

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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TABLE OF CONTENTS

EXECUTIVE DOCUMENTS	1
PROCLAMATION	
2024-08E	1
NOTICES OF PROPOSED RULES	2
GOVERNMENT OPERATIONS	
Purchasing and General Services	
R33-1. Utah Procurement Rules, General Procurement	
Provisions	3
R33-9. Cancellations, Rejections, and Debarment.....	4
R33-12. Terms and Conditions, Contracts, Change Orders	
and Costs	6
AGRICULTURE AND FOOD	
Medical Cannabis and Industrial Hemp	
R66-4. Independent Cannabis Testing Laboratory	8
Plant Industry	
R68-30. Independent Cannabis Testing Laboratory	9
COMMERCE	
Artificial Intelligence Policy	
R166-72. Artificial Intelligence Learning Laboratory Program	11
EDUCATION	
Administration	
R277-115. LEA Supervision and Monitoring Requirements of	
Third Party Providers and Contracts.....	13
R277-301. Educator Licensing	15
R277-303. Educator Preparation Programs	17
R277-323. Public Educator Evaluation	19
R277-469. Instructional Materials Commission Operating	
Procedures.....	21
R277-480. Charter School Revolving Account	23
R277-490. Beverley Taylor Sorenson Elementary Arts Learning	
Program (BTSALP)	25
R277-531. Public Educator Evaluation Requirements (PEER)	27
R277-533. Educator Evaluation Systems	29

TABLE OF CONTENTS

R277-602. Carson Smith Scholarships -- Funding and Procedures 31

R277-626. Special Needs Opportunity Scholarship Program 33

R277-733. Adult Education Programs 35

R277-929. State Council on Military Children..... 37

R277-932. Information on Public School Options..... 39

ENVIRONMENTAL QUALITY

 Environmental Response and Remediation

 R311-203. Petroleum Storage Tanks: Technical Standards 41

 R311-206. Petroleum Storage Tanks: Certificate of Compliance
 and Financial Assurance Mechanisms 43

 Waste Management and Radiation Control, Radiation

 R313-17. Administrative Procedures 46

 R313-24. Uranium Mills and Source Material Mill Tailings Disposal
 Facility Requirements 48

HEALTH AND HUMAN SERVICES

 Integrated Healthcare

 R414-60-7. Reimbursement 49

 Data, Systems and Evaluation, Research and Evaluation, Health Care Statistics

 R428-1. Health Data Plan and Incorporated Documents 51

 Data, Systems and Evaluation, Vital Records and Statistics

 R436-13. Disclosure of Records 53

NATURAL RESOURCES

 Wildlife Resources

 R657-5. Taking Big Game 55

PUBLIC SERVICE COMMISSION

 Administration

 R746-409. Pipeline Safety 57

HIGHER EDUCATION (UTAH BOARD OF)

 Salt Lake Community College

 R784-1. Government Records Access and Management Act Rules 60

NOTICES OF CHANGES IN PROPOSED RULES 62

HEALTH AND HUMAN SERVICES

 Population Health, Environmental Health

 R392-304. Artificial Swimming Lagoons 63

NOTICES OF 120-DAY (EMERGENCY) RULES66

CORRECTIONS

Administration

R251-716. Undercover Roles of Offenders66

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION68

AGRICULTURE AND FOOD

Conservation Commission

R64-1. Agricultural Resource Development Loans (ARDL).....68

EDUCATION

Administration

R277-115. LEA Supervision and Monitoring Requirements
of Third Party Providers and Contracts.....69

R277-480. Charter School Revolving Account.....69

R277-487. Public School Data Confidentiality and Disclosure.70

HEALTH AND HUMAN SERVICES

Clinical Services, Primary Care and Rural Health

R434-40. Utah Health Care Workforce Financial Assistance Program71

Data, Systems and Evaluation, Vital Records and Statistics

R436-19. Abortion Reporting71

NOTICES OF FIVE-YEAR EXPIRATIONS.....73

GOVERNOR

Economic Opportunity

R357-7. Utah Capital Investment Board73

NOTICES OF RULE EFFECTIVE DATES74

EXECUTIVE DOCUMENTS

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

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

PROCLAMATION

WHEREAS, since the close of the 2024 General Session of the 65th Legislature of the state of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the state of Utah provides that the governor may, by proclamation, convene the Senate into Extraordinary Session; and

NOW, THEREFORE, I, Spencer J. Cox, governor of the state of Utah, by virtue of the authority vested in me by the Constitution and Laws of the state of Utah, do by this Proclamation call the Senate only of the 65th Legislature of the state of Utah into the Eighth Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 15th day of May 2024, at 4:00 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the state of Utah since the close of the 2024 General Session of the Legislature of the state of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 14th day of May 2024.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2024-08E

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between May 02, 2024, 12:00 a.m., and May 15, 2024, 11:59 p.m. are included in this, the June 01, 2024, issue of the *Utah State Digest*.

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

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least July 01, 2024. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through September 30, 2024, 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:	R33-1	Filing ID: 56508

Agency Information

1. Department:	Government Operations	
Agency:	Purchasing and General Services	
Room number:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141061	
City, state and zip:	Salt Lake City, UT 84114-1061	
Contact persons:		
Name:	Phone:	Email:
Shad Brunson	801-965-4064	sbrunson@utah.gov
Windy Aphayrath	801-957-7138	waphayrath@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R33-1. Utah Procurement Rules, General Procurement Provisions
3. Purpose of the new rule or reason for the change:
The purposes of the change in Section R33-1-1 are to establish a definition for the word "Award" and to clarify that Section R33-1-4 does not apply to Sections 63G-6a-2503 and 63G-6a-2504.
4. Summary of the new rule or change:
In Section R33-1-1, the definition of "Award" is added, and subsequent definitions are renumbered.
Section R33-1-4 added Subsection R33-1-4(2) to state that the section does not apply to Title 63G, Chapter 6a, Part 25.

Fiscal Information

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

A) State budget:
There are no anticipated costs or savings that are expected to affect the state budget.
The changes to this rule provide clarity in the terms.

B) Local governments:
There are no anticipated costs or savings that are expected to affect the local governments.
The changes to this rule provide clarity in the terms.

C) Small businesses ("small business" means a business employing 1-49 persons):
There are no anticipated costs or savings that are expected to affect small businesses.
The changes to this rule provide clarity in the terms.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no anticipated costs or savings that are expected to affect non-small businesses.
The changes to this rule provide clarity in the terms.

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 anticipated costs or savings that are expected to affect any persons.
The changes to this rule provide clarity in the terms.

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 anticipated compliance costs for affected persons.
The changes to this rule provide clarity in the terms.

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	\$0	\$0	\$0
Government			

NOTICES OF PROPOSED RULES

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal 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 Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Title 63G, Chapter 6a		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	07/01/2024
9. This rule change MAY become effective on:	07/08/2024
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:	Shad Brunson, Procurement Polly Board Chair	Date:	05/10/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R33-9	Filing ID: 56507

Agency Information

1. Department:	Government Operations	
Agency:	Purchasing and General Services	
Room number:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141061	
City, state and zip:	Salt Lake City, UT 84114-1061	
Contact persons:		
Name:	Phone:	Email:
Shad Brunson	801-965-4064	sbrunson@utah.gov
Windy Aphayrath	801-957-7138	waphayrath@utah.gov

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

General Information

2. Rule or section catchline:
R33-9. Cancellations, Rejections, and Debarment
3. Purpose of the new rule or reason for the change:
The purpose of this filing is to add Section R33-9-106 to make it clear that a procurement unit has the right to cancel after an award has been made.
4. Summary of the new rule or change:
New section R33-9-106 states the procurement official can cancel an award before the contract is issued when it is the best interest of the procurement unit and in the event that information is received that would have prevented award to the vendor if known previous to the award.
By cancelling, the procurement unit to award to the second most qualified vendor using the same solicitation.

Fiscal Information

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

A) State budget:

There are no anticipated cost savings to the state budget.

The new section provides the procurement unit the right to cancel an award when it is in the best interest of the procurement; the cancellation is not required.

B) Local governments:

There are no anticipated costs or savings for local governments.

The new section provides the procurement unit the right to cancel an award when it is in the best interest of the procurement; the cancellation is not required.

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

There are no anticipated costs or savings that are expected to affect the small businesses.

The new section provides the procurement unit the right to cancel an award when it is in the best interest of the procurement; the cancellation is not required.

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

There are no anticipated costs or savings that are expected to affect the non-small businesses.

The new section provides the procurement unit the right to cancel an award when it is in the best interest of the procurement; the cancellation is not required.

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 anticipated costs or savings that are expected to affect any persons.

The new section provides the procurement unit the right to cancel an award when it is in the best interest of the procurement; the cancellation is not required.

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 anticipated compliance costs for affected persons.

The new section provides the procurement unit the right to cancel an award when it is in the best interest of the procurement; the cancellation is not required

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

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

The Executive Director of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Title 63G,
Chapter 6a, Part 9

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

NOTICES OF PROPOSED RULES

agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	07/01/2024

9. This rule change MAY become effective on:	07/08/2024
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:	Shad Brunson, Procurement Policy Board Chair	Date:	05/10/2024
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R33-12	Filing ID: 56512

Agency Information

1. Department:	Government Operations	
Agency:	Purchasing and General Services	
Room number:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141061	
City, state and zip:	Salt Lake City, UT 84114-1061	
Contact persons:		
Name:	Phone:	Email:
Shad Brunson	801-965-4064	sbrunson@utah.gov
Windy Aphayrath	801-957-7138	waphayrath@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R33-12. Terms and Conditions, Contracts, Change Orders and Costs

3. Purpose of the new rule or reason for the change:
The purpose of this filing is to add information and clarity to the prepayment process in Section R33-12-402.

4. Summary of the new rule or change:
The amendment replaces the current wording of Section R33-12-402 and provides specific instances in which a prepayment does not require the procurement official's written determination.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The amendment is anticipated as a cost savings for the state budget as a determination for specific industry specific prepayments will not have to be written and signed by the procurement official.
The cost savings cannot be determined because the annual frequency of instances is unknown and the savings depend on how many workloads are eliminated from the process.

B) Local governments:
The amendment is anticipated as a cost savings for local governments who adopt this rule as a determination for specific industry specific prepayments will not have to be written and signed by the procurement official.
The cost savings cannot be determined because the annual frequency of instances is unknown and the savings depend on how many workloads are eliminated from the process.

C) Small businesses ("small business" means a business employing 1-49 persons):
There are no anticipated costs or savings that are expected to affect the small businesses.
The change to this rule does not impact small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no anticipated costs or savings that are expected to affect non-small businesses.
The changes to this rule do not impact 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 are no anticipated costs or savings that are expected to affect any persons.

The changes to this rule only impact a procurement process.

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 anticipated compliance costs for affected persons.

The changes to this rule provide clarity in the terms.

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 Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Title 63G, Chapter 6a, Part 12		
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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:	07/01/2024
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9. This rule change MAY become effective on:	07/08/2024
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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:	Shad Brunson, Procurement Policy Board Chair	Date:	05/10/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING:	New		
Rule or Section Number:	R66-4	Filing ID:	56504

Agency Information

1. Department:	Agriculture and Food	
Agency:	Medical Cannabis and Industrial Hemp	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov

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:
R66-4. Independent Cannabis Testing Laboratory
3. Purpose of the new rule or reason for the change:
This rule has been repealed under Rule R68-30 and is being simultaneously reenacted under a new title specific to medical cannabis and industrial hemp, Title R66.
4. Summary of the new rule or change:
This rule has been repealed and is being simultaneously reenacted under Rule R66-4.
(EDITOR'S NOTE: The proposed repeal of Rule R68-30 is under ID 56503 in this issue, June 1, 2024, of the Bulletin.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This change does not have a fiscal impact to the state because this rule is not changing, it is just being repealed to be reenacted under a new title and with a new rule number.
B) Local governments:
Local governments will not be impacted because they do not participate in the medical cannabis program.
C) Small businesses ("small business" means a business employing 1-49 persons):
This change does not have a fiscal impact to small businesses because this rule is not changing, it is just being repealed to be reenacted under a new title and with a new rule number.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This change does not have a fiscal impact to non-small businesses because this rule is not changing, it is just being repealed to be reenacted under a new title and with a new rule number.
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 change does not have a fiscal impact to other persons because this rule is not changing, it is just being repealed to be reenacted under a new title and with a new rule number.

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

Compliance costs are not impacted because the substance of this rule is not changing with this filing.

