may increase with the higher federal reimbursement rates for food and lodging; however, their amounts reimbursed for mileage will decrease by 27%.

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

The cost of compliance for state agencies will be affected by the cost of the state's travel system as its costs will be allocated to users through expense report rates. The rates will be monitored and adjusted as necessary.

There will be no compliance costs for political subdivisions, small businesses, non-small businesses, or other 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
Total Fiscal Cost	\$0	\$0	\$0
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

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

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

The Deputy Director of the Department of Government Operations, Marilee Richins, 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 63A-3-107	Section 63A-3-106	
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Public Notice Information

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

A) Comments will be accepted until:	08/14/2023
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9. This rule change MAY become effective on:	09/01/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Van Christensen, Director	Date:	06/29/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R64-1	Filing ID:	55524
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Agency Information

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

Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Jim Bowcutt	435-232-4017	jdbowcutt@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

2. Rule or section catchline:
R64-1. Agriculture Resource Development Loans (ARDL)
3. Purpose of the new rule or reason for the change:
Changes to this rule are needed to address issues raised by the office of the Legislative Fiscal Analyst in a finding from the 2022 Accountable Budget Review of the Department of Agriculture and Food. The finding requests that rules be written in the ARDL program to address: 1) loan fund balance minimums; 2) the ability to charge service fees; 3) when to recalculate interest rates; and 4) grant awards authorized under Section 4-18-108.
4. Summary of the new rule or change:
Language has been added to Section R64-1-3 indicating that loans will be limited to \$250,000 if available funds in the program are \$3,500,000 or less, providing clarification on when interest rates may be recalculated, and requiring an administrative fee if available funds are \$3,500,000 or less.
A new Section R64-1-5 has been added providing guidance regarding the awarding of grants under Section 4-18-108. This language mirrors statutory requirements for grants and indicates that grants may not be considered unless the balance of available funds is \$10,000,000 or more.
Additional nonsubstantive changes have been made to make this rule text 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:
There is no anticipated changes to the state budget because the changes are clarifying program requirements but will not change the cost of program administration.

The administrative fee charged for ARDL loans has not changed.

B) Local governments:

Local governments will not be impacted by these rule changes. They do not manage the program or receive ARDL loans.

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

Small businesses will not be impacted by these rule changes. The changes are clarifying in nature. The fee charged to loan recipients will not change.

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

Non-small businesses will not be impacted by these rule changes. The changes are clarifying in nature. The fee charged to loan recipients will not change.

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

Other persons will not be impacted by these rule changes. The changes are clarifying in nature. The fee charged to loan recipients will not change.

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

Loan recipients are currently paying a 1% administration fee under this program. The fee has not been impacted by these rule 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.)

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

Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Utah 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 4-18-105		

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:	08/14/2023

9. This rule change MAY become effective on:	08/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Craig W Buttars, Commissioner	Date:	06/21/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R68-16	Filing ID: 55502

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state, and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov
Robert Hougaard	801-982-2305	rhougaard@utah.gov

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

General Information

2. Rule or section catchline:
R68-16. Quarantine Pertaining to Pine Shoot Beetle, <i>Tomicus piniperda</i>
3. Purpose of the new rule or reason for the change:
Aphis/USDA eliminated this quarantine, and the Department of Agriculture and Food feels the quarantine is no longer needed for the state. Since this rule was going to expire in 2023, the agency is repealing the rule to reduce any confusion about the validity of this rule.
4. Summary of the new rule or change:
This filing repeals the rule in its entirety to allow the quarantine on Pine Shoot Beetle to be eliminated and is consistent with APHIS/USDA guidelines.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:			
Funding was not allocated to administer this quarantine, and the repeal of the quarantine will not impact the state budget.			
B) Local governments:			
Funding was not allocated to administer this quarantine, and the repeal of the quarantine will not impact local governments.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
This quarantine would not impact small businesses because a small business would not administer the quarantine.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
A non-small business would not administer or be impacted by the quarantine or the repeal of this rule.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
A person would not administer the quarantine or be impacted by the repeal of this rule.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There are no compliance costs for affected persons because this rule is being repealed, and the quarantine is being eliminated.			
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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Agriculture and Food, Craig W Buttars, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 4-35-109		

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:	08/14/2023

9. This rule change MAY become effective on:	08/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Craig W Buttars, Commissioner	Date:	06/20/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R277-314	Filing ID: 55515

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
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:
R277-314. Provider Specific Licenses
3. Purpose of the new rule or reason for the change:
This rule is being created as a result of the passage of S.B. 167, during the 2023 General Session.
4. Summary of the new rule or change:
This new rule establishes provisions for the new provider-specific license for limited use by online course providers.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This proposed rule is not expected to have fiscal impact on state government revenues or expenditures. While S.B. 167 (2023) added Full Time Equivalency (FTE) and programming costs for the Utah State Board of Education (USBE) for the new provider-specific licenses, those impacts were captured in the fiscal note to the bill.
This proposed rule does not add any further costs for USBE for programming or for additional staff and does not have an effect on revenues.

B) Local governments:
This proposed rule is not expected to have fiscal impact on local governments' revenues or expenditures.
This rule applies to Statewide Online Education Program (SOEP) providers and does not have budget impact for Local Education Agencies (LEAs).
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed rule is not expected to have fiscal impact on small businesses' revenues or expenditures. This only impacts statewide online education providers.
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 proposed rule is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.
Teachers hired by online education providers will follow the new process, but it will not add costs for these teachers as they have generally been licensed through existing procedures.
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 USBE is not aware of additional costs for compliance outside of the fiscal impacts captured in S.B. 167 (2023).
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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The 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)	Subsection 53E-6-201(1)(d)

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:	08/14/2023

9. This rule change MAY become effective on:	08/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/30/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R277-461	Filing ID: 55516

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
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:
R277-461. Elementary School Counselor Grant Program
3. Purpose of the new rule or reason for the change:
This rule is being amended to provide language updates that are aligned with and conform to practice.
4. Summary of the new rule or change:
These amendments add language to clarify the definition of "Grant" and update the language pertaining to the procedures and criteria for awarding a grant.

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 Utah State Board of Education (USBE) will not incur any additional costs or staff time associated with the language updates to the grant program. There is no impact to USBE revenues.

The USBE will still distribute grants funds with the existing process.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

The changes clarify risk factors and definitions, but USBE does not anticipate fiscal impact for Local Education Agencies (LEAs). Qualifying LEAs will apply with the existing process for grant funds.

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.

The USBE does not anticipate any added costs for USBE or LEAs to adhere to the language 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.)

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
Total Fiscal Cost	\$0	\$0	\$0

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

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

The 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:

NOTICES OF PROPOSED RULES

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53F-5-209(6)
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Public Notice Information

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

A) Comments will be accepted until: 08/14/2023

9. This rule change MAY become effective on: 08/21/2023

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

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/30/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal

Rule or Section Number:	R277-522	Filing ID: 55517
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
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:
R277-522. Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers

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

This rule is being repealed to effectuate the sunset provision on 06/30/2023.

4. Summary of the new rule or change:

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:

This proposed repeal is not expected to have fiscal impact on state government revenues or expenditures.

The Utah State Board of Education's (USBE's) licensing process has changed and this rule no longer applies. The USBE does not anticipate any costs or revenue changes associated with this repeal.

B) Local governments:

This proposed repeal is not expected to have fiscal impact on local governments' revenues or expenditures.

Local Education Agencies (LEAs) have already been made aware of licensing changes effectuated in other administrative rules.