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:	
Subsection 4-2-103(1)(i)	

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)	Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control
Publisher	American Herbal Pharmacopoeia
Issue Date	2014
Issue or Version	2014 Revisions

B) This rule adds, updates, or removes the following title of materials incorporated by references :	
Official Title of Materials Incorporated (from title page)	OECD Principles of Good Laboratory Practice and Compliance Monitoring
Publisher	Organization for Economic Co-operation and Development
Issue Date	January 1998
Issue or Version	1997

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	07/01/2024

9. This rule change MAY become effective on:	07/08/2024
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:	05/10/2024
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R68-30	Filing ID: 56503

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	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
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:
R68-30. Independent Cannabis Testing Laboratory
3. Purpose of the new rule or reason for the change:
This rule is being repealed so it can be simultaneously reenacted under a new title specific to medical cannabis and industrial hemp, Title R66.
4. Summary of the new rule or change:
This rule is repealed in its entirety so it can be reenacted under a new title specific to medical cannabis and industrial hemp. The substantive content will remain the same under new Rule R66-4. (EDITOR'S NOTE: The proposed new Rule R66-4 is under ID 56504 in this issue, June 1, 2024, of the Bulletin.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:			
This change does not have a fiscal impact to the state because this rule is not changing, it is just being repealed to be reenacted under a new title and with a new rule number.			
B) Local governments:			
Local governments will not be impacted because they do not participate in the medical cannabis program.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
This change does not have a fiscal impact to small businesses because this rule is not changing, it is just being repealed to be reenacted under a new title and with a new rule number.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
This change does not have a fiscal impact to non-small businesses because this rule is not changing, it is just being repealed to be reenacted under a new title and with a new rule number.			
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 change does not have a fiscal impact to other persons because this rule is not changing, it is just being repealed to be reenacted under a new title and with a new rule number.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
Compliance costs are not impacted because the substance of this rule is not changing with this filing.			
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:		
Subsection		
4-2-103(1)(i)		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	07/01/2024

9. This rule change MAY become effective on:	07/08/2024
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:	05/10/2024
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R166-72	Filing ID: 56528

Agency Information

1. Department:	Commerce	
Agency:	Artificial Intelligence Policy	
Room number:	200	
Building:	Heber M. Wells Bldg	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146701	
City, state and zip:	Salt Lake City, UT 84114-6701	
Contact persons:		
Name:	Phone:	Email:
Masuda Medcalf	801-530-7663	mmedcalf@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R166-72. Artificial Intelligence Learning Laboratory Program
3. Purpose of the new rule or reason for the change:
Section 13-72-201 authorizes the creation of the Office of Artificial Intelligence Policy (OAIP), which, among other duties, requires the creation and administration of the artificial intelligence (AI) learning laboratory program. This proposed rule is to comply with the requirements of the statute.
4. Summary of the new rule or change:
This rule establishes the AI learning laboratory program in OAIP; the procedures, and criteria for participation; criteria for invitation, acceptance, denial, or removal of participants; requirements for continuing participation in the laboratory, including: cybersecurity requirements, reporting requirements, and conditions for extension.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
During the 2024 General Session, the Legislature passed S.B. 149, Artificial Intelligence Amendments, which

included an analysis of the costs and revenue to the Commerce Service Account.

There is no additional anticipated cost or savings to the state budget beyond the statute's fiscal analysis statement.

Accordingly, there is no need to complete the table in Section G below.

B) Local governments:

This rule is not expected to affect or have a financial impact on local governments, as the Department of Commerce does not anticipate that they will participate in the AI laboratory.

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

The Legislature passed S.B. 149 (2024), which included a fee of up to \$2,500 for participation in the artificial intelligence laboratory and a fee of up to \$800 as a potential regulatory mitigation fee.

At this time, OAIP will not charge a fee for participation in the laboratory. There will be a fee for an application for regulatory mitigation, and an annual fee for regulatory mitigation participation. However, those fees are estimated to be no more than a total of \$800, and thus within the scope of S.B. 149's fiscal note.

If a small business participates in the AI program, the business could be subject to regulatory mitigation fees.

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

The Legislature passed S.B. 149 (2024), which included a fee of up to \$2,500 for participation in the artificial intelligence laboratory and a fee of up to \$800 as a potential regulatory mitigation fee.

At this time, OAIP will not charge a fee for participation in the laboratory. There will be a fee for an application for regulatory mitigation, and an annual fee for regulatory mitigation participation. However, those fees are estimated to be no more than a total of \$800, and thus within the scope of S.B. 149's fiscal note.

If a non-small business participates in the AI program, the business could be subject to regulatory mitigation fees. OAIP estimates this will affect approximately 10 non-small businesses paying no more than \$800 each year.

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

NOTICES OF PROPOSED RULES

The Legislature passed S.B. 149 (2024), which included a fee of up to \$2,500 for participation in the artificial intelligence laboratory and a fee of up to \$800 as a potential regulatory mitigation fee.

At this time, OAIP will not charge a fee for participation in the laboratory. There will be a fee for an application for regulatory mitigation, and an annual fee for regulatory mitigation participation. However, those fees are estimated to be no more than a total of \$800, and thus within the scope of S.B. 149's fiscal note.

If a person other than small businesses, non-small businesses, state, or local government entities participates in the AI program, the person could be subject to regulatory mitigation fees.

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

The Legislature passed S.B. 149 (2024), which included a fee of up to \$2,500 for participation in the artificial intelligence laboratory and a fee of up to \$800 as a potential regulatory mitigation fee.

At this time, OAIP will not charge a fee for participation in the laboratory. There will be a fee for an application for regulatory mitigation, and an annual fee for regulatory mitigation participation. However, those fees are estimated to be no more than a total of \$800, and thus within the scope of S.B. 149's fiscal note.

A person affected by this rule and participating in the AI program could be subject to regulatory mitigation fees.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
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 Commerce, Margaret W. Busse, 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 13-72-201	Subsection 13-72-302(1)	
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Public Notice Information

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

A) Comments will be accepted until:	07/01/2024
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9. This rule change MAY become effective on:	07/08/2024
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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:	Zachary Boyd, Director, Office of Artificial Intelligence Policy	Date:	05/10/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R277-115	Filing ID: 56513

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:
R277-115. LEA Supervision and Monitoring Requirements of Third Party Providers and Contracts
3. Purpose of the new rule or reason for the change:
This rule is being amended to make necessary updates to the standards for a Local Education Agency (LEA) working with a third party provider to ensure the third party provider complies with applicable law.
4. Summary of the new rule or change:
The amendments specifically add an oversight categorization as 'Category 2', update LEA Requirements of Education Service Providers, and make revisions to the requirements of Third Party Provider Provision of Services.

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 oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by USBE resulting from the rule.
This categorization does not add any requirements or resources in and of itself for the USBE or LEAs.

This rule updates to LEA requirements of education service providers and third party provider provision of services do not add to USBE workload and will not require additional staff or resources.

B) Local governments:

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

The oversight framework categorization is part of USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself for USBE or LEAs. This rule updates to LEA requirements of education service providers and third party provider provision of services provide guidance to LEAs utilizing educational service providers.

The USBE does not estimate any increased costs for LEAs as a result of the rule changes – the updates clarify LEA responsibilities and ensure LEAs comply with their existing responsibilities to monitor and oversee contracted service providers. LEAs may need to update their procedures in monitoring third party providers, however, USBE believes this can be accomplished with existing LEA staff and resources.

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 rule change 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 rule change only impacts 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 oversight framework categorization is part of USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself for USBE or LEAs. USBE does not estimate any increased costs for LEAs as a result of the rule changes – the updates clarify LEA responsibilities and ensure LEAs comply with their existing responsibilities to monitor and oversee contracted service providers.

LEAs may need to update their procedures in monitoring third party providers, however, USBE believes LEAs can update their procedures with existing staff and resources as this is part of normal operating procedure.

This rule updates to LEA requirements of education service providers and third party provider provision of services do not add to USBE workload and will not require additional staff or resources.

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-3-401(10)
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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: 07/01/2024

9. This rule change MAY become effective on: 07/08/2024

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:	05/15/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R277-301	Filing ID: 56514

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:
R277-301. Educator Licensing
3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of H.B. 208 during the 2024 General Session, which requires alternative pathways for educator licensure, which does not include completion of the Praxis exam.
4. Summary of the new rule or change:
The amendments specifically: 1) add an oversight categorization as "Category 4", 2) update definitions, 3) replace the definition for "Accredited school" with a definition for "Accredited institution", 4) clarify the timing of license renewals, 5) allow for one extension of an Associate license, 6) update requirements for an Associate and Out-of-State license, 7) update candidate appeal rights, and 8) make technical changes.

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 oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what

type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself for the USBE or Local Education Agencies (LEA). Changes are made due to the passage of H.B. 208 (2024).

The USBE believes the fiscal impacts were captured in the fiscal note to H.B. 208 (2024).

Other updates to clarify license renewal timing and associate and out-of-state licenses do not add costs or resources for the USBE, LEAs, or educators.

The changes give clearer guidance and allow for greater flexibility for LEAs and educators but do not add any measurable costs or staff time.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The oversight framework categorization is part of USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself for the USBE or LEAs. Changes are made due to the passage of H.B. 208 (2024). The USBE believes the fiscal impacts were captured in the fiscal note to H.B. 208 (2024).

Other updates to clarify license renewal timing and associate and out-of-state licenses do not add costs or resources for USBE, LEAs, or educators.

The changes give clearer guidance and allow for greater flexibility for LEAs and educators but do not add any measurable costs or staff time.

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 the 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.

The oversight framework categorization is part of USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself for the USBE or LEAs. Changes are made due to the passage of H.B. 208 (2024).

The USBE believes the fiscal impacts were captured in the fiscal note to H.B. 208 (2024). Other updates to clarify license renewal timing and associate and out-of-state licenses do not add costs or resources for the USBE, LEAs, or educators. The changes give clearer guidance and allow for greater flexibility for LEAs and educators but do not add any measurable costs or staff time.

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 oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself for the USBE or LEAs. Changes are made due to the passage of H.B. 208 (2024).

The USBE believes the fiscal impacts were captured in the fiscal note to H.B. 208 (2024). Other updates to clarify license renewal timing and associate and out-of-state licenses do not add costs or resources for the USBE, LEAs, or educators. The changes give clearer guidance and allow for greater flexibility for LEAs and educators but do not add any measurable costs or staff time.

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	Section 53E-6-102
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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:	07/01/2024
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9. This rule change MAY become effective on:	07/08/2024
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:	05/15/2024
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-303	Filing ID: 56515

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:
R277-303. Educator Preparation Programs
3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of H.B. 208 during the 2024 General Session, which requires the Utah State Board of Education (USBE) to provide alternative pathways that don't require educator completion of the Praxis exam.
4. Summary of the new rule or change:
The amendments specifically add an oversight categorization as a "Category 4" and update the requirements for educator preparation program requirements.

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 impacts on state government revenues or expenditures. The oversight framework categorization is part of the USBE effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.
This categorization does not add any requirements or resources in and of itself for USBE or Local Education Agencies (LEA). Changes are made due to the passage of H.B. 208 (2024).
The USBE believes the fiscal impacts were captured in the fiscal note to H.B. 208 (2024) for the USBE, LEAs, and educators.
There are no additional measurable costs from the rule change outside the changes captured by the fiscal note to H.B. 208 (2024).
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by USBE resulting from the rule.
This categorization does not add any requirements or resources in and of itself for the USBE or LEAs. Changes are made due to the passage of H.B. 208 (2024).
The USBE believes the fiscal impacts were captured in the fiscal note to H.B. 208 (2024) for the USBE, LEAs, and educators.
There are no additional measurable costs from the rule change outside the changes captured by the fiscal note to H.B. 208 (2024).
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 impacts the 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.

The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule. This categorization does not add any requirements or resources in and of itself for the USBE or LEAs.

Changes are made due to the passage of H.B. 208 (2024).

The USBE believes the fiscal impacts were captured in the fiscal note to H.B. 208 (2024) for the USBE, LEAs, and educators.

There are no additional measurable costs from the rule change outside the changes captured by the fiscal note to H.B. 208 (2024).

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 oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself for the USBE or LEAs.

Changes are made due to the passage of H.B. 208 (2024).

The USBE believes the fiscal impacts were captured in the fiscal note to H.B. 208 (2024) for the USBE, LEAs, and educators.

There are no additional measurable costs from the rule change outside the changes captured by the fiscal note to H.B. 208 (2024).

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(3)(a)
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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:	07/01/2024

9. This rule change MAY become effective on:	07/08/2024
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:	05/15/2024
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R277-323	Filing ID: 56516

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:
R277-323. Public Educator Evaluation
3. Purpose of the new rule or reason for the change:
This new rule is necessary as a result of the passage of S.B. 137, Teacher Empowerment, in the 2024 General Session, which requires that the Utah State Board of Education (USBE) adopt a new evaluation rating system, which only applies to school districts and the Utah Schools for the Deaf and Blind (USDB).

4. Summary of the new rule or change:
This rule is being created to provide a framework for educator evaluation systems, to describe the requirements for school district policies related to educator evaluation, and to establish requirements for determining annual summative educator effectiveness ratings.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. This new rule adopts a new educator evaluation system due to legislative changes made in S.B. 137 (2024). The USBE believes that any associated costs for the USBE, Local Education Agencies (LEA), and educators were captured in the fiscal note to S.B. 137 (2024).
There are no additional measurable costs or resources required of the USBE, LEAs, and educators as a result of this new rule.

B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
This new rule adopts a new educator evaluation system due to legislative changes made in S.B. 137 (2024).
The USBE believes that any associated costs for the USBE, LEAs, and educators were captured in the fiscal note to S.B. 137 (2024).
There are no additional measurable costs or resources required of the USBE, LEAs, and educators as a result of this new rule.

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 the 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

NOTICES OF PROPOSED RULES

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 new rule adopts a new educator evaluation system due to legislative changes made in S.B. 137 (2024).

The USBE believes that any associated costs for the USBE, LEAs, and educators were captured in the fiscal note to S.B. 137 (2024).

There are no additional measurable costs or resources required of the USBE, LEAs, and educators as a result of this new 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.

This new rule adopts a new educator evaluation system due to legislative changes made in S.B. 137 (2024).

The USBE believes that any associated costs for the USBE, LEAs, and educators were captured in the fiscal note to S.B. 137 (2024).

There are no additional measurable costs or resources required of the USBE, LEAs, and educators as a result of this new 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 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 53G, Chapter 11, Part 5
Subsections 53E-3-501(1)(a)(i) and (ii)		

Public Notice Information

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

A) Comments will be accepted until: 07/01/2024

9. This rule change MAY become effective on: 07/08/2024

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:	05/15/2024
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-469	Filing ID: 56517

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:
R277-469. Instructional Materials Commission Operating Procedures
3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of H.B. 534 during the 2024 General Session, which repeals the State Instructional Materials Commission as of 05/01/2024.
4. Summary of the new rule or change:
The amendments specifically assign an oversight categorization as a "Category 3" and removes authorization references to Section 53E-4-402, which directs the Board to appoint an Instructional Materials Commission and directs the Commission to evaluate instructional materials for recommendation by the Board.
The amendments also make updates to several definitions, remove requirements pertaining to Instructional Materials Commission members terms of service, and make several updates related to the recommendation process for instructions materials.

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 oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.
This categorization does not add any requirements or resources in and of itself. The amendments to the Instructional Materials commission are a result of H.B. 534 (2024) and any fiscal impacts have been captured in the fiscal note to H.B. 534 (2024) for the USBE and Local Education Agencies (LEA).
There are no additional costs or resources required by the rule change.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.
This categorization does not add any requirements or resources in and of itself.
The amendments to the Instructional Materials commission are a result of H.B. 534 (2024) and any fiscal impacts have been captured in the fiscal note to H.B. 534 (2024) for the USBE and LEAs.
There are no additional costs or resources required by the rule change.
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 the 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.

The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself. The amendments to the Instructional Materials commission are a result of H.B. 534 (2024) and any fiscal impacts have been captured in the fiscal note to H.B. 534 (2024) for the USBE and LEAs.

There are no additional costs or resources required by the rule change.

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

There are no compliance costs for affected persons.

The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself. The amendments to the Instructional Materials commission are a result of H.B. 534 (2024) and any fiscal impacts have been captured in the fiscal note to H.B. 534 (2024) for the USBE and LEAs.

There are no additional costs or resources required by the 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)	Section 53E-4-402
Section 53E-4-408		

Public Notice Information

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

A) Comments will be accepted until:	07/01/2024
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9. This rule change MAY become effective on:	07/08/2024
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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:	05/15/2024
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-480	Filing ID: 56518

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:
R277-480. Charter School Revolving Account
3. Purpose of the new rule or reason for the change:
This rule is being amended to align with current practices surrounding the charter school revolving loan.
4. Summary of the new rule or change:
The amendments specifically assign the rule an oversight categorization as "Category 2" and make updates to the requirements for the Charter School Revolving Account

Committee, which involves updates to the Charter School Revolving Account application requirements.

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 oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself. The language referencing State Finance is removed and updated to reflect the existence of the charter school closure reserve account, which was created by the legislature to mitigate risks from charter schools that close.

These changes align with current practice and do not affect USBE budgets or staff resources.

B) Local governments:

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

The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself. The language referencing State Finance is removed and updated to reflect the existence of the charter school closure reserve account, which was created by the legislature to mitigate risks from charter schools that close.

These changes align with current practice and will only impact charter schools who are closing or defaulting on a charter school revolving loan.

The USBE does not believe there are any additional costs for Local Education Agencies (LEAs) as closing charter schools would already access the charter school closure reserve account to meet obligations as necessary.

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 the 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 impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This only affects the 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 oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself. The language referencing State Finance is removed and updated to reflect the existence of the charter school closure reserve account, which was created by the legislature to mitigate risks from charter schools that close.

These changes align with current practice and will only impact charter schools who are closing or defaulting on a charter school revolving loan.

The USBE does not believe there are any additional costs for LEAs as closing charter schools would already access the charter school closure reserve account to meet obligations as necessary.

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 53F-9-203(2)(b)
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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:	07/01/2024

9. This rule change MAY become effective on:	07/08/2024
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:	05/15/2024
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-490	Filing ID: 56519

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:
R277-490. Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)
3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of H.B. 1 from the 2024 General Session, which requires the Utah State Board of Education (USBE) to establish a uniform Beverley Taylor Sorenson (BTS) grant amount.

4. Summary of the new rule or change:
The amendments specifically add an oversight categorization of "Category 3", and also establish the grant amount based on elementary school teacher average costs statewide or prior year certified BTS salaries.
The amendments specify that if the actual cost of an arts educator's salary plus benefits exceeds the uniform amount, the Local Education Agency (LEA) will pay the difference with local funds. The language in this rule provides that the "uniform amount" not include funding an educator receives under the Educator Salary Adjustment, as described in Section 53F-2-405.
Language in this rule has also been added to clarify what excess funds may be used for if there is program funding available after staff distribute the uniform amount to participating LEAs.

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 oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.
This categorization does not add any requirements or resources in and of itself. The changes to the BTS Arts program are due to the passage of H.B. 1 (2024) requiring a uniform grant amount. This does impact LEA allocations but the USBE believes that the fiscal impacts were captured in the fiscal note to H.B. 1 (2024) for the USBE and LEAs.
B) Local governments:
This rule change is not expected to have fiscal impacts on local governments' revenues or expenditures.
The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.
This categorization does not add any requirements or resources in and of itself. The changes to the BTS Arts program are due to the passage of H.B. 1 (2024) requiring a uniform grant amount.

This does impact LEA allocations but the USBE believes that the fiscal impacts were captured in the fiscal note to H.B. 1 (2024) for the USBE and LEAs.

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

This rule change is not expected to have fiscal impacts on small businesses' revenues or expenditures.

This only affects the 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 impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This only affects the 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 oversight framework categorization is part of USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself. The changes to the BTS Arts program are due to the passage of H.B. 1 (2024) requiring a uniform grant amount.

This does impact LEA allocations but the USBE believes that the fiscal impacts were captured in the fiscal note to H.B. 1 (2024) for the USBE and LEAs.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
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)	Section 53F-2-506
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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:	07/01/2024
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9. This rule change MAY become effective on:	07/08/2024
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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:	05/15/2024
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R277-531	Filing ID: 56520

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:
R277-531. Public Educator Evaluation Requirements (PEER)
3. Purpose of the new rule or reason for the change:
This rule is being repealed as a result of the Utah State Board of Education (USBE) adoption of Rule R277-323, Public Educator Evaluation.
4. Summary of the new rule or change:
This rule is no longer necessary because of the adoption of Rule R277-323. This rule is repealed in its entirety.

(EDITOR'S NOTE: The proposed new Rule R277-323 is under ID 56516 in this issue, June 1, 2024, of the Bulletin.)

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 impacts on state government revenues or expenditures.

This rule is repealed due to the adoption of Rule R277-323, which adopts a new educator evaluation system due to legislative changes made in S.B. 137, Teacher Empowerment, from the 2024 General Session.

The Utah State Board of Education (USBE) believes that any associated costs for the USBE, Local Education Agencies (LEAs), and educators were captured in the fiscal note to S.B. 137 (2024).

There are no additional measurable costs or resources required of the USBE, LEAs, and educators as a result of the new rule.

B) Local governments:

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

This rule is repealed due to the adoption of Rule R277-323, which adopts a new educator evaluation system due to S.B. 137 (2024).

The USBE believes that any associated costs for the USBE, LEAs, and educators were captured in the fiscal note to S.B. 137 (2024).

There are no additional measurable costs or resources required of the USBE, LEAs, and educators as a result of the new rule.

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 the 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 rule is repealed due to the adoption of Rule R277-323, which adopts a new educator evaluation system due to S.B. 137 (2024).

The USBE believes that any associated costs for the USBE, LEAs, and educators were captured in the fiscal note to S.B. 137 (2024).

There are no additional measurable costs or resources required of the USBE, LEAs, and educators as a result of the new 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.

This rule is repealed due to the adoption of Rule R277-323, which adopts a new educator evaluation system due to S.B. 137 (2024).

The USBE believes that any associated costs for the USBE, LEAs, and educators were captured in the fiscal note to S.B. 137 (2024).

There are no additional measurable costs or resources required of the USBE, LEAs, and educators as a result of the new 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 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-3-501(1)(a)(i)
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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: 07/01/2024

9. This rule change MAY become effective on: 07/08/2024

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:	05/15/2024
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R277-533	Filing ID: 56521

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:
R277-533. Educator Evaluation Systems
3. Purpose of the new rule or reason for the change:
This rule is being repealed as a result of the Utah State Board of Education (USBE) adoption of Rule R277-323, Public Educator Evaluation.
4. Summary of the new rule or change:
This rule is no longer necessary because of the adoption of Rule R277-323. This rule is repealed in its entirety. (EDITOR'S NOTE: The proposed new Rule R277-323 is under ID 56516 in this issue, June 1, 2024, of the Bulletin.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. This rule is repealed due to the adoption of Rule R277-323, which adopts a new educator evaluation system due to legislative changes made in S.B. 137 (2024). The Utah State Board of Education (USBE) believes that any associated costs for the USBE, Local Education Agencies

(LEAs), and educators were captured in the fiscal note to S.B. 137 (2024).

There are no additional measurable costs or resources required of the USBE, LEAs, and educators as a result of the new rule.

B) Local governments:

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

This rule is repealed due to the adoption of Rule R277-323, which adopts a new educator evaluation system due to legislative changes made in S.B. 137 (2024).

The USBE believes that any associated costs for the USBE, LEAs, and educators were captured in the fiscal note to S.B. 137 (2024).

There are no additional measurable costs or resources required of the USBE, LEAs, and educators as a result of the new rule.

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 the 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 rule is repealed due to the adoption of Rule R277-323, which adopts a new educator evaluation system due to legislative changes made in S.B. 137 (2024).

NOTICES OF PROPOSED RULES

The USBE believes that any associated costs for the USBE, LEAs, and educators were captured in the fiscal note to S.B. 137 (2024).

There are no additional measurable costs or resources required of the USBE, LEAs, and educators as a result of the new 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.

This rule is repealed due to the adoption of Rule R277-323, which adopts a new educator evaluation system due to legislative changes made in S.B. 137 (2024).

The USBE believes that any associated costs for the USBE, LEAs, and educators were captured in the fiscal note to S.B. 137 (2024).

There are no additional measurable costs or resources required of the USBE, LEAs, and educators as a result of the new 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
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Net Fiscal Benefits	\$0	\$0	\$0
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H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The 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	Title 53G, Chapter 11, Part 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: 07/01/2024

9. This rule change MAY become effective on: 07/08/2024

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:	05/15/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R277-602	Filing ID:	56522
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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:
R277-602. Carson Smith Scholarships -- Funding and Procedures
3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of S.B. 44 in the 2024 General Session, which changed the requirements for the Carson Smith Scholarship.
4. Summary of the new rule or change:
The amendments specifically add an oversight categorization of "Category 4", and also make necessary changes in order to incorporate new legislative requirements. The amendments clarify language in this rule, specifying that while current participants may continue to receive funding under the program, future applicants will be considered under the new Carson Smith Opportunities Scholarship, which is the successor to the Special Needs Opportunity Scholarship 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 impacts on state government revenues or expenditures. The oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule. This categorization does not add any requirements or resources in and of itself. The changes to the Carson Smith scholarship do have impacts that were captured in the fiscal note to S.B. 44 (2024). The USBE does not believe there are any additional measurable impacts as a result of the rule change for the

USBE, Local Education Agencies (LEAs), or other persons.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The oversight framework categorization is part of USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule. This categorization does not add any requirements or resources in and of itself. The changes to the Carson Smith scholarship do have impacts that were captured in the fiscal note to S.B. 44 (2024). The USBE does not believe there are any additional measurable impacts as a result of the rule change for the USBE, LEAs, or other persons.
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 the 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 <i>agency</i>):
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself. The changes to the Carson Smith scholarship do have impacts that were captured in the fiscal note to S.B. 44 (2024).