The USBE does not anticipate any revenue changes or costs for LEAs associated with this repeal.

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

This proposed repeal is not expected to have fiscal impact on small businesses' revenues or expenditures.

This only affects educator licensing.

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 proposed repeal 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 educator licensing.

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. This proposed repeal will not add costs for any entity.

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

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

The 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)	Subsection 53E-6-103(2)(a) (iii)
Section 53E-6-301		

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:	08/14/2023
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9. This rule change MAY become effective on:	08/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/30/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R277-618	Filing ID:	55518
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
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:
R277-618. Homeless Teen Center Grant Program
3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of H.B. 2, during the 2023 General Session.
4. Summary of the new rule or change:
These amendments expand support for teen centers and services in Utah schools, primarily for vulnerable and at-risk students.

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 Legislature provided additional funding for teen centers.
The Utah State Board of Education (USBE) already has the application process and reimbursement process in place and does not anticipate any additional costs for staffing or resources as a result of additional funding for teen centers.
This does not affect USBE revenue as the grant is for Local Education Agencies (LEAs).
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
The additional funding was provided by the Legislature in H.B. 2 (2023). There are some adjustments to language in the application and scoring criteria that apply to all interested LEAs; however, USBE does not anticipate any additional costs or changes to LEA budgets.
Interested LEAs may still apply using the existing process for grant funding.
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.

There are no costs associated with refining the grant application language for USBE or LEAs.

The overall grant process is still in place and interested LEAs may apply.

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

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

The 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)	
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Public Notice Information

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

A) Comments will be accepted until:	08/14/2023
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9. This rule change MAY become effective on:	08/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/30/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R277-721	Filing ID:	55519
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
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:
R277-721. PRIME Pilot Program

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

This rule is being amended due to the passage of H.B. 318, during the 2023 General Session.

4. Summary of the new rule or change:

These amendments update this rule to reflect legislative changes, transitioning the Prime Program from a pilot to ongoing program.

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 PRIME program has been changed from a pilot to an ongoing program by H.B. 318 (2023).

The Utah State Board of Education (USBE) does not anticipate added costs for staff or resources associated with maintaining the existing framework for the PRIME program.

There are no changes to USBE revenues associated with the rule change.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

NOTICES OF PROPOSED RULES

Local Education Agencies (LEAs) may still apply for the PRIME program grants, they are simply ongoing as compared to a pilot program.

The rule changes do not add costs for LEAs or change their revenues.

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.

This rule change does not add any costs for USBE as the process is existing.

LEAs have no additional costs to apply for the grants.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The 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	Section 53E-3-401	
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Public Notice Information

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

A) Comments will be accepted until:	08/14/2023
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9. This rule change MAY become effective on:	08/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/30/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-750	Filing ID: 55520

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
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:
R277-750. Education Programs for Students with Disabilities
3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of H.B. 2, during the 2023 General Session.
4. Summary of the new rule or change:
These amendments update the Incorporated by Reference, Special Education Rules Manual. In the Maintenance of Effort section of the Manual, changes were made regarding a Local Education Agency's (LEA) ability to un-restrict a portion of its state special education funds.

Amendments were also made to align with recent amendments to student enrollment and measurement requirements in Rule R277-419.

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 rule change references the Local Education Agency (LEA) fiscal flexibility changes in H.B. 2 (2023). These changes allow LEAs to un-restrict a portion of their restricted state special education funds if desired.
The changes do not add costs for the Utah State Board of Education (USBE) or changes USBE revenues.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
The impacts of LEAs unrestricting restricted state special education funds were captured in the fiscal response to H.B. 2 (2023).
The rule change does not have any independent impact on LEA expenses or revenues.
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,

NOTICES OF PROPOSED RULES

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 additional costs for USBE or LEAs to implement this rule change.

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

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

The 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)	Title 53E, Chapter 7, Part 2
Subsection 53E-3-501(1)		

Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	Special Education Rules
Publisher	Utah State Board of Education
Issue Date	June 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: 08/14/2023

9. This rule change MAY become effective on: 08/21/2023

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

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/30/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R414-60	Filing ID:	55503
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Agency Information

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

General Information

2. Rule or section catchline:
R414-60. Medicaid Policy for Pharmacy Program
3. Purpose of the new rule or reason for the change:
The purpose of this change is to update and clarify this rule text as needed. Additionally, this rule updates the authorizing citations following the 2023 General Session recodification of the Department of Health and Human Services' (Department) statute.
4. Summary of the new rule or change:
This amendment updates names, terms, and entities in the text. It also makes other technical and structural changes. Additionally, this amendment updates the authorizing citations of this rule, this is due to the recodification and consolidation of the Department's statute.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no impact to the state budget as there are only minor changes and technical updates.

B) Local governments:			
There is no impact on local governments as they neither fund nor provide benefits under the Medicaid program.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There is no impact on small businesses as there are only minor changes and technical updates.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There is no impact on non-small businesses as there are only minor changes and technical updates.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
There is no impact to other persons or entities as there are only minor changes and technical updates.			
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 to a single person or entity as there are only minor changes and technical updates.			
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
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head 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-1-213	Section 26B-3-108	

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:	08/14/2023

9. This rule change MAY become effective on:	08/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	06/15/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal and Reenact		
Rule or Section Number:	R590-190	Filing ID: 55510

Agency Information

1. Department:	Insurance
Agency:	Administration

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

General Information

2. Rule or section catchline:
R590-190. Unfair Property, Liability and Title Claims Settlement Practices Rule
3. Purpose of the new rule or reason for the change:
This rule is being changed in compliance with Executive Order No, 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change:
The majority of the changes are being done to fix style issues to bring this rule text more in line with the Utah Rulewriting Manual standards. Other changes make the language of this rule more clear, and update the Severability (the new R590-190-14) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.
B) Local governments:
There is no anticipated cost or savings to local governments.

The changes are largely clerical in nature, and will not affect local governments.

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

There is no anticipated cost or savings to small businesses.

The changes are largely clerical in nature, and will not affect small businesses.

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

There is no anticipated cost or savings to non-small businesses.

The changes are largely clerical in nature, and will not affect non-small businesses.

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

There is no anticipated cost or savings to any other persons.

The changes are largely clerical in nature.

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

There are no compliance costs for any affected persons.

The changes are largely clerical in nature.

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

Regulatory Impact Table			
Fiscal Cost	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
Total Fiscal Cost	\$0	\$0	\$0

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

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

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

Citation Information

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

Section 31A-2-201	Section 31A-21-312	Section 31A-26-301
Section 31A-26-303		

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: 08/14/2023

9. This rule change MAY become effective on: 08/21/2023

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

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	06/29/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal and Reenact		
Rule or Section Number:	R590-191	Filing ID: 55511

Agency Information

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

General Information

2. Rule or section catchline:
R590-191. Unfair Life Insurance Claims Settlement Practices Rule
3. Purpose of the new rule or reason for the change:
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change:
The majority of the changes are being done to fix style issues to bring this rule text more in line with the Utah Rulewriting Manual standards. Other changes make the language of this rule more clear, remove the Penalties (the old R590-191-7) and Enforcement Date (the old R590-191-8) sections, and update the Severability (the new R590-191-9) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for any affected persons. The changes are largely clerical in nature.
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 31A-2-201	Section 31A-21-312	Section 31A-26-301
Section 31A-26-303		

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:	08/14/2023
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9. This rule change MAY become effective on:	08/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	06/29/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal and Reenact			
Rule or Section Number:	R590-192	Filing ID:	55512

Agency Information

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

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

General Information

2. Rule or section catchline:
R590-192. Unfair Accident and Health Claims Settlement Practices

3. Purpose of the new rule or reason for the change:
This rule is being changed in compliance with Executive Order No. 2021-12.

During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.

4. Summary of the new rule or change:

The majority of the changes are being done to fix style issues to bring this rule text more in line with the Utah Rulewriting Manual standards.

Other changes make the language of this rule more clear, remove the Enforcement Date (the old R590-192-14) section, and update the Severability (the new R590-192-11) section to use the Department's current language.

The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

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

A) State budget:
There is no anticipated cost or savings to the state budget.

The changes are largely clerical in nature, and will not change how the Department functions.

B) Local governments:
There is no anticipated cost or savings to local governments.

The changes are largely clerical in nature, and will not affect local governments.

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

There is no anticipated cost or savings to small businesses.

The changes are largely clerical in nature, and will not affect small businesses.

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

There is no anticipated cost or savings to non-small businesses.

The changes are largely clerical in nature, and will not affect non-small businesses.

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

There is no anticipated cost or savings to any other persons.

The changes are largely clerical in nature.

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

There are no compliance costs for any affected persons.

The changes are largely clerical in nature.

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

Regulatory Impact Table			
Fiscal Cost	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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Section 31A-2-201	Section 31A-2-216	Section 31A-21-312
Section 31A-22-629	Section 31A-26-301	Section 31A-26-301.6
Section 31A-26-303		

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: 08/14/2023

9. This rule change MAY become effective on: 08/21/2023
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	06/29/2023
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NOTICE OF PROPOSED RULE
TYPE OF FILING: Repeal
Rule or Section Number: R590-248
Filing ID: 55513

Agency Information

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

General Information

2. Rule or section catchline:
R590-248. Mandatory Fraud Reporting Rule
3. Purpose of the new rule or reason for the change:
This rule is being repealed because Section 31A-31-110 was amended by H.B. 410 (2023 General Session) to incorporate a process for the mandatory reporting of a fraudulent insurance act, which is described in this rule. Since the reporting process is now in statute, this rule is unnecessary.
4. Summary of the new rule or change:
This filing repeals this rule 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 cost or savings to the state budget. The relevant fraud reporting requirements are now set forth in statute, and the move will not change how the Department of Insurance functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes do not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The relevant fraud reporting requirements are set forth in statute instead of by rule.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The relevant fraud reporting requirements are set forth in statute instead of by rule.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

There is no anticipated cost or savings to any other persons.

The relevant fraud reporting requirements are set forth in statute instead of by rule.

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

There are no compliance costs for any affected persons.

The relevant fraud reporting requirements are set forth in statute instead of by rule.

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

Regulatory Impact Table			
Fiscal Cost	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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Subsection 31A-2-201(3)(a)	Section 31A-31-110	
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Public Notice Information

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

A) Comments will be accepted until:	08/14/2023
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9. This rule change MAY become effective on:	08/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	06/29/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal		
Rule or Section Number:	R592-15	Filing ID: 55514

Agency Information

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

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

General Information

2. Rule or section catchline:
R592-15. Schedule of Minimum Charges for Escrow Services
3. Purpose of the new rule or reason for the change:
This rule is being repealed because Section 31A-19a-209 was amended by H.B. 410 (2023 General Session) to remove the requirement to file a schedule of escrow charges with the Department of Insurance (Department). The Title and Escrow Commission approved this repeal in a 06/12/2023 meeting by a vote of 4 to 0.
4. Summary of the new rule or change:
The filing repeals this rule 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 cost or savings to the state budget. Maintaining and posting online the list of escrow charges was performed by two Department employees as part of the normal course of their duties. It took minimal time and effort to perform, and that time and effort will be reallocated to other duties.
B) Local governments:
There is no anticipated cost or savings to local governments. This rule did not apply to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. Under this rule, a title insurance agency was required to report to the Department any time they changed the price they charged to perform an escrow activity. The vast majority of title insurance agencies rarely changed this price and so rarely reported to the Department. In cases where an agency did report an escrow rate change to the Department, it was by means of an email. Any savings as a result of this repeal would be so minor as to be incalculable.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There is no anticipated cost or savings to non-small businesses.

Under this rule, a title insurer was required to report to the Department any time they changed the price they charged to perform an escrow activity. The vast majority of title insurers rarely changed this price and so rarely reported to the Department.

In cases where an insurer did report an escrow rate change to the Department, it was by means of an email.

Any savings as a result of this repeal would be so minor as to be incalculable.

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

There is no anticipated cost or savings to any other persons.

Under the rule, an individual title insurance producer who was not an employee of a title insurer or designated by a title agency was required to report to the Department any time they changed the price they charged to perform an escrow activity. The vast majority of individual title insurance producers rarely changed this price and so rarely reported to the Department.

In cases where an individual producer did report an escrow rate change to the Department, it was by means of an email.

Any savings as a result of this repeal would be so minor as to be incalculable.

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

There are no compliance costs for any affected persons. This rule is being 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

NOTICES OF PROPOSED RULES

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
Section 31A-2-404

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 08/14/2023

9. This rule change MAY become effective on: 08/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title: Steve Gooch, Public Information Officer	Date: 06/29/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R650-101	Filing ID: 55500

Agency Information

1. Department:	Natural Resources	
Agency:	Outdoor Recreation	
Room number:	100	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 145680	
City, state and zip:	Salt Lake City, Utah 84114-5680	
Contact persons:		
Name:	Phone:	Email:
Tara McKee	385-441-2702	tmckee@utah.gov
India Nielsen Barfuss	385-268-2570	indianielsen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R650-101. Procedures for Applications to Receive Funds from the Zion National Park Support Programs Restricted Account
3. Purpose of the new rule or reason for the change:
This program has been moved from the Division of State Parks to the Division of Outdoor Recreation (DOR). DOR became a new agency on 07/01/ 2022.
When this rule existed under State Parks it was Rule R651-636.
(EDITOR'S NOTE: The proposed repeal of Rule R651-636 is under ID 55507 in this issue, July 15, 2023, of the Bulletin.)
4. Summary of the new rule or change:
This proposed rule updates references to various sections of the Utah Code.
It also updates references to the restricted account at issue: it is the "Zion National Park Support Programs Restricted Account," not the "Zion National Park Restricted Account."

Additionally, this rule eliminates a section that indicates DOR decides who can obtain a special license plate; the Motor Vehicle Act leaves that decision to the DMV, not DOR; makes clear that Section 79-7-303, not Section 41-1a-422, is the statute that specifies which entities are eligible to receive funding; and clarifies that applications shall be made to DOR on a form acceptable to DOR.

Fiscal Information

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

A) State budget:

There is no anticipated cost or savings to the state budget, as this rule is clerical in nature (moving this rule to DOR and making clarifications) and will have no impact on how the Department of Natural Resources functions or the parties this applies to.

B) Local governments:

This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures because this rule change is clerical in nature.

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

This rule change will not have a fiscal impact on small businesses as this rule is clerical in nature (moving thi rule to DOR and making clarifications).

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

This proposed rule changes do not have a fiscal impact on non-small businesses nor will service be required of them to implement the 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**):

This proposed rule change will not have a fiscal impact on persons other than those listed above. This change is clerical in nature (moving the rule to DOR and making clarifications)

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 changes simply add clarification to requirements and policy with no fiscal impact to other entities.