The USBE does not believe there are any additional measurable impacts as a result of the rule change for the USBE, LEAs, or other persons.

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 oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself. The changes to the Carson Smith scholarship do have impacts that were captured in the fiscal note to S.B. 44 (2024).

The USBE does not believe there are any additional measurable impacts as a result of the rule change for the USBE, LEAs, 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 State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-4-3
Section 53E-4-202		

Public Notice Information

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

A) Comments will be accepted until: 07/01/2024

9. This rule change MAY become effective on: 07/08/2024

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:	05/15/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING:	Amendment		
Rule or Section Number:	R277-626	Filing ID:	56523

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:
R277-626. Special Needs Opportunity Scholarship Program
3. Purpose of the new rule or reason for the change:
This rule is being amended as a result of the passage of S.B. 44 in the 2024 General Session.
4. Summary of the new rule or change:
The amendments specifically add an oversight categorization as "Category 4" and incorporate new legislative changes by updating to the requirements pertaining to the Carson Smith Opportunities Scholarship 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 oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.
This categorization does not add any requirements or resources in and of itself. The changes to the Carson Smith scholarship do have impacts that were captured in the fiscal note to S.B. 44 (2024).
The USBE does not believe there are any additional measurable impacts as a result of the rule change for the USBE, Local Education Agencies (LEAs), or other persons.

B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.
This categorization does not add any requirements or resources in and of itself. The changes to the Carson Smith scholarship do have impacts that were captured in the fiscal note to S.B. 44 (2024).
The USBE does not believe there are any additional measurable impacts as a result of the rule change for the USBE, LEAs, or other persons.
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 impacts the 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.
The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.
This categorization does not add any requirements or resources in and of itself. The changes to the Carson

NOTICES OF PROPOSED RULES

Smith scholarship do have impacts that were captured in the fiscal note to S.B. 44 (2024).

The USBE does not believe there are any additional measurable impacts as a result of the rule change for the USBE, LEAs, or other persons.

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 oversight framework categorization is part of the USBE's effort through R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself. The changes to the Carson Smith scholarship do have impacts that were captured in the fiscal note to S.B. 44 (2024).

The USBE does not believe there are any additional measurable impacts as a result of the rule change for the USBE, LEAs, 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 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 4
Section 53E-4-202		

Public Notice Information

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

A) Comments will be accepted until: 07/01/2024

9. This rule change MAY become effective on: 07/08/2024

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:	05/15/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R277-733	Filing ID: 56524

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:
R277-733. Adult Education Programs
3. Purpose of the new rule or reason for the change:
This rule is being amended to update the incorporated by reference document, "Utah Adult Education Policy and Procedures Guide".
4. Summary of the new rule or change:
Amendments to this rule include an addition of an oversight categorization of "Category 4" and updates to the incorporated document, "Utah Adult Education Policy and Procedures Guide", which are needed because adult education programs are required to use National Reporting System (NRS) approved assessments in programs and those assessments have changed. Specific updates to this rule's incorporated document include the addition of NRS approved assessments, changes to some of the records retention policies, as well as guidance and policy surrounding the use of adult education funds for participant child and dependent care and transportation. In addition, some additional minor changes have been made to the incorporated document to add clarity.

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 oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself. The changes to the incorporated document update to reflect changes to the National Reporting Systems approved assessments, records retention, and guidance on care and transportation are updates to reflect current practices and changes to federal assessments.

Additionally, the rule change clarifies that charter schools with students in grades 9-12 can apply to become an eligible provider. These changes to the incorporated document and definition of eligible provider do not add measurable costs or savings for the USBE, Local Education Agencies (LEA), or other persons as they reflect current practice and provide guidance related to current federal regulations.

B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule. This categorization does not add any requirements or resources in and of itself. The changes to the incorporated document update to reflect changes to the National Reporting Systems approved assessments, records retention, and guidance on care and transportation are updates to reflect current practices and changes to federal assessments. Additionally, the rule change clarifies that charter schools with students in grades 9-12 can apply to become an eligible provider. These changes to the incorporated document and definition of eligible provider do not add measurable costs or savings for the USBE, LEAs, or other persons as they reflect current practice and provide guidance related to current federal regulations.

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 the 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.

The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself. The changes to the incorporated document update to reflect changes to the National Reporting Systems approved assessments, records retention, and guidance on care and transportation are updates to reflect current practices and changes to federal assessments.

Additionally, the rule change clarifies that charter schools with students in grades 9-12 can apply to become an eligible provider. These changes to the incorporated document and definition of eligible provider do not add measurable costs or savings for the USBE, LEAs, or other persons as they reflect current practice and provide guidance related to current federal regulations.

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 oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule.

This categorization does not add any requirements or resources in and of itself. The changes to the incorporated document update to reflect changes to the National Reporting Systems approved assessments, records retention, and guidance on care and transportation are updates to reflect current practices and changes to federal assessments.

Additionally, the rule change clarifies that charter schools with students in grades 9-12 can apply to become an eligible provider. These changes to the incorporated

document and definition of eligible provider do not add measurable costs or savings for the USBE, LEAs, or other persons as they reflect current practice and provide guidance related to current federal regulations.

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)	Section 53E-10-202
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Subsection 53E-3-501(1)	Section 53F-2-401	Section 53E-10-205
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Incorporations by Reference Information

7. Incorporations by Reference:	
A) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Utah Adult Education Policies and Procedures Guide
Publisher	Utah State Board of Education
Issue Date	May 2024

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	07/01/2024

9. This rule change MAY become effective on:	07/08/2024
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:	05/15/2024
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-929	Filing ID: 56525

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:
R277-929. State Council on Military Children
3. Purpose of the new rule or reason for the change:
This rule is being amended to make necessary updates to the application process for Utah's Purple Star Schools.
4. Summary of the new rule or change:
The amendments specifically add an oversight categorization of "Category 3", and also make several updates to program requirements outlined in the rule.
These updates include addition of a requirement that Purple Star Schools submit an annual report on a form provided by the Superintendent by March 31 annually, and also specify that the Superintendent may rescind a school's purple star designation if the school fails to file an annual report or is found to be out of compliance.

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 oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule. This categorization does not add any requirements or resources in and of itself.
The rule changes include a report and that the USBE may rescind a school's purple star designation are based on participant school feedback and do not add measurable costs for participating schools, Local Education Agencies (LEAs), the USBE, or other persons. The report can be completed with existing staff and resources.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule. This categorization does not add any requirements or resources in and of itself.

The rule changes to include a report and that the USBE may rescind a school's purple star designation are based on participant school feedback and do not add measurable costs for participating schools, LEAs, the USBE, or other persons. The report can be completed with existing staff and resources.

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

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

This only applies to the 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.

The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule. This categorization does not add any requirements or resources in and of itself.

The rule changes to include a report and that the USBE may rescind a school's purple star designation are based on participant school feedback and do not add measurable costs for participating schools, LEAs, the USBE, or other persons.

The report can be completed with existing staff and resources.

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 oversight framework categorization is part of the USBE's effort through R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from the rule. This categorization does not add any requirements or resources in and of itself.

The rule changes include a report and that the USBE may rescind a school's purple star designation are based on participant school feedback and do not add measurable costs for participating schools, LEAs, the USBE, or other persons.

The report can be completed with existing staff and resources.

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)	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	07/01/2024

9. This rule change MAY become effective on:	07/08/2024
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:	05/15/2024
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R277-932	Filing ID: 56526

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:
R277-932. Information on Public School Options
3. Purpose of the new rule or reason for the change:
This rule is being created in order to specify "Public School Options" webpage requirements.
4. Summary of the new rule or change:
This new rule requires the Utah State Board of Education (USBE) to maintain a webpage that provides transparency for the public about all available public education options.
This new rule also requires Local Education Agencies (LEAs) to place a link to the USBE's public school options webpage on the LEA website.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change has an estimated cost for the USBE of approximately \$15,000 for one-time custom development by the USBE's website hosting platform.
After the website is established, it can be maintained with existing USBE resources.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
While Local Education Agencies (LEA) are required to place a link to the public school options webpage on their webpage, there can be quickly accomplished by LEA staff on their existing websites and there is no measurable cost to LEAs.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
This only affects the 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 the 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?):

The compliance costs are \$15,000 one-time for the USBE for custom development by the USBE's website hosting platform.

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	\$15,000	\$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	\$15,000	\$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	(\$15,000)	\$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:	07/01/2024
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9. This rule change MAY become effective on:

07/08/2024

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:	05/15/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R311-203	Filing ID:	56497
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Agency Information

1. Department:	Environmental Quality	
Agency:	Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
Contact persons:		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Morgan Atkinson	801-979-2512	mpatikson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R311-203. Petroleum Storage Tanks: Technical Standards
3. Purpose of the new rule or reason for the change:
The purpose of this rule change is to allow the agency to continue issuing certificates of compliance (COC) to all regulated facilities, as well as to clarify some wording and make the rule more concise and easier for the regulated community to understand.
Leak detection and testing requirements are essential for the agency to continue issuing COCs for Aboveground Petroleum Storage Tanks (APSTs) and brings parity with the existing requirements for Underground Storage Tanks (USTs) and APSTs participating in the Environmental Assurance Program (EAP).
Additionally, the agency has found some of the spill prevention testing requirements are not applicable for all regulated PSTs, so the requirement is removed where not applicable.
4. Summary of the new rule or change:
The changes: 1) clarify Subsection R311-203-2(6) by changing "is not in service" to "was out of service"; 2) move Subsection R311-203-2(6)(f) to its own Subsection R311-203-2(8) where it fits better in context; 3) remove the wording from Subsection R311-203-5(10) that requires certain Leak Detection and Testing for only

APSTs using EAP as their financial responsibility mechanism and now will apply to all APSTs; and 4) modify wording in Subsection R311-203-5(10)(b) to remove the periodic testing requirement for spill prevention equipment on APSTs.

The spill prevention standard in the International Fire Code is still applicable.

Fiscal Information

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

A) State budget:

In Subsection R311-203-5(10): There is no anticipated cost or savings to the state budget because all state PST facilities are required by statute to be on the EAP and meet these leak detection standards.

In Subsection R311-203-5(10)(b): There is a direct fiscal benefit to state-owned facilities with APSTs which will not be required to test their spill buckets every 3 years. There are approximately 30 facilities with APSTs owned by state government that participate in the EAP. Each site has an average of 3 APSTs each that will be affected by this rule. The approximate total benefit for all these facilities combined is \$9,000 every 3 years. This estimate was reached using the average contractor cost for a facility with 3 APSTs being \$300 every 3 years.

Other changes will have no anticipated cost or savings to the state budget, because they just fix minor errors and clarify certain rules.

B) Local governments:

In Subsection R311-203-5(10): This proposed rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because Insurance Companies offering an alternate form of Financial Assurance will likely required them to meet similar leak detection standards.

The fiscal cost to meet the requirements for 07/01/2026 is inestimable due to variation in type of APST facilities which may require upgrades to meet these standards that are already required to meet International Fire Code as adopted pursuant to Utah State Fire Code Section 15A-5-103.

In Subsection R311-203-5(10)(b): There is a direct fiscal benefit to local government-owned facilities with APSTs which will not be required to test their spill buckets every 3 years. There are approximately 22 facilities with APSTs owned by local governments that participate in the EAP.

Each site has an average of 3 APSTs each that will be affected by this rule. The approximate total benefit for all these facilities combined is \$6,600 every 3 years. This

estimate was reached using the average contractor cost for a facility with 3 APSTs being \$300 every 3 years.

Other changes will have no anticipated cost or savings to the local government's budget, because they just fix minor errors and clarify certain rules.

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

In Subsection R311-203-5(10): This proposed rule change is not expected to have any fiscal impacts on small businesses' revenues or expenditures because Insurance Companies offering an alternate form of Financial Assurance will likely required them to meet similar leak detection standards.

The fiscal cost to meet the requirements for 07/01/2026 is inestimable due to variation in type of APST facilities which may require upgrades to meet these standards which are already required to meet International Fire Code as adopted pursuant to Utah State Fire Code Section 15A-5-103.