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

this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	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
Total Fiscal Cost	\$0	\$0	\$0

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, 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 79-7-303

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: 08/14/2023

9. This rule change MAY become effective on:	08/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Jason Curry, Division Director	Date:	06/02/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R651-636	Filing ID: 55507

Agency Information

1. Department:	Natural Resources	
Agency:	State Parks	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146001	
City, state and zip:	Salt Lake City, UT 84114-6001	
Contact persons:		
Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R651-636. Procedures for Application to Receive Funds From the Zion National Park Restricted Account
3. Reason for this change:
This rule is moving from the Division of State Parks (DSP) to the Division of Outdoor Recreation (DOR) (Title R650); therefore, this rule is being repealed from the State Parks title (R651).
4. Summary of this change:
This rule is moving from the DSP to the DOR; therefore, this rule is being repealed in its entirety. (EDITOR'S NOTE: The proposed new Rule R650-101 is under ID 55500 in this issue, July 15, 2023, of the Bulletin.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The repeal of this rule does not affect the state budget. This rule is moving to the DOR and will have no effect on the DSP.
B) Local government:
The repeal of this rule does not affect the local governments. This rule is moving to the DOR and will have no effect on the DSP.
C) Small businesses ("small business" means a business employing 1-49 persons):
The repeal of this rule does not affect the small businesses. This rule is moving to the DOR and will have no effect on the DSP.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The repeal of this rule does not affect the non-small businesses. This rule is moving to the DOR and will have no effect on the DSP.
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 <i>agency</i>):
The repeal of this rule does not affect the non-small businesses. This rule is moving to the DOR and will have no effect on the DSP.
F) Compliance costs for affected persons:
The repeal of this rule does not change compliance costs for affected persons. This rule is moving to the DOR and will have no effect on the DSP.
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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Natural Resources, Joel Ferry, 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 79-4-404	Section 41-1a-422	

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:	08/14/2023

9. This rule change MAY become effective on:	08/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Jeff Rasmussen, Director	Date:	06/22/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R654-1	Filing ID: 55457

Agency Information

1. Department:	Natural Resources		
Agency:	Public Lands Policy Coordinating Office		
Room number:	Suite 320		
Street address:	1594 W North Temple		
City, state and zip:	Salt Lake City, Utah 84116		
Contact persons:			
Name:	Phone:	Email:	
Kristopher R. Carambelas (Primary)	801-231-2896	kcarambelas@utah.gov	
Laura Ault	801-550-7754	lauraault@utah.gov	
Mark Boshell	385-290-8072	mboshell@utah.gov	

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

General Information

2. Rule or section catchline:
R654-1. Archaeological Permits
3. Purpose of the new rule or reason for the change:
The purpose of Rule R654-1 is to establish requirements for the issuance of archaeological survey and excavation permits for all lands owned or controlled by the state, its political subdivisions, and by the School and Institutional Trust Lands Administration, and to ensure compliance with permit provisions and the underlying rules and law.
The Public Lands Policy Coordinating Office (PLPCO) is submitting this filing because the 2021 Legislature moved

PLPCO from the Governor's Office to the Department of Natural Resources.

Thus, Rule R694-1 is being repealed, and a new rule will be filed as Rule R654-1 under the Department of Natural Resources.

(EDITOR'S NOTE: The proposed repeal of Rule R694-1 is under ID 55443 in this issue, July 15, 2023, of the Bulletin.)

4. Summary of the new rule or change:

This proposed rule fulfills the requirement of Subsection 9-8-305(5) to: 1) establish survey methodology; 2) standardize report and data preparation and submission; 3) require other permit application information that the Public Lands Policy Coordinating Office finds necessary, including proof of consultation with the appropriate Native American tribe; 4) establish what training and experience is equivalent to a graduate degree; 5) establish requirements for a person authorized by Subsection 9-8-305(1)(b) to assist the principal investigator; 6) establish requirements for a principal investigator's employer, if applicable; and 7) establish criteria that, if met, would allow the PLPCO to reinstate a suspended permit.

As proposed, Rule R654-1 differs from Rule R694-1 by requiring archaeological survey and excavation permits to be submitted electronically (e.g., email, folder sharing, etc.), rather than having multiple hard copies delivered by the United States Postal service or a shipping company. This change is expected to save applicants and PLPCO time and money and reduce the carbon footprint of the application process.

The proposed new rule further clarifies the requirements of Subsection 9-8-305(2)(b), which allows applicants to submit evidence of training and experience equivalent to a graduate degree in anthropology, archaeology, or history.

This change is also expected to save applicants and PLPCO time and money by providing more detail about the evidence needed to meet the in-lieu of requirement. It will help applicants to better determine whether they are qualified candidates for a permit or not.

Per Subsection 9-8-305(5)(e), the proposed new rule lists requirements for "Field Directors" and "Monitors". These requirements are equivalent to those of federal land-managing agencies in the state, and they will allow better coordination of efforts when an archaeological survey or excavation area encompasses both state and federal lands and requires compliance with both Section 9-8-404 and 54 U.S.C. Sec 306108.

Finally, the proposed new rule allows for the curation agreement requirement to be waived when a principal investigator conducts research that does not involve the collection of artifacts. This is typically the case for graduate students who are conducting thesis or dissertation research and not-for-profit organizations undertaking scholarly research. The waiver will save them \$50 to \$65 annually.

The proposed new rule reserves for a future amendment "requirements for a principal investigator's employer" and "... proof of consultation with the appropriate Native American tribe." In PLPCO's estimation and experience, the former would be applicable in few if any instances, have little to no impact on surveys or excavations, and likely be unenforceable. For the latter, PLPCO recognizes that the word "consultation" has a specific meaning in the context of state and federal cultural resources management. The state acknowledges the sovereignty of Utah's eight federally recognized American Indian tribes and the government-to-government relationship it has with these tribes.

Consultation with tribal officials, when it is required, must be conducted by authorized state officials (e.g., Governor's Executive Order EO/2014/005: "Executive Agency Consultation with Federally Recognized Indian Tribes"). Individuals authorized to engage in these consultations would do so as designated agency representatives, not as permitted archaeologists.

Moreover, all archaeological surveys and excavations permitted by PLPCO are subject to compliance with Section 9-8-404, which does not have a requirement for tribal consultation.

Fiscal Information

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

A) State budget:

Nominal costs and savings. By removing the requirement for hard-copy permit applications and replacing it with a requirement for electronically submitted applications, PLPCO will no longer need to physically store, and eventually dispose of these paper documents.

PLPCO will meet its archiving requirement by saving these applications electronically in perpetuity.

B) Local governments:

No costs or savings, because no local government has an archaeologist on staff who needs to obtain an archaeological permit.

However, if a local government does hire an archaeologist who needs to obtain a PLPCO permit, it will save the costs of printing and mailing a hard-copy application to PLPCO. Cost savings will be nominal and difficult to quantify.

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

No costs, but potential savings. Small businesses would no longer be required to print and mail three hard copies to PLPCO.

The amount of time required to complete applications is the same, whether they are delivered electronically or printed and mailed.

The cost savings are expected to be nominal and difficult to quantify.

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

No costs, but potential savings. Non-small businesses would no longer be required to print and mail three hard copies to PLPCO.

The amount of time required to complete applications is same, whether they are delivered electronically or printed and mailed.

The cost savings are expected to be nominal and difficult to quantify.

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**):

Nominal costs; potential savings of \$50 to \$65 annually.

A person rather than a small business would no longer incur the costs of printing and mailing the requisite number of hard-copy applications.

Some applicants only need a permit to access the State Historic Preservation Office's GIS systems and records database; they do not intend to collect archaeological specimens.

The rule allows these applicants to be exempted from the curation agreement requirement. Currently, the Natural History Museum of Utah and the USU Eastern Prehistoric Museum charge \$65 and \$50, respectively, for annual curation permits. This would be considered a substantial savings for a graduate student or not-for-profit research organization conducting desktop research only.

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

For people and entities listed in Boxes 5C, D, and E, except for those that may be exempt in E, the annual cost of a curation agreement ranges from \$50 (USU Eastern Prehistoric Museum) to \$65 (Natural History Museum of Utah).

Unlike licensure requirements for other professions, such as engineering or land surveying (e.g., <https://dopl.utah.gov/engineering/laws-and-rules/>), PLPCO does not charge a fee to obtain either a survey or excavation permit.

Applicants must allocate some time to completing permit applications, but this cost is inestimable due to many factors, such as the amount of time spent preparing the applications, whether a principal or senior-level permittee prepares the application vs. a secretary or administrative assistant, etc.

PLPCO receives about 80 permit applications annually; most applications are for permits to conduct archaeological surveys. Survey permits are typically valid for three years. Of these, between 70 and 75 applications must meet the curation agreement requirement, and PLPCO estimates this number is split equally between small and non-small businesses.

For the purposes of the table in 5G below, PLPCO estimates that 37 small and 37 non-small businesses will obtain an annual curation agreement at an average estimable cost of \$57.50 (i.e., \$65 + \$50/2=\$57.50). The sum of these purchases is listed in the respective cells below.

PLPCO does not know if the cost for curation agreements will increase in FY2024 and FY2025. This requirement has been in place since at least 2012.

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	\$2,127.50	\$2,127.50	\$2,127.50
Non-Small Businesses	\$2,127.50	\$2,127.50	\$2,127.50
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$4,255	\$4,255	\$4,255
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	(\$4,255)	(\$4,255)	(\$4,255)
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of Department of Natural Resources, Joel Ferry, 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 9-8-305	Subsection 9-8-305(5)	

Incorporations by Reference Information

7. Incorporations by Reference:	
A) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Code & Standards: Code of Conduct and Standards of Research Performance
Publisher	Register of Professional Archaeologists
Issue Date	2020

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:	08/15/2023

9. This rule change MAY become effective on:	09/01/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Joel Ferry, Executive Director	Date:	05/17/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal and Reenact		
Rule or Section Number:	R657-4	Filing ID: 55466

Agency Information

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

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

General Information

2. Rule or section catchline:
R657-4. Possession and Release of Pen-reared Gamebirds

3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (Division) rule regulating the possession and release of pen-reared gamebirds.

4. Summary of the new rule or change:
Pen-reared gamebird related rules sections are currently distributed across six Division rules and one Department of Agriculture and Food (UDAF) rule. This recommendation is to update rules to align conflicting rule language across agencies, simplify Division rule by consolidating pen-reared gamebird provision into a single rule, shift regulation of commercial gamebirds growers to the UDAF, and update disease testing requirements to meet challenges of emerging disease.

The proposed amendments will repeal and reenact Rule R657-4 and rename the rule "Possession and Release of Pen-reared Gamebirds".

The amendments will also: 1) define "gamebirds"; 2) define permitting requirements for possession and release separately; 3) establish UDAF as the agency regulating

commercial gamebird growers; 4) establish the Division as the agency regulating personal use of pen-reared gamebirds and sets requirements; 5) establish the Division as the agency regulating release of pen-reared gamebirds and sets requirements; 6) establish standards for disease testing; 7) incorporate Section R657-20-26, Use of Pen-reared Game Birds for Meets, Trials and Training; 8) incorporate Rule R657-22, Commercial Hunting Areas; 9) incorporate Rule R657-46, Game Birds in Training and Trials; and 10) make 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 amendments are administrative in nature, and establish a clear line of authority between different regulating agencies; therefore, the Division determines that these changes can be initiated within the current workload and resources of the Division.

The Division does not believe that these amendments would create a cost or savings impact to the state budget or the Division's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since the proposed rule establishes a clear line of authority between regulating agencies and local governments are not included, 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 raising of gamebirds because there are not additional requirements made with the reenacted rule.

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

The Division determines that this repeal and reenactment will not create additional costs for those participating in the raising of gamebirds because there are not additional requirements made.

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

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

The Executive Director of the Department of 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 23-13-4	Section 23-14-18	Section 23-14-19
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Public Notice Information

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

A) Comments will be accepted until:	08/14/2023
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9. This rule change MAY become effective on:	08/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Justin Shirley, DWR Director	Date:	06/14/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal

Rule or Section Number:	R694-1	Filing ID:	55443
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Agency Information

1. Department:	Public Lands Policy Coordination Office		
Agency:	Administration		
Building:	Suite 320		
Street address:	1594 W North Temple		
City, state and zip:	Salt Lake City, UT 84116		
Contact persons:			
Name:	Phone:	Email:	
Kristopher Carambelas	801-231-2896	kcarambelas@utah.gov	
Laura Ault	801-550-7754	lauraault@utah.gov	
Mark Boshell	385-290-8072	mboshell@utah.gov	

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

General Information

2. Rule or section catchline:

R694-1. Archaeological Permits

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

The purpose of Rule R694-1 is to establish requirements for the issuance of archaeological survey and excavation permits for all lands owned or controlled by the state, its political subdivisions, and the School and Institutional Trust Lands Administration. The Public Lands Policy Coordinating Office (PLPCO) is submitting this repeal because the Legislature moved the office from the Governor's Office to the Department of Natural Resources.

4. Summary of the new rule or change:

Rule R694-1 is proposed for repeal because the Legislature moved PLPCO from the Governor's Office to the Department of Natural Resources. The new rule will be filed under Natural Resources (Title R654) as "R654-1. Archaeological Permits".

Because Rule R694-1 was enacted or substantially amended more than a decade ago (04/30/2012), the new rule will remove the requirement for permit applications to be submitted as hard copies, and instead require them to be submitted electronically.

The new rule will also replace references to the "Antiquities Section" with the "State Historic Preservation Office", which is now its own office within the Department of Cultural Community Engagement.

It will also provide a definition of "one year" (e.g., Subsections 9-8-305(2)(a)(iii) and (iv)) and greater specificity about what evidence a principal investigator may submit to demonstrate training and experience equivalent to a graduate degree in anthropology, archaeology, or history as provided in Subsections 9-8-305(2)(b) and (5)(d).

Finally, the new rule will explain the conditions under which the requirement for a curation agreement (Subsection R654-1-10(a)(vii)(A)) may be waived, and it will list requirements for "Field Director" and "Monitor", which are not specified in Rule R694-1.

Rule R694-1 is repealed in its entirety.

(EDITOR'S NOTE: The proposed new Rule R654-1 is under ID 55457 in this issue, July 15, 2023, of the Bulletin.)

Fiscal Information

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

A) State budget:

There are no fiscal impacts associated with this repeal as all requirements will be transferred to Rule R654-1.

B) Local governments:

There are no fiscal impacts associated with this repeal as all requirements will be transferred to Rule R654-1.

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

There are no fiscal impacts associated with this repeal as all requirements will be transferred to Rule R654-1.

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

There are no fiscal impacts associated with this repeal as all requirements will be transferred to Rule R654-1.

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

There are no fiscal impacts associated with this repeal as all requirements will be transferred to Rule R654-1.

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 fiscal impacts associated with this repeal as all requirements will be transferred to Rule R654-1.