In Subsection R311-203-5(10)(b): There is a direct fiscal benefit to small business owned facilities with APSTs which will not be required to test their spill buckets every 3 years. There are approximately 100 facilities with APSTs owned by small businesses that participate in the EAP.

Each site has an average of 3 APSTs each that will be affected by this rule. The approximate total benefit for all these facilities combined is \$30,000 every 3 years. This estimate was reached using the average contractor cost for a facility with 3 APSTs being \$300 every 3 years.

Other changes will have no anticipated cost or savings to the small businesses budget, because they just fix minor errors and clarify certain rules.

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

In Subsection R311-203-5(10): This proposed rule change is not expected to have any fiscal impacts on non-small businesses revenues or expenditures because Insurance Companies offering an alternate form of Financial Assurance will likely required them to meet similar leak detection standards.

The fiscal cost to meet the requirements for 07/01/2026 is inestimable due to variation in type of APST facilities which may require upgrades to meet these standards which are already required to meet International Fire Code as adopted pursuant to Utah State Fire Code Section 15A-5-103.

In Subsection R311-203-5(10)(b): There is a direct fiscal benefit to non-small business owned facilities with APSTs which will not be required to test their spill buckets every 3 years. There are approximately 80 facilities with APSTs owned by non-small business that participate in the EAP.

Each site has an average of 3 APSTs each that will be affected by this rule. The approximate total benefit for all these facilities combined is \$18,000 every 3 years. This estimate was reached using the average contractor cost for a facility with 3 APSTs being \$300 every 3 years.

Other changes will have no anticipated cost or savings to the non-small businesses budget, because they just fix minor errors and clarify certain rules.

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 rule changes are not expected to have any fiscal impacts on other persons because the rule changes will not apply to these entities.

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

In Subsection R311-203-5(10)(b): Benefit to affected persons for not requiring spill bucket (SB) tests is \$100/SB every 3 years.

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

Regulatory Impact Table			
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	\$9,000
Local Governments	\$0	\$0	\$6,600
Small Businesses	\$0	\$0	\$30,000
Non-Small Businesses	\$0	\$0	\$18,000

Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$63,600
Net Fiscal Benefits	\$0	\$0	\$63,600

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Environmental Quality, Kim Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 19-6-105	Section 19-6-403	Section 19-6-408
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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:	07/01/2024
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B) A public hearing (optional) will be held:		
Date:	Time:	Place (physical address or URL):
06/10/2024	02:00 PM	Multi Agency State Office Building, 195 N 1950 W, Salt Lake City, UT, Room 1015

To the agency: If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows.

9. This rule change MAY become effective on:	07/12/2024
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:	Brent Everett, Director	Date:	05/09/2025
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	RR311-206	Filing ID: 56499

Agency Information

1. Department:	Environmental Quality	
Agency:	Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
Contact persons:		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Morgan Atkinson	801-979-2512	mpatkinson@utah.gov

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

General Information

2. Rule or section catchline:
R311-206. Petroleum Storage Tanks: Certificate of Compliance and Financial Assurance Mechanisms

3. Purpose of the new rule or reason for the change:
 The purpose of this rule change is to allow the agency to require leak detection at all regulated facilities, as well as clarifying the instances when the agency is allowed to place a delivery prohibition tag on a tank.

 Adding leak detection requirements for Aboveground Petroleum Storage Tanks (APSTs) brings parity with the existing requirements for Underground Storage Tanks (USTs) and APSTs participating in the Environmental Assurance Program (EAP).

 The previous wording of the delivery prohibition section of the rule did not allow for delivery prohibition in certain circumstances which tank manufacturers and other states' storage tank programs recommend delivery prohibition. The new wording fixes this issue.

4. Summary of the new rule or change:

In Subsection R311-206-3(1)(b)(i): Expands the leak detection requirement to all APST facilities and not only those on the Environmental Assurance Program (EAP).
 In Subsection R311-206-4(6): Delete the subpart that lists the leak detection requirements for APSTs on the EAP because they can already be found in Subsection R311-203-5(10).

Change adds a subpart Subsection R311-206-8(4) authorizing the placement of a delivery prohibition tag on PSTs that fail a PST Test or show physical evidence of a release of product.

Change simplifies the confusing wording of Subsection R311-206-8(3).

Fiscal Information

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

A) State budget:

In Subsection R311-206-3(1)(b)(i) and Subsection R311-206-4(6): This rule change is not expected to have any fiscal impacts on state revenues or expenditures because all state PST facilities are required by statute to participate in the Environmental Assurance Program (EAP).

In Subsection R311-206-8(4): The cost to state budget is inestimable because the likelihood or frequency of a release from PSTs is unknown.

Other changes will have no anticipated cost or savings to the state budget because they just fix minor errors and clarify certain rules.

B) Local governments:

In Subsection R311-206-3(1)(b)(i) and Subsection R311-206-4(6): This rule change is expected to have an inestimable fiscal cost to local government-owned facilities with APSTs that do not participate in the EAP.

Insurance companies who provide financial Assurance (FA) will likely require these facilities to meet certain leak detection standards that are similar or stricter than those set forth in rule.

In Subsection R311-206-8(4): The cost to local governments is inestimable because the likelihood or frequency of a release from PSTs is unknown.

Other changes will have no anticipated cost or savings to local governments because they just fix minor errors and clarify certain rules.

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

In Subsection R311-206-3(1)(b)(i) and Subsection R311-206-4(6): This rule change is expected to have an inestimable fiscal cost to small businesses owned facilities with APSTs that do not participate in the EAP. Insurance companies who provide financial Assurance (FA) will likely require these facilities to meet certain leak detection standards that are similar or stricter than those set forth in rule.

In Subsection R311-206-8(4): The cost to small businesses budget is inestimable because the likelihood or frequency of a release from PSTs is unknown.

Other changes will have no anticipated cost or savings to small business because they just fix minor errors and clarify certain rules.

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

In Subsection R311-206-3(1)(b)(i) and Subsection R311-206-4(6): This rule change is expected to have an inestimable fiscal cost to non-small businesses-owned facilities with APSTs that do not participate in the EAP. Insurance companies who provide financial Assurance (FA) will likely require these facilities to meet certain leak detection standards that are similar or stricter than those set forth in the rule.

In Subsection R311-206-8(4): The cost to non-small businesses is inestimable because the likelihood or frequency of a release from PSTs is unknown.

Other changes will have no anticipated cost or savings to non-small businesses because they just fix minor errors and clarify certain rules.

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 rule changes are not expected to have any fiscal impact on other persons because the rule changes will not apply to these entities.

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

Any costs to affected persons that choose to not participate in the EAP is inestimable. Insurance companies providing FA will likely require these facilities to meet certain leak detection standards that are similar or stricter than those set forth in rule. The cost to affected person for delivery prohibition to a PST is inestimable because the likelihood or frequency of a release from PSTs is unknown.

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 Environmental Quality, Kim Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 19-6-105	Subsection 19-6-403	Subsection 19-6-410.5
Subsection 19-6-428		

Public Notice Information

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

A) Comments will be accepted until: 07/01/2024

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

Date:	Time:	Place (physical address or URL):
06/10/2024	2:00 PM	Multi Agency State Office Building, 195 N 1950 W, Salt Lake City, UT, Room 1015

To the agency: If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows.

9. This rule change MAY become effective on: 07/12/2024

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:	Brent Everett, Director	Date:	05/08/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R313-17	Filing ID:	56501
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Agency Information

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

Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Spencer Wickham	385-499-4895	swickham@utah.gov

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

General Information

2. Rule or section catchline:
R313-17. Administrative Procedures
3. Purpose of the new rule or reason for the change:
<p>These rule changes are being proposed to clarify the types of licensing actions that are major licensing actions and thus require an environmental assessment.</p> <p>These changes make updates that are consistent with the Conference of Radiation Control Program Directors (CRCPD) Suggested State Regulations and Utah's agreement with the NRC.</p>
4. Summary of the new rule or change:
<p>Changes are made to Subsection R313-17-2(1)(a) to correct licensing categories so that they are consistent with federal regulations.</p> <p>Changes are made to Subsection R313-17-2(1)(a)(F) to clarify that changes to engineering design, construction, or process controls that are likely to significantly impact public health, public safety or the environment are included in activities that the director shall give public notice regarding.</p> <p>Changes are made to Subsection R313-17-2(1)(a)(I) to make the requirement clearer.</p> <p>Changes are made to Subsection R313-17-2(1)(a)(J) to clarify that the director shall give public notice and an opportunity to comment on a licensing action that would allow for possession or use of any matter, other than natural or native ore, that will be processed primarily for its source material content in a licensed uranium or thorium mill.</p> <p>Changes are made to Subsections R313-17-2(2) through (5) to clarify the public notice and comment process used by the director.</p> <p>Section R313-17-3 is given a new title, and the language is amended to clarify that review of licensing and permitting actions are governed by Rule R305-7 and Section 19-1-301.5 of the Utah Code.</p>

Additionally, the Division of Waste Management and Radiation Control, Radiation is correcting formatting and typographical errors found in the rule.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
<p>There are no anticipated costs or savings to the state budget based on the amendments to this rule.</p> <p>The amendments do not add any new processes or requirements for state agencies, nor do they remove any existing processes or requirements.</p>
B) Local governments:
<p>There are no anticipated costs or savings to local governments based on the amendments to this rule.</p> <p>The amendments do not add any new processes or requirements that local governments would need to comply with, nor do they remove any existing processes or requirements.</p>
C) Small businesses ("small business" means a business employing 1-49 persons):
<p>There is 1 small business in Utah that must comply with this regulation. However, it is not anticipated that the changes being made to this rule will result in any cost or savings to this business because they do not add any new requirements to this rule, nor do they remove any existing requirements.</p>
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
<p>There are 4 non-small businesses in Utah that must comply with this regulation. However, it is not anticipated that the changes being made to this rule will result in any cost or savings to any of these businesses because they do not add any new requirements to this rule, nor do they remove any existing requirements.</p>
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
<p>It is not anticipated that the changes being made to this rule will result in any cost or savings to any persons other than small businesses, non-small businesses, state, or local government entities because there aren't any of these entities in Utah that are affected by these rule changes.</p>

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 due to this rule amendment. The changes simply add clarification to requirements so that entities that must comply with the rules can do so in an effective and efficient manner and will understand the processes and procedures being used by the agency.

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 Environmental Quality, Kimberly D. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 19-3-104(4)	Section 19-1-301	Section 19-1-301.5
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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: 07/01/2024

9. This rule change MAY become effective on: 07/15/2024

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:	Douglas J. Hansen, Division Director	Date:	05/09/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R313-24	Filing ID:	56502
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Agency Information

1. Department:	Environmental Quality		
Agency:	Waste Management and Radiation Control, Radiation		
Room number:	Second Floor		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144880		
City, state and zip:	Salt Lake City, UT 84114-4880		
Contact persons:			
Name:	Phone:	Email:	
Tom Ball	385-454-5574	tball@utah.gov	

Spencer Wickham	385- 499- 4895	swickham@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R313-24. Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements
3. Purpose of the new rule or reason for the change:
These rule changes are being proposed to provide clarity around the environmental assessment process and make updates that are consistent with the Conference of Radiation Control Program Directors (CRCPD) Suggested State Regulations.
4. Summary of the new rule or change:
Section R313-24-3 is being renamed and amended to clarify when an application for a new license, license renewal, or major licensing action that involves construction must be filed with the director and that the application must include an environmental report as required by Section R313-24-4.
The new language also states that construction is prohibited unless the director has provided approval. Previous language under Subsection R313-24-3(2) stated that construction prior to issuance of the license or amendment shall be grounds for denial of the license or amendment.
Section R313-24-4 is being renamed and amended to provide more detail about what is required to be included in the applicant's environmental report. The requirement to submit an environmental report was previously contained in Section R313-24-3.
Section R313-24-5 is being added to provide additional details regarding the director's environmental analysis of the environmental report and the processes involved. The requirement for the director to provide a written analysis of the environmental report was previously contained in Section R313-24-3.
The original Section R313-24-4 is renumbered as Section R313-24-6.
Additionally, the Division of Waste Management and Radiation Control, Radiation is correcting formatting and typographical errors found in the rule.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:
There are no anticipated costs or savings to the state budget based on the amendments to this rule.
The amendments do not add any new processes or requirements for state agencies, nor do they remove any existing processes or requirements.
B) Local governments:
There are no anticipated costs or savings to local governments based on the amendments to this rule.
The amendments do not add any new processes or requirements that local governments would need to comply with, nor do they remove any existing processes or requirements.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are no small businesses in Utah that must comply with this regulation and the division is not aware of any small businesses that are considering applying for a license that would have to comply with these rules. Therefore, it is not anticipated that the changes being made to the rule will result in any cost or savings to any small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are 4 non-small businesses in Utah that must comply with this regulation. However, it is not anticipated that the changes being made to the rule will result in any cost or savings to any of these businesses because they do not add any new requirements to the rule, nor do they remove any existing requirements.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
It is not anticipated that the changes being made to the rule will result in any cost or savings to any persons other than small businesses, non-small businesses, state, or local government entities because there aren't any of these entities in Utah that are directly affected by these rule changes.
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 due to this rule amendment. The changes simply add clarification to requirements so that entities that must comply with the rules can do so in an effective and efficient manner and will understand the processes and procedures being used by the agency.