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

Regulatory Impact Table			
Fiscal Cost	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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Public Lands Policy Coordinating Office, Redge Johnson, 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 9-8-305	Subsection 9-8-305(5)	
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Public Notice Information

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

A) Comments will be accepted until:	08/15/2023
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9. This rule change MAY become effective on:

09/01/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Redge Johnson, Director	Date:	06/13/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R907-67	Filing ID:	55508
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Agency Information

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

City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Name:
Leif Elder	801-580-8296	Leif Elder
Becky Lewis	801-965-4026	Becky Lewis
James Palmer	801-965-4197	James Palmer
Lori Edwards	801-965-4048	Lori Edwards
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R907-67. Debarment of Contractors from Work on Department Projects -- Reasons
3. Purpose of the new rule or reason for the change:
While performing a five-year review of this rule, the Department of Transportation (Department) learned it has not updated the rule since 12/24/2008, more than 14 years. During that time, the market for contractors and consultants has changed significantly; dozens of contractors and consultants have entered or exited the market. Many contractors and consultants have changed the way they conduct business and perform contractual obligations for the department. This rule needs to change to better reflect current market conditions.
4. Summary of the new rule or change:
These proposed changes are: 1) add a new Section R907-67-1, Authority and Purpose; 2) add a new Section R907-67-2, Definitions; 3) make numerous changes to existing reasons and adds new reasons to what becomes Section R907-67-3, Debarment of Contractors From Work on Department Projects -- Reasons; 4) make significant changes to what becomes Section R907-67-4, Procedures for Debarment; 5) change Section R907-67-5, Status Pending Debarment, to allow the deputy director to suspend a contractor from

consideration for award of contracts until the administrative review for debarment is complete; 6) change what becomes Section R907-67-6, Suspension from Consideration for Award of Contracts - Indictments, to require a deputy director to review the relevant facts and determine if a subsequent suspension period is warranted and if the Department should initiate an agency action for debarment, and to recognize a conviction or plea of guilty, nolo contendere or the equivalent, a plea agreement, settlement or issuance of a consent judgment that requires the contractor to make a payment to a public entity for an offense related to an activity listed in Section R907-67-1 is sufficient to support suspension; and 7) change what becomes Section R907-67-7, Length of Debarment, to allow a debarment to continue for more than three years if a contractor or associated person is convicted of crimes, or for other good cause. These proposed changes also: 1) conform this rule with the recent revisions to Rule R907-1, Agency Actions, Administrative Procedures; 2) clarify the difference between suspension and debarment, as well as other provisions; 3) make the rule consistent with federal debarment law, and 4) make other technical and grammatical changes.
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Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget because this rule is administrative and will not impact Department functions or the parties to which it applies.
B) Local governments:
The Department does not expect this proposed rule change to have a fiscal impact on local governments' revenues or expenditures because it does not apply to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed rule change may impact certain small businesses. A small business that contracts with the Department to perform a service or provide a product and then commits an action that allows the Department a reason to suspend or debar a firm that is not included in the currently effective version of this rule may face suspension or debarment proceedings. Suspension or debarment for a period may impact small businesses. It is not possible to estimate how much they may be impacted because there are too many related variables.

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

This proposed rule change may impact certain non-small businesses.

A non-small business that contracts with the Department to perform a service or provide a product and then commits an action that allows the department a reason to suspend or debar a firm that is not included in the currently effective version of this rule may face suspension or debarment proceedings.

Suspension or debarment for a period may impact non-small businesses. It is not possible to estimate how much they may be impacted because there are too many related variables.

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 proposed changes will not result in costs or savings to persons other than small businesses, non-small businesses, and state, or local government entities because it only applies to businesses and related individuals that contract with the Department to provide products or services.

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 proposed changes clarify and identify additional grounds for the Department to suspend or debar a contractor or consultant.

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

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

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

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this 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 72-1-201	Section 63G-6a-904	
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Public Notice Information

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

A) Comments will be accepted until:	08/14/2023
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9. This rule change MAY become effective on:	08/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	06/23/2023
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End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R68-26	Filing ID: 55523
Effective Date:	06/30/2023	

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
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

2. Rule or section catchline:
R68-26. Cannabinoid Product Registration and Labeling
3. Purpose of the new rule or reason for the change:
Clarity is needed in labeling requirements for registered cannabinoid products due to feedback the Department of Agriculture and Food (Department) has received from licensees regarding difficulty of including all cannabinoids on the label and questions regarding the need for this information.
4. Summary of the new rule or change:
The changes add clarifying text to Section R68-26-5, requiring that products must only be labeled with the amounts of any advertised and primary cannabinoids and THC or THC analogs identified in the Certificate of Analysis.
A definition is also added to Section R68-26-2 for the term "primary cannabinoid, "which is defined as the top three cannabinoids present in a product if the percentage of that cannabinoid is 0.5% or higher.
5A) The agency finds that regular rulemaking would:
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input checked="" type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:

This rule change is required without regular rulemaking because under the current requirements it has become difficult for businesses to renew their product registrations due to inability to label products with all cannabinoids.

The industrial hemp program relies on product registration fees to fund the program as it is not supported with any general fund dollars.

In addition, the clarifications will eliminate unnecessary labeling requirements and help the Department require minimum regulation needed to protect the public from unsafe products and ensure products are honestly presented.

Fiscal Information

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

A) State budget:

The changes are clarifying only and do not have an impact on the state budget. The Department will continue to work with licensees to register cannabinoid products and it should not increase staff time.

Registration fees charged by the Department will not change.

B) Local governments:

Local governments do not sell or register cannabinoid products and will not be impacted by the change.

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

Small businesses will have somewhat reduced labeling requirements, however, the cost of producing and registering the products should remain the same.

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

Other persons will not be impacted by the changes because the cost of labeling and registering cannabinoid products will not change.

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

Compliance costs for affected persons should not change because the rule changes will lead to slightly lessened labeling requirements, but overall labeling and registration costs are maintained.

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

This rule will not have a fiscal impact on businesses. Craig W Butters, Commissioner

Citation Information

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

Subsection 4-41-403(1)		
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Agency Authorization Information

Agency head or designee and title:	Craig W Butters, Commissioner	Date:	06/30/2023
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NOTICE OF EMERGENCY (120-DAY) RULE

Rule or Section Number:	R380-300	Filing ID: 55522
Effective Date:	07/01/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Administration (Health)	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Daphne Lynch	385-239-5317	dlynch@utah.gov

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

General Information

2. Rule or section catchline:
R380-300. Employee Background Screening
3. Purpose of the new rule or reason for the change:
Following the passing of H.B. 377 in the 2023 General Session, the Department of Corrections employees who

transfer to the Department of Health and Human Services (DHHS) to provide a clinical or health care service to an inmate as defined in Section 64-13-1 are eligible to continue to earn public safety service credit in this system.

The reason for this emergency rule is to include the Department of Corrections employees who are merging with DHHS as of 07/01/2023, and excluding them from needing another background check solely because of the merge.

This rule is replacing the repealed Human Services Rule R495-885 for Human Services employees and updates the current Rule R380-300 version that is currently in effect for all DHHS employee background clearances.

4. Summary of the new rule or change:

This emergency filing is needed to comply with the pending merge of Department of Correction with DHHS taking place on 07/01/2023.

Additionally, this repeal and reenact updates citations, titles, and language to address employee clearances due to DHHS consolidation. Some content has been removed and will be managed in DHHS policy instead of in the administrative rules.

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:

The reenacted law mandates that certain Department of Corrections employees become DHHS employees effective 07/01/2023. As such, DHHS needs to implement rules that outline how Department of Corrections employee clearances will be managed and effective on the date of the merge.

Without this rule in place, DHHS will not have the procedures to process the employee clearances of the newly merged employees, which could potentially place clients served by DHHS at risk of exposure to an individual who has not been properly cleared for direct client or records access.

Fiscal Information

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

A) State budget:

There are no changes to state budget as a result of this repeal and reenactment because the fiscal arrangements

set forth in the 2022 General Session will remain unchanged with this filing.

B) Local governments:

Local governments, city business licensing requirements, were considered. This proposed repeal and reenactment will not impact local governments' revenues or expenditures because this filing applies only to DHHS employee clearances.

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

This proposed repeal and reenactment will not impact small businesses' revenues or expenditures because this filing applies only to DHHS employee clearances.

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*):

This proposed repeal and reenactment will not impact other persons' revenues or expenditures because this filing applies only to DHHS employee clearances.

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

This proposed repeal and reenactment will not impact any other entity's revenues or expenditures because this filing applies only to DHHS employee clearances.

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):

There are no anticipated costs or savings for businesses' revenues or expenditures because this repeal and reenactment applies only to DHHS employee clearances. Tracy S. Gruber, 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:

Section 26B-1-211

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	06/30/2023
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End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R13-1	Filing ID: 53470
Effective Date:	06/15/2023	

Agency Information

1. Department:	Government Operations	
Agency:	Administration	
Room number:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141007	
City, state and zip:	Salt Lake City, UT 84114-1007	
Contact persons:		
Name:	Phone:	Email:
Marvin Dodge	801-957-7171	marvindodge@utah.gov
Michelle Adams	801-957-7240	michelledadams@agutah.gov
Brian Swan	801-957-7238	bdswan@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R13-1. Public Petitions for Declaratory Orders
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 63G-4-503 mandates that the agency make rules that: 1) provide for petitions of declaratory orders, the disposition of petitions for a such orders; 2) define the classes of circumstances in which the agency will not issue such an order; 3) are consistent with the public interest; and 4) facilitate and encourage agency issuance of reliable advice.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is justified pursuant to Section 63G-4-503 which has not been amended since 2008, and therefore, still requires that this rule stays intact. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Marvin Dodge, Executive Director	Date:	06/15/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R398-20	Filing ID: 54091
Effective Date:	06/26/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Family Health and Preparedness, Children with Special Health Care Needs	
Room number:	3032	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake, UT 84116	
Mailing address:	PO Box 144610	
City, state and zip:	Salt Lake, UT 84114-4610	
Contact persons:		
Name:	Phone:	Email:
Lisa Davenport	80-273-2961	lisadavenport@utah.gov
Alexis Weight	801-629-5800	abweight@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R398-20. Early Intervention
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 34 CFR 303.521 and Section 26B-1-202, and is in response to the legislative mandate for implementation of the family fee for the Baby Watch Early Intervention Program.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The rule needs to remain in effect as long as the Department of Health and Human Services (Department) is collecting fees for Baby Watch Early Intervention services. Therefore, this rule should be continued.

The Department will be amending this rule following the consolidation and recodification of the Department's statute following the 2023 General Session.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	06/26/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R907-67	Filing ID: 52099
Effective Date:	06/23/2023	

Agency Information

1. Department:	Transportation	
Agency:	Administration	
Room no.:	Administrative Suite, 1st Floor	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Name:
Leif Elder	801-580-8296	Leif Elder
Becky Lewis	801-965-4026	Becky Lewis
James Palmer	801-965-4197	James Palmer
Lori Edwards	801-965-4048	Lori Edwards
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R907-67. Debarment of Contractors from Work on Department Projects -- Reasons
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Rule R907-67 is authorized by the Department of Transportation's (Department) general grant of rulemaking authority, Section 72-1-201; and the Procurement Code by, Section 63G-6a-904.

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 a written comment during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

The Department must have a way to suspend or debar contractors not capable of performing contracts properly, those that have violated state or federal legal requirements while performing contracts with the Department, and those that have committed offenses indicating a lack of business integrity, business honesty, or worthiness to work for the taxpayers. This rule provides that vehicle. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	06/23/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R926-11	Filing ID:	52931
Effective Date:	06/23/2023		

Agency Information

1. Department:	Transportation
Agency:	Program Development
Room no.:	Administrative Suite, 1st Floor
Building:	Calvin Rampton
Street address:	4501 S 2700 W
City, state and zip:	Taylorsville, UT 84129
Mailing address:	PO Box 148455
City, state and zip:	Salt Lake City, UT 84114-8455

Contact person(s):		
Name:	Phone:	Name:
Leif Elder	801-580-8296	Leif Elder
Becky Lewis	801-965-4026	Becky Lewis
James Palmer	801-965-4197	James Palmer
Lori Edwards	801-965-4048	Lori Edwards

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

General Information

2. Rule catchline:
R926-11. Clean Fuel Vehicle Decal Program

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

Section 41-6a-702 authorizes the Department of Transportation (Department) to make rules to allow a vehicle with a clean fuel vehicle decal to travel in lanes designated for the use of high occupancy vehicles, and Section 72-6-121 requires the Department to make rules to administer the clean fuel vehicle decal program.

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 a written comment during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

The Department needs this rule because it is required by Section 72-6-121. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	06/23/2023
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Agriculture and Food

Animal Industry

No. 55320 (Amendment) R58-18: Elk Farming
Published: 05/01/2023
Effective: 06/13/2023

No. 55321 (Amendment) R58-20: Domesticated Elk
Hunting Parks
Published: 05/01/2023
Effective: 06/13/2023

No. 55375 (New Rule) R58-28: Veterinarian Education
Loan Repayment Program
Published: 05/15/2023
Effective: 06/22/2023

Marketing and Development

No. 55342 (Amendment) R65-11: Utah Sheep Marketing
Order
Published: 05/15/2023
Effective: 06/22/2023

Plant Industry

No. 55315 (Amendment) R68-8: Utah Seed Law
Published: 05/15/2023
Effective: 06/22/2023

No. 55393 (Repeal) R68-24: Industrial Hemp License for
Growers
Published: 06/01/2023
Effective: 07/11/2023

No. 55411 (Amendment) R68-26: Cannabinoid Product
Registration and Labeling
Published: 06/01/2023
Effective: 07/11/2023

No. 55325 (Amendment) R68-27: Cannabis Cultivation
Published: 05/01/2023
Effective: 06/13/2023

No. 55343 (Amendment) R68-28: Cannabis Processing
Published: 05/15/2023
Effective: 06/22/2023

No. 55344 (Amendment) R68-30: Independent Cannabis
Testing Laboratory
Published: 05/15/2023
Effective: 06/22/2023

No. 55394 (Repeal) R68-32: Sale and Transfer of Industrial
Hemp Waste Material to Medical Cannabis Cultivators
Published: 06/01/2023
Effective: 07/11/2023

No. 55413 (Amendment) R68-33: Industrial Hemp Retailer
Permit
Published: 06/01/2023
Effective: 07/11/2023

Commerce

Professional Licensing

No. 55326 (Amendment) R156-55c: Plumber Licensing Act
Rule
Published: 05/01/2023
Effective: 06/20/2023

Education

Administration

No. 55416 (Amendment) R277-320: Mental Health
Screeners
Published: 06/01/2023
Effective: 07/11/2023

No. 55417 (Amendment) R277-400: School Facility
Emergency and Safety
Published: 06/01/2023
Effective: 07/11/2023