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 Environmental Quality, Kimberly D. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 19-3-104	Section 19-6-107	
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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:	07/01/2024
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9. This rule change MAY become effective on:	07/15/2024
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:	Douglas J. Hansen, Division Director	Date:	05/09/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R414-60-7	Filing ID: 56511

Agency Information

1. Department:	Health and Human Services	
Agency:	Integrated Healthcare	
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
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

General Information

2. Rule or section catchline:
R414-60-7. Reimbursement
3. Purpose of the new rule or reason for the change:
This proposed amendment addresses a significant disruption to the pharmacy point of sale system affecting Medicaid users in the state.
The purpose of this change is to allow the Medicaid Division director flexibility to waive the 24-day limit on

pharmacy dispensing fees if there is a significant disruption to the pharmacy point of sale system.

4. Summary of the new rule or change:

This amendment allows the Medicaid Division director flexibility to waive the 24-day limit on pharmacy dispensing fees due to the system interruption to the pharmacy point of sale system that resulted in extensive downtime and increased administrative workload for pharmacy providers.

It also updates the agency name within the rule title, updates an outdated link, and reformats existing information for clarity and consistency with the Rulewriting Manual for Utah.

Fiscal Information

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

A) State budget:

For the three weeks of the most recent pharmacy point of sale disruption, 8,518 prescriptions were filled without a dispensing fee paid, four of which were for hemophilia clotting factor prescriptions, because of the current rule not allowing for payment within the 24-day period.

With dispensing fees of \$10 for most prescriptions, and \$716 for hemophilia clotting factor prescriptions, it is estimated that the cost to the state budget to implement this rule change could be around \$88,000, the amount necessary to pay outstanding dispensing fees from this most recent disruption.

Note that this does not take all reimbursement factors into account such as claims paid at usual and customary (U&C) or gross amount due which are not eligible for dispensing fees.

B) Local governments:

There is no anticipated fiscal impact to local governments, as they would not pay the pharmacy the dispensing fee.

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

Small businesses such as independent pharmacies would benefit from this rule change as they would see increased dispensing fees for prescriptions filled during a pharmacy disruption point of sale outage period.

The amount of benefit cannot be estimated for this group as data is not available for how many small businesses filled a prescription during the most recent disruption.

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

Non-small businesses filling prescriptions would benefit from this rule change as they would see increased

dispensing fees for prescriptions filled during a pharmacy disruption point of sale outage period.

The amount of benefit cannot be estimated for this group as data is not available for how many non-small businesses filled a prescription during the most recent disruption.

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

Persons other than small businesses, non-small businesses, state, or local government entities such as tribal organizations or charitable organizations would benefit from this rule change, as they would see increased dispensing fees for prescriptions filled during a pharmacy disruption point of sale outage period.

The amount of benefit cannot be estimated for this group as data is not available for how many persons other than small businesses, non-small businesses, state, or local government entities filled a prescription during the most recent disruption.

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

There is no estimated compliance cost for affected persons, as this rule change is removing a current restriction during an outage period and there is no data to estimate this kind of impact.

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	\$88,000	\$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	\$88,000	\$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	(\$88,000)	\$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 S. Gruber, 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 26B-1-213	Section 26B-3-108	
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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: 07/01/2024

9. This rule change MAY become effective on: 07/08/2024

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:	05/14/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R428-1	Filing ID: 56510

Agency Information

1. Department:	Health and Human Services
Agency:	Data, Systems and Evaluation, Research and Evaluation, Health Care Statistics
Room number:	106
Building:	Cannon Building
Street address:	288 N 1460 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO 144004
City, state and zip:	Salt Lake City, UT 84114-4004

Contact persons:

Name:	Phone:	Email:
Mike Martin	801-538-9205	mikemartin@utah.gov
Lori Savoie	385-242-6404	lsavoie@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

General Information

2. Rule or section catchline:
R428-1. Health Data Plan and Incorporated Documents

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

The purpose of this filing is to update this rule to comply with H.B. 41 from the 2024 General Session, which transfers the authority for rule adoption from the Health Data Committee (HDC) to the Department of Health and Human Services (DHHS), and to update the Data Submittal Guide (DSG) for the All Payer Claims Database (APCD) from Version 4.1 to Version 4.2.

These DSG changes were reviewed by the Payer Advisory Subcommittee, populated by representatives of data submitters to Utah's All Payer Claims Database, at a meeting on 11/01/2023 and also received unanimous consent by the HDC, an advisory group to DHHS, at its meeting on 11/21/2023.

4. Summary of the new rule or change:

This filing transfers authority for rule adoption from HDC to DHHS, updates the statutory reference for this authority, and updates material incorporated by reference to clarify technical requirements expected for compliance and codify effective dates for the APCD (Version 4.1 and Version 4.2) DSG.

Fiscal Information

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

A) State budget:

This rule filing updates the versions of documents incorporated by reference and will not create any cost or savings impact to the state budget, as the change will not increase or decrease the state's workload and can be carried out with the existing budget.

Based on an internal review, the DHHS has determined that the transfer of authority for rule adoption from HDC to DHHS will not introduce a cost or savings.

B) Local governments:

This rule filing has no fiscal impact on local governments, as they are neither directly nor indirectly affected by this rule and this rule does not require services from local governments.

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

This rule filing has no fiscal impact to small businesses, as any business that would potentially be impacted has more than 50 employees. As a result, this rule will have no effect on small business costs or savings.

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

As a result of this rule filing, some data suppliers will need to program changes to their system in order to comply with the updated guidelines.

According to agency research with APCD data carriers, some suppliers may incur a cost, while others report \$0 as an estimate for compliance.

Based on the nature of the changes and discussions with current submitters to the Utah APCD, the DHHS estimates a compliance cost of \$1,610.56 (\$100.66 per hour x 16 hours) per carrier to comply with proposed APCD DSG 4.2.

DHHS anticipates that some APCD carriers will need to make programming changes to implement the additional flexibility and clarifications required by this rule filing.

By agreement with the APCD data suppliers, changes to the APCD DSG are limited to once per calendar year, so the APCD suppliers ordinarily anticipate changes such as this as part of their normal business process in preparation for next year. The fiscal burden of these changes is consistent with that understanding.

Based on the estimated compliance cost and the current APCD submission roster, DHHS estimates a one-time industry cost of \$67,643.52 (42 active carriers x \$1,610.56) to comply with the proposed incorporation by reference of APCD DSG 4.2.

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 any independent fiscal impact on revenues or expenditures for persons other than small businesses, non-small businesses, state, or local government entities.

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

As there are no other affected persons, there are no other estimated compliance costs. The only anticipated compliance cost is \$1,610.56 for each carrier, specified in Box 5D above.

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	\$67,643.52	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$67,643.52	\$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	(\$67,643.52)	\$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 S. 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-8-501.1		
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	Utah All-Payer Claims Database Data Submission Guide
Publisher	Department of Health and Human Services, Health Information and Analysis Programs
Issue Date	03/01/24
Issue or Version	4.2

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

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

Public Notice Information

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

A) Comments will be accepted until:	07/01/2024
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9. This rule change MAY become effective on:	07/08/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	05/14/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R436-13	Filing ID: 56509

Agency Information

1. Department:	Health and Human Services
Agency:	Data, Systems and Evaluation, Vital Records and Statistics
Room number:	140
Building:	Cannon Health
Street address:	288 N 1460 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 141012
City, state and zip:	Salt Lake City, UT 84114-1012

Contact persons:

Name:	Phone:	Email:
Linda S. Winger	801-538-6262	Lindaw@utah.gov

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

General Information

2. Rule or section catchline:
R436-13. Disclosure of Records

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

Following the recodification of the Department of Health and Human Services' (Department) statute in the 2023 General Session, the agency is amending this rule to update citations and add penalties for the violation of this rule.

4. Summary of the new rule or change:

This proposed rule changes the citation to match the new numbering of the Department's statute in the 2023 General Session.

Additionally, this amendment adds information on the penalty for issuing copies of all or part of a record where

there is not a direct, tangible, and legitimate interest This penalty was previously located in Rule R436-16.

Additionally, the proposed rule makes style and formatting changes in compliance with the Rulewriting Manual for Utah.

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 change does not alter existing practices for the state and adds penalty information directly into this rule that was previously included in Rule R436-16.

B) Local governments:

There is no anticipated cost or savings to local governments, as this change does not alter existing practices and adds penalty information directly into this rule that was previously included in Rule R436-16.

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

This rule change is not expected to have a fiscal impact on small businesses, as small businesses do not issue copies of vital records.

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

This rule change is not expected to have a fiscal impact on non-small businesses, as non-small businesses do not issue copies of vital records.

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 other persons, as this change does not alter existing practices and adds penalty information directly into this rule that was previously included in Rule R436-16.

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 anticipated compliance costs for affected persons, as this change does not alter existing practices and adds penalty information directly into this rule that was previously included in Rule R436-16.

Any fiscal penalties for violation of this rule have been in practice previous to 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 Executive Director of the Department of Health and Human Services, Tracy S. 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-8-125 | Section 26B-1-224 |

Public Notice Information

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

A) Comments will be accepted until:	07/01/2024
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9. This rule change MAY become effective on:	07/08/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	05/14/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R657-5	Filing ID: 56506

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 84114-6301	
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:
R657-5. Taking Big Game
3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking Big Game.
4. Summary of the new rule or change:

The proposed amendments to this rule:

- 1) adds definitions for "commercial antler buyer", "shed antler" and "shed horn";
- 2) requires certificate of registrations for commercial antler buyers;
- 3) clarifies the legality of antler markets, including commercial dog chews, jewelry, antler crafts, etc.;
- 4) changes "unlawful to use" to "unlawful to possess" night vision devices from July 31 to December 31 while taking or locating big game;
- 5) removes the requirement for taking off and landing on only improved airstrips;
- 6) removes the requirement to plug bighorn sheep;
- 7) removes the requirement to physically check in a management buck or cactus buck deer; and
- 8) technical corrections as needed.

Fiscal Information

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

A) State budget:

With this rule amendment, approximately 50 to 100 commercial antler buyers will be required to purchase a Certificate of Registration (COR), the administrative costs to process the COR's can be completed with the increased budget due to the annual COR fee of \$150 per COR obtained, therefore, DWR believes that these amendments can be enacted without a cost or savings impact to the state budget or DWR's budget.

B) Local governments:

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

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

The proposed rule amendments will directly impact small businesses that operate in the antler buying business.

DWR estimates that there are approximately 50 to 100 licensed antler businesses that would be required to purchase a COR to collect and sell antlers in Utah. The cost of the COR is \$150 annually.

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

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

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation,

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

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in the hunting of big game in Utah, because the amendments remove current restrictions that can be implemented without a cost.

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

The DWR has determined that this amendment will create additional costs for those participating in the commercial buying and selling of shed antlers, as they will be required to purchase a COR annually to continue the practice. The annual cost is \$150.

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	\$7,500 - \$15,000	\$7,500 - \$15,000	\$7,500 - \$15,000
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$7,500 - \$15,000	\$7,500 - \$15,000.00	\$7,500 - \$15,000
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$7,500 - \$15,000	\$7,500 - \$15,000	\$7,500 - \$15,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$7,500 - \$15,000	\$7,500 - \$15,000	\$7,500 - \$15,000
Net Fiscal Benefits	\$0	\$0	\$0

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will result in a measurable fiscal impact to businesses. The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 23A-2-304	Section 23A-2-305	
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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:	07/01/2024
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9. This rule change MAY become effective on:	07/08/2024
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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:	J. Shirley, Division Director	Date:	05/13/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R746-409	Filing ID: 56505

Agency Information

1. Department:	Public Service Commission
Agency:	Administration
Building:	Heber M. Wells Building
Street address:	160 E 300 S, 4th Floor
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 4558
City, state and zip:	Salt Lake City, UT 84114-4558

Contact persons:		
Name:	Phone:	Email:
John Delaney	801-530-6724	jdelaney@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R746-409. Pipeline Safety

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

Rule R746-409 of the Public Service Commission (PSC) Administrative Procedures Act Rules incorporates by reference provisions of the Code of Federal Regulations (CFR) pertaining to pipeline safety.

The federal guidelines for states participating in the Federal Pipeline Safety Grant program have changed since 09/01/2021. As a participant, the state of Utah must, therefore, update this rule to adopt amendments that have been added to the federal regulations after the date currently shown in this state rule.

This rule amendment also makes nonsubstantive changes to the entire rule text for adherence to the Rulewriting Manual for Utah standards.

4. Summary of the new rule or change:

Amendments have been added to Parts 190, 191, and 192 of the Code of Federal Regulations since September 1, 2021.

Part 190 -- Administrative Rulemaking -- Criminal Referrals. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is incorporating within its regulations language noting its employees' ability to refer actual or possible criminal activity in connection with PHMSA's jurisdictional statutes directly to the DOT Office of Inspector General. This subpart is applicable to PHMSA employees.

Part 191 -- Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments. PHMSA is revising the Federal Pipeline Safety Regulations to improve the safety of onshore gas gathering pipelines. This final rule addresses Congressional mandates, Government Accountability Office recommendations, and public input received as part of the rulemaking process. The amendments in this final rule extend reporting requirements to all gas gathering operators and apply a set of minimum safety requirements to certain gas gathering pipelines with large diameters and high operating pressures.

The rule does not affect offshore gas gathering pipelines.

Parts 191 and 192 -- Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments: Response to a Petition for Reconsideration; Technical Corrections; Issuance of Limited Enforcement Discretion. PHMSA is alerting the public to its 04/01/2022 response denying a petition for reconsideration of the final rule titled "Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments."

This final rule also makes clarifications and two technical corrections to that rulemaking.

Lastly, this final rule memorializes a limited enforcement discretion in connection with that rulemaking's amendment of the regulatory definition of "incidental gathering."

Part 191 - Technical corrections. PHMSA is issuing corrections of certain changes to incident and annual reporting requirements for offshore gathering pipelines in its 11/15/2021 final rule titled "Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments."

Part 192 - Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards. PHMSA is revising the Federal Pipeline Safety Regulations applicable to most newly constructed and entirely replaced onshore gas transmission, Type A gas gathering, and hazardous liquid pipelines with diameters of 6 inches or greater.

In the revised regulations, PHMSA requires operators of these lines to install rupture-mitigation valves (i.e., remote control or automatic shut-off valves) or alternative equivalent technologies, and establishes minimum performance standards for those valves' operation to prevent or mitigate the public safety and environmental consequences of pipeline ruptures.

This final rule establishes requirements for rupture-mitigation valve spacing, maintenance and inspection, and risk analysis. The final rule also requires operators of gas and hazardous liquid pipelines to contact 9-1-1 emergency call centers immediately upon notification of a potential rupture and conduct post-rupture investigations and reviews.

Operators must also incorporate lessons learned from such investigations and reviews into operators' personnel training and qualifications programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications.

PHMSA is promulgating these regulations in response to congressional directives following major pipeline incidents where there were significant environmental consequences or losses of human life. The revisions are intended to achieve better rupture identification, response, and mitigation of safety, greenhouse gas, and environmental justice impacts.

Part 192 - Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments and Correction to Definition. PHMSA is revising the Federal Pipeline Safety Regulations to improve the safety of onshore gas transmission pipelines.

This final rule addresses several lessons learned following the Pacific Gas and Electric Company incident that occurred in San Bruno, CA, on 09/09/2010, and responds to public input received as part of the rulemaking process. The amendments in this final rule clarify certain integrity management provisions, codify a management of change process, update and bolster gas transmission pipeline corrosion 5 Federal Register / Vol. 87, No. 68 / Friday, April 8, 2022 / Rules and Regulations 20940 DPU Memorandum 6 control requirements, require operators to inspect pipelines following extreme weather events, strengthen integrity management assessment requirements, adjust the repair criteria for high consequence areas, create new repair criteria for non-high consequence areas, and revise or create specific definitions related to the above amendments.

Part 192 - Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments: Technical Corrections; Response to Petitions for Reconsideration. PHMSA is making necessary technical corrections to ensure consistency within, and the intended effect of, a recently issued final rule titled "Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments." PHMSA also alerts the public to its 11/18/2022, and 04/19/2023, responses to petitions for reconsideration of this final rule.

Part 192 - Correcting Amendments: Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards: Technical Corrections. PHMSA is issuing editorial and technical corrections clarifying the regulations promulgated in its 04/08/2022, final rule titled "Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards" for certain gas, hazardous liquid, and carbon dioxide pipelines.

The final rule also codifies the results of judicial review of that final rule.

Fiscal Information

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

A) State budget:

\$0. It should not affect the state budget because operators will continue to remain compliant with the federal and state pipeline safety rules without incurring any more than negligible cost increases, if any.

The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule.

B) Local governments:

\$0. It should not affect local governments because operators will continue to remain compliant with the federal and state pipeline safety rules without incurring any more than negligible cost increases, if any.

The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule.

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

\$0. It should not affect small businesses because operators will continue to remain compliant with the federal and state pipeline safety rules without incurring any more than negligible cost increases, if any.

The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule.

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

\$0. It should not affect non-small businesses because operators will continue to remain compliant with the federal and state pipeline safety rules without incurring any more than negligible cost increases, if any.

The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state 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**):

\$0. Businesses that perform work subject to the federal safety regulations may incur costs to comply under the existing rule, which is already incorporated by reference pursuant to Section 54-13-3. However, the amendments

to the rule since 09/01/2021 are not anticipated to add any more than negligible cost increases, if any. Therefore, the amendment should have no fiscal impact.

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

\$0. Businesses that perform work subject to the federal safety regulations may incur costs to comply under the existing rule, which is already incorporated by reference pursuant to Section 54-13-3. However, the amendments to the rule since 09/01/2021 are not anticipated to add to any costs. Therefore, the amendment should have no fiscal impact.

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 PSC Chair, Jerry D. Fenn, and Commissioners, David R. Clark and John S. Harvey, Ph.D., have reviewed and approved this regulatory impact analysis.

The amendments to Section R746-409-1 since 09/01/2021 are not anticipated to add any more than negligible cost increases, if any. Therefore, the amendment should have no fiscal impact.

Citation Information

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

Section 54-13-3	Section 54-13-5	Section 54-13-6
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	Code of Federal Regulations, Title 49
Publisher	Office of the Federal Register
Issue Date	2023

Public Notice Information

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

A) Comments will be accepted until: 07/01/2024

9. This rule change MAY become effective on: 07/08/2024

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:	Jerry D. Fenn, PSC Chair	Date:	05/10/2024
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R784-1	Filing ID:	56527
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Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Salt Lake Community College	
Building:	AAb	
Street address:	4600 S Redwood Road	
City, state and zip:	Taylorsville, UT 84123	
Mailing address:	PO Box 30808	
City, state and zip:	Salt Lake City, UT 84130	
Contact persons:		
Name:	Phone:	Email:
Jen Hughes	801-957-4637	Jen.Hughes@slcc.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R784-1. Government Records Access and Management Act Rules
3. Purpose of the new rule or reason for the change:
Subsection references, contact information, and references to forms required for Government Records Access and Management Act (GRAMA) requests are incorrect.
4. Summary of the new rule or change:
These substantive changes remove outdated contact information and include accurate contact information. References to the use of required forms have been removed to reflect current practices.

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 and will have no impact on how the Higher Education (Utah Board of) (Department) 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.
This rule change only clarifies pre-existing requirements.
C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change does not introduce any new costs to small businesses.

It confirms the pre-existing Salt Lake Community College fee schedule for direct and indirect costs of duplicating or compiling a record.

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

The proposed rule changes do not introduce any new costs to non-small businesses, nor will a service be required of them to implement the amendments.

The rule changes only clarify pre-existing requirements.

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 amendment does not introduce any new costs to other persons.

It confirms the pre-existing Salt Lake Community College fee schedule for direct and indirect costs of duplicating or compiling a record.

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.

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 President of the Salt Lake Community College, Deneece Huftalin, 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 63G-2-204	Section 63G-12-104	
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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: 07/01/2024

9. This rule change MAY become effective on: 07/08/2024

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:	Chris Lacombe, General Counsel	Date:	05/15/2024
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End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

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

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends July 01, 2024.

From the end of the 30-day waiting period through September 30, 2024, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Rule or Section Number:	R392-304	Filing ID: 56273
Date of Previous Publication:	02/01/2024	

Agency Information

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

General Information

2. Rule or section catchline:
R392-304. Artificial Swimming Lagoons
3. Reason for this change:
As described in Box 4 below, the Department of Health and Human Services (Department) has amended some of the proposed revisions in response to public comments received.
This proposed rule represents a consensus approach of Utah public health agencies and reflects a reasonable balance between safety and risk, and the availability of public resources.
Artificial swimming lagoons are new to Utah. As such, this proposed change in proposed rule (CPR) uses performance-based provisions rather than prescriptive measures that are typically outlined in other Utah rules promulgated under Title R392.

In addition, the Department recognizes that further development, revision, or amendment of this rule may be warranted in the future as the Department continues to monitor the health and safety considerations of these facilities and adapt to emerging information, and design and technological innovation.

4. Summary of this change:

The Department has made the following amendments in response to public comments received:

Surf lagoons were added to the list of water bodies to which this rule does not apply. Definitions for surf lagoon and surfer were also added for clarification.

Subsection R392-304-5(1)(e) was clarified to describe requirements for adequate fencing and barriers, showers, hand sinks, toilets, and dressing areas.

Section R392-304-10 was amended to describe the requirements of the provision instead of referring to the current pool rule.

Section R392-304-16 was revised to state that a circulation system is not required, but if a circulation system is used to meet water quality standards, then it must meet the requirements of this rule.

Section R392-304-17 was revised to state that a filtration system is not required, but if a filtration system is used to meet water quality standards, then it must meet the requirements of this rule.

Subsection R392-304-20(1)(b) was clarified to include specific requirements of the Plumbing Code, which were added to Table 3. This subsection also clarifies how the minimum number of toilets, handwash sinks, and drinking fountains are calculated.

Finally, the provision prohibiting food within 10 feet of the water's edge was removed.

(EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the February 1, 2024, issue of the Utah State Bulletin, on page 32. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

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

<p>A) State budget:</p> <p>This CPR filing is not anticipated to have any cost or savings.</p> <p>Requirements for state government introduced in the original filing of the new rule have not changed, as this filing clarifies existing definitions and updates language for accessibility. As such this filing is not expected to have any fiscal impact on state government.</p>
<p>B) Local government:</p> <p>There is no anticipated cost or savings as a result of this filing.</p> <p>Any requirements for local governments introduced in the original filing of the new rule have not changed, as this filing clarifies existing definitions and updates language for accessibility. As such this rule is not expected to have any impact on local governments.</p>
<p>C) Small businesses ("small business" means a business employing 1-49 persons):</p> <p>This rule is not expected to have any impact on small businesses because there is only one applicable business currently operating, and it is considered a non-small business.</p>
<p>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</p> <p>There is no anticipated cost or savings as a result of this change in proposed rule filing.</p> <p>As stated in the original filing, the single Artificial Swimming Lagoon facility currently operating in Utah meets the definition of a non-small business. Though neither filing requires a permit, a regulating agency may opt to require a permit at a future date.</p> <p>There may be costs associated with operating permit fees, though the exact cost is inestimable due to a lack of data, but it is unlikely to be higher than \$2,500 annually. This estimate was reflected in the original filing's regulatory impact table.</p>
<p>E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):</p> <p>There is no anticipated cost or savings because the proposed changes do not affect existing operations for other persons.</p>

<p>F) Compliance costs for affected persons:</p> <p>There are no compliance costs, as this filing does not affect other persons.</p>																																																												
<p>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.)</p>																																																												
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<p>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</p> <p>The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.</p>																																																												

Citation Information

<p>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:</p>			
<table border="1"> <tr> <td>Section 26B-1-202</td> <td>Section 26B-7-402</td> <td></td> </tr> </table>	Section 26B-1-202	Section 26B-7-402	
Section 26B-1-202	Section 26B-7-402		

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)	NFPA 70, National Electrical Code
Publisher	National Fire Protection Association
Issue Date	2017

B) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	NSF/ANSI 61 - 2016: Drinking Water System Components - Health Effects
Publisher	NSF International
Issue Date	January 05, 2016
Issue or Version	2016

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	07/01/2024

9. This rule change MAY become effective on:	07/08/2024
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:	05/15/2024
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End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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:	R251-716	Filing ID: 56500
Effective Date:	05/09/2024	

Agency Information

1. Department:	Corrections	
Agency:	Administration	
Street address:	14727 Minuteman Drive	
City, state and zip:	Draper, UT 84020	
Contact persons:		
Name:	Phone:	Email:
Steve Gehrke	385-237-8040	sgehrke@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R251-716. Undercover Roles of Offenders

3. Purpose of the new rule or reason for the change:
The Department of Corrections (Department) did not file a five-year review on Rule R251-103 before the rule expired.
The Department is filing this emergency rule until a permanent rule can be made effective.
4. Summary of the new rule or change:
This rule regulates the capacities in which a justice involved individual (offender) can be used in undercover roles. It outlines who receives and authorizes requests to use offenders in undercover roles.
The text is similar to the previous Rule R251-103.
5A) The agency finds that regular rulemaking would:
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:
Rule R251-301 expired after a five-year review was not completed.