NOTICES OF RULE EFFECTIVE DATES

No. 55418 (Repeal) R277-403: School Safety Pilot Program
Published: 06/01/2023
Effective: 07/11/2023

No. 55419 (Amendment) R277-407: School Fees
Published: 06/01/2023
Effective: 07/11/2023

No. 55420 (Amendment) R277-479: Funding for Charter School Students With Disabilities on an IEP
Published: 06/01/2023
Effective: 07/11/2023

No. 55422 (Amendment) R277-484: Data Standards
Published: 06/01/2023
Effective: 07/11/2023

No. 55423 (Amendment) R277-489: Kindergarten Programs and Assessment
Published: 06/01/2023
Effective: 07/11/2023

No. 55331 (Amendment) R277-609: Standards for LEA Discipline Plans and Emergency Safety Interventions
Published: 05/01/2023
Effective: 06/13/2023

No. 55424 (Amendment) R277-622: School-based Mental Health Qualifying Grant Program
Published: 06/01/2023
Effective: 07/11/2023

No. 55425 (Amendment) R277-625: Mental Health Screeners
Published: 06/01/2023
Effective: 07/11/2023

No. 55426 (Amendment) R277-733: Adult Education Programs
Published: 06/01/2023
Effective: 07/11/2023

No. 55427 (Repeal) R277-930: English Language Learner Software
Published: 06/01/2023
Effective: 07/11/2023

Environmental Quality

Air Quality

No. 55176 (New Rule) R307-315: NOx Emission Controls for Natural Gas-Fired Boilers 2.0-5.0 MMBtu
Published: 01/15/2023
Effective: 07/10/2023

No. 55176 (Change in Proposed Rule) R307-315: NOx Emission Controls for Natural Gas-Fired Boilers 2.0-5.0 MMBtu
Published: 06/01/2023
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No. 55177 (New Rule) R307-316: NOx Emission Controls for Natural Gas-Fired Boilers Greater Than 5.0 MMBtu
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No. 55177 (Change in Proposed Rule) R307-316: NOx Emission Controls for Natural Gas-Fired Boilers Greater Than 5.0 MMBtu
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Water Quality

No. 55391 (Amendment) R317-4: Onsite Wastewater Systems
Published: 05/15/2023
Effective: 06/29/2023

No. 55327 (Amendment) R317-101-3: Utah Wastewater Project Assistance Program
Published: 05/01/2023
Effective: 06/28/2023

Government Operations

Human Resource Management

No. 55359 (Amendment) R477-1: Definitions
Published: 05/15/2023
Effective: 07/01/2023

No. 55372 (Amendment) R477-2: Administration
Published: 05/15/2023
Effective: 07/01/2023

No. 55362 (Amendment) R477-4: Filling Positions
Published: 05/15/2023
Effective: 07/01/2023

No. 55363 (Amendment) R477-5: Probationary Period
Published: 05/15/2023
Effective: 07/01/2023

No. 55364 (Amendment) R477-6: Compensation
Published: 05/15/2023
Effective: 07/01/2023

No. 55365 (Amendment) R477-7: Leave
Published: 05/15/2023
Effective: 07/01/2023

No. 55366 (Amendment) R477-8: Working Conditions
Published: 05/15/2023
Effective: 07/01/2023

No. 55367 (Amendment) R477-10: Employee Development
Published: 05/15/2023
Effective: 07/01/2023

No. 55368 (Amendment) R477-12: Separations
Published: 05/15/2023
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No. 55369 (Amendment) R477-13: Volunteer Programs
 Published: 05/15/2023
 Effective: 07/01/2023

No. 55370 (Amendment) R477-15: Workplace Harassment Prevention
 Published: 05/15/2023
 Effective: 07/01/2023

No. 55371 (Amendment) R477-16: Abusive Conduct Prevention
 Published: 05/15/2023
 Effective: 07/01/2023

Health and Human Services

Population Health, Environmental Health
 No. 55300 (Amendment) R392-200: Sanitation and Safety of Schools
 Published: 04/15/2023
 Effective: 06/14/2023

Health Care Financing, Coverage and Reimbursement Policy
 No. 55298 (Repeal) R414-100: Medicaid Primary Care Network Services
 Published: 04/15/2023
 Effective: 06/14/2023

No. 55381 (Amendment) R414-504: Nursing Facility Payments
 Published: 05/15/2023
 Effective: 07/01/2023

No. 55319 (Amendment) R414-517: Inpatient Hospital Provider Assessments
 Published: 05/01/2023
 Effective: 07/11/2023

Family Health and Preparedness, Emergency Medical Services
 No. 55385 (Amendment) R426-8: Emergency Medical Services Ground Ambulance Rates and Charges
 Published: 05/15/2023
 Effective: 07/01/2023

Health Care Facility Licensing
 No. 55348 (Amendment) R432-1: General Health Care Facility Rules
 Published: 05/15/2023
 Effective: 07/06/2023

No. 55382 (Amendment) R432-8: Specialty Hospital - Chemical Dependency/Substance Abuse Construction
 Published: 05/15/2023
 Effective: 07/06/2023

No. 55350 (Amendment) R432-100: General Hospital Standards
 Published: 05/15/2023
 Effective: 07/06/2023

No. 55349 (New Rule) R432-108: Rural Emergency Hospital
 Published: 05/15/2023
 Effective: 07/06/2023

No. 55351 (Amendment) R432-700: Home Health Agency Rule
 Published: 05/15/2023
 Effective: 07/06/2023

Disease Control and Prevention, Laboratory Services
 No. 55266 (Amendment) R438-15: Newborn Screening
 Published: 03/15/2023
 Effective: 07/10/2023

Administration (Human Services)

No. 55318 (Repeal) R495-881: Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Implementation
 Published: 05/01/2023
 Effective: 07/07/2023

Higher Education (Utah Board of)

Administration
 No. 55255 (Repeal) R765-605: Higher Education Success Stipend Program
 Published: 03/15/2023
 Effective: 06/23/2023

Housing Corporation

Administration
 No. 55430 (Amendment) R460-3: Programs of UHC
 Published: 06/01/2023
 Effective: 07/10/2023

Insurance

Administration
 No. 55180 (Amendment) R590-102: Insurance Department Fee Payment Rule
 Published: 01/15/2023
 Effective: 06/21/2023

No. 55180 (Change in Proposed Rule) R590-102: Insurance Department Fee Payment Rule
 Published: 05/15/2023
 Effective: 06/21/2023

No. 55387 (Amendment) R590-237: Access to Health Care Providers in Rural Counties
 Published: 05/15/2023
 Effective: 06/21/2023

No. 55389 (Amendment) R590-262: Health Data Authority Health Insurance Claims Reporting
 Published: 05/15/2023
 Effective: 06/21/2023

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Natural Resources

Water Resources

No. 55429 (Amendment) R653-11: Water Conservation Requirements and Incentives
Published: 06/01/2023
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Wildlife Resources

No. 55414 (Amendment) R657-5: Taking Big Game
Published: 06/01/2023
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No. 55410 (Amendment) R657-37: Cooperative Wildlife Management Units for Big Game or Turkey
Published: 06/01/2023
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Transportation

Operations, Traffic and Safety

No. 55374 (Amendment) R920-50-3: Governing Standards
Published: 05/15/2023
Effective: 06/21/2023

Workforce Services

Employment Development

No. 55373 (Amendment) R986-700: Child Care Assistance
Published: 05/15/2023
Effective: 07/03/2023

End of the Notices of Rule Effective Dates Section