The Department needs this rule to remain in effect to prevent an imminent peril to public health, safety, or welfare. If this rule does not define who reviews and approves the undercover roles of offenders, offenders could be extorted into aiding agencies without personal protection.

Fiscal Information

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

A) State budget:

There is no anticipated cost or savings change to the state budget, as this rule provides guidelines to the individual responsible for receiving and authorizing applications for offenders to be used in undercover roles. This rule will not have a fiscal impact.

B) Local governments:

There is no anticipated cost or savings change to the local governments, as this rule does not apply to this group.

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

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

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

There is no anticipated cost or savings change to other persons, as this rule does not apply to this group.

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

There are no compliance costs for affected persons, as this does not apply to this group and this rule has no fiscal impact regardless.

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):

The Executive Director of the Department of Corrections, Brian Redd, has stated there to be no fiscal impact to businesses as a result of this rule.

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 63G-3-201	Subsection 64-13-6(1)(h)	Section 64-13-10
Section 64-13-14		

Agency Authorization Information

Agency head or designee and title:	Brian Redd, Executive Director	Date:	07/19/2023
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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:	R64-1	Filing ID: 55524
Effective Date:	05/14/2024	

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:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Kelly Pehrson	801-982-2200	Kwpehrson@utah.gov
Jim Bowcutt	435-232-4017	Jdbowcutt@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R64-1. Agricultural Resource Development Loans (ARDL)
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3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 4-18-105(2)(e) grants the Department of Agriculture and Food (Department) the authority to adopt rules regarding the powers and duties of the Conservation Commission, as described in Subsection 4-18-105(1).

Section 4-18-106 establishes the Agriculture Resource Development Fund, which finances loans for various projects aimed at protecting, conserving, utilizing, and developing the state's soil, water, and air resources. It also promotes the protection, integrity, and restoration of land for agricultural and other beneficial purposes.

This rule outlines the administration of the ARDL program, requirements for emergency loans, and the process to follow in the event of a temporary water shortage, as specified in Title 73, Chapter 3d, Water Preferences During Emergencies.

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 any supporting or opposing public comments regarding this rule over the last five years.

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

This program is as important today as it was 50 years ago. By adhering to this rule, the Department can continue to facilitate the necessary loans, enabling producers to undertake projects that comply with the criteria outlined in Sections 4-18-105 and 4-18-106. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Craig W. Buttars, Commissioner	Date:	05/14/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-115	Filing ID:	55245
Effective Date:	05/10/2024		

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 catchline:
R277-115. LEA Supervision and Monitoring Requirements of Third Party Providers and Contracts
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Subsection 53E-3-401(4) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Subsection 53E-3-401(10) allows the Board to direct a Local Education Agency (LEA) to require in a contract with a third party provider that the third party provider shall provide, upon request of the LEA, information necessary for the LEA to verify that the educational good or service complies with Titles 53E, 53F, 53G, and Board rule.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no public comments received.

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

This rule is necessary because it provides standards for an LEA working with a third party provider to ensure the third party provider complies with applicable law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	05/10/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-480	Filing ID:	50441
Effective Date:	05/10/2024		

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 catchline:
R277-480. Charter School Revolving Account
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 pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board.
Subsection 53E-3-401(4) allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law.

Subsection 53F-9-203(2)(b) requires the Board to administer the Charter School Revolving Account.

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

There were no public comments received.

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

This rule is necessary because it establishes procedures for administering the Charter School Revolving Account, determines membership of the Charter School Revolving Account Committee, and determines loan amounts and loan repayment conditions. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	05/10/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-487	Filing ID:	53398
Effective Date:	05/10/2024		

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 catchline:
R277-487. Public School Data Confidentiality and Disclosure.

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 pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board.

Subsection 53E-3-401(4) allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law.

Subsection 53E-9-302(1) directs that the Board may make rules to establish student data protection standards for public education employees, student aides, and volunteers.

Subsection 53G-11-511(4) directs that the Board may make rules to ensure the privacy and protection of individual evaluation data.

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

There were no public comments received.

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

This rule is necessary because it provides for appropriate review and disclosure of student performance data on state administered assessments to professional education staff and parents of students, ensuring the privacy of student performance data and personally identifiable student data, and providing for appropriate protection and maintenance of educator licensing data. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	05/10/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R434-40	Filing ID:	55910
Effective Date:	05/06/2024		

Agency Information

1. Department:	Health and Human Services
Agency:	Clinical Services, Primary Care and Rural Health
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W

City, state and zip:	Salt Lake City, UT 84119	
Contact persons:		
Name:	Phone:	Email:
Marc Watterson	801-647-1490	marcwatterson@utah.gov
Anna West	801-231-3044	awest@utah.gov
Rachel Devine	801-230-6570	rdevine@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R434-40. Utah Health Care Workforce Financial Assistance 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 26B-4-702 requires the Department of Agriculture and Food (Department) to make rules governing administration of the Health Care Workforce Financial Assistance Program that address application procedures, eligibility criteria, selection criteria, service conditions including service in an underserved area, penalties for failure to comply, criteria for modifying or waiving services conditions or penalties due to extreme hardship or other causes.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments in support or opposition received since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it meets the requirements of its authorizing statute, funding for the program allocated by the Legislature is ongoing, and this rule has facilitated a well-administered program that meets the statutory purposes of Section 26B-4-702, providing professional education scholarships and loan repayment assistance to healthcare professionals who locate or continue to practice in underserved areas. Therefore, this rule should be continued.
There have been no comments in opposition to this rule.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	05/06/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-19	Filing ID:	55915
Effective Date:	05/06/2024		

Agency Information

1. Department:	Health and Human Services	
Agency:	Data, Systems and Evaluation, Vital Records and Statistics	
Room number:	140	
Building:	Cannon Health	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone: Email:	
Linda S. Winger	801-538-6262	lindaw@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R436-19. Abortion Reporting
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 76-7-313 requires the Department of Health and Human Services (Department) to collect information from physicians who perform abortions to maintain statistical information and ensure enforcement of the law regarding abortions.
Subsection 76-7-313(1)(b) gives the Department rulemaking authority pertaining to abortion reporting.
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:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

There have been no comments in support or opposition received since the last five-year review of this rule.

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

This rule is necessary as statute remains in effect that requires abortion reporting.

This rule sets both the requirement for physicians to report, as well as a penalty if a report is not filed within 30 days of

when the abortion procedure was performed. Therefore, this rule should be continued.

There have been no comments in opposition to this rule.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	05/06/2024
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR EXPIRATIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

NOTICE OF EXPIRED RULE		
Rule Number:	R357-7	Filing ID: 53985
Effective Date:	05/23/2024	

Agency Information

1. Department:	Governor	
Agency:	Economic Opportunity	
Street address:	60 E S Temple St, Suite 300	
City, state, and zip:	Salt Lake City. UT 84111	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R357-7. Utah Capital Investment Board
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline.
This rule has expired and will be removed from the Utah Administrative Code.

End of the Notices of Notices of Five-Year Expirations 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

Medical Cannabis and Industrial Hemp

No. 56340 (New Rule) R66-1: Cannabis Cultivation
Published: 04/01/2024
Effective: 05/13/2024

No. 56365 (New Rule) R66-2: Cannabis Processing
Published: 04/01/2024
Effective: 05/13/2024

No. 56367 (New Rule) R66-3: Quality Assurance Testing on Cannabis
Published: 04/15/2024
Effective: 05/28/2024

No. 56342 (New Rule) R66-5: Medical Cannabis Pharmacy
Published: 04/01/2024
Effective: 05/13/2024

No. 56344 (New Rule) R66-6: Home Delivery and Courier
Published: 04/01/2024
Effective: 05/13/2024

No. 56346 (New Rule) R66-7: Educational Event and Educational Material Rules
Published: 04/01/2024
Effective: 05/13/2024

No. 56348 (New Rule) R66-8: Academic Medical Cannabis Research
Published: 04/01/2024
Effective: 05/13/2024

No. 56350 (New Rule) R66-9: Cannabis Licensing Process
Published: 04/01/2024
Effective: 05/13/2024

No. 56352 (New Rule) R66-30: Industrial Hemp Program - Cannabinoid Product Processors
Published: 04/01/2024
Effective: 05/13/2024

No. 56354 (New Rule) R66-31: Industrial Hemp Cannabinoid Product Testing
Published: 04/01/2024
Effective: 05/13/2024

No. 56356 (New Rule) R66-32: Industrial Hemp Testing Laboratory
Published: 04/01/2024
Effective: 05/13/2024

No. 56358 (New Rule) R66-33: Industrial Hemp Producer Registration
Published: 04/01/2024
Effective: 05/13/2024

No. 56360 (New Rule) R66-34: Industrial Hemp Retailer Permit
Published: 04/01/2024
Effective: 05/13/2024

No. 56362 (New Rule) R66-35: Cannabinoid Product Registration and Labeling
Published: 04/01/2024
Effective: 05/13/2024

Plant Industry

No. 56351 (Repeal) R68-25: Industrial Hemp Program - Cannabinoid Product Processors
Published: 04/01/2024
Effective: 05/13/2024

No. 56361 (Repeal) R68-26: Cannabinoid Product Registration and Labeling
Published: 04/01/2024
Effective: 05/13/2024

No. 56339 (Repeal) R68-27: Cannabis Cultivation
 Published: 04/01/2024
 Effective: 05/13/2024

No. 56364 (Repeal) R68-28: Cannabis Processing
 Published: 04/01/2024
 Effective: 05/13/2024

No. 56366 (Repeal) R68-29: Quality Assurance Testing on Cannabis
 Published: 04/15/2024
 Effective: 05/28/2024

No. 56334 (Amendment) R68-30: Independent Cannabis Testing Laboratory
 Published: 03/15/2024
 Effective: 05/06/2024

No. 56359 (Repeal) R68-33: Industrial Hemp Retailer Permit
 Published: 04/01/2024
 Effective: 05/13/2024

No. 56345 (Repeal) R68-34: Educational Event and Educational Material Rules
 Published: 04/01/2024
 Effective: 05/13/2024

No. 56347 (Repeal) R68-35: Academic Medical Cannabis Research
 Published: 04/01/2024
 Effective: 05/13/2024

No. 56368 (Repeal) R68-36: Industrial Hemp Testing Laboratory
 Published: 04/01/2024
 Effective: 05/13/2024

No. 56353 (Repeal) R68-37: Industrial Hemp Cannabinoid Product Testing
 Published: 04/01/2024
 Effective: 05/13/2024

No. 56349 (Repeal) R68-38: Cannabis Licensing Process
 Published: 04/01/2024
 Effective: 05/13/2024

No. 56357 (Repeal) R68-39: Industrial Hemp Producer Registration
 Published: 04/01/2024
 Effective: 05/13/2024

No. 56341 (Repeal) R68-40: Medical Cannabis Pharmacy
 Published: 04/01/2024
 Effective: 05/13/2024

No. 56343 (Repeal) R68-41: Home Delivery and Courier
 Published: 04/01/2024
 Effective: 05/13/2024

Auditor

Administration

No. 56331 (Amendment) R123-6: Allocation of Money in the Property Tax Valuation Agency Fund
 Published: 03/15/2024
 Effective: 05/03/2024

Education

Administration

No. 56385 (Amendment) R277-302: Educator Licensing Renewal
 Published: 04/01/2024
 Effective: 05/08/2024

No. 56386 (Amendment) R277-305: School Leadership License Areas of Concentration and Programs
 Published: 04/01/2024
 Effective: 05/08/2024

No. 56387 (Amendment) R277-310: International Guest Teachers
 Published: 04/01/2024
 Effective: 05/08/2024

No. 56388 (Amendment) R277-472: Charter School Student Enrollment and Transfers and School District Capacity Information
 Published: 04/01/2024
 Effective: 05/08/2024

Health and Human Services

Administration

No. 56036 (Amendment) R380-70: Standards for Electronic Exchange of Clinical Health Information
 Published: 11/15/2023
 Effective: 05/08/2024

No. 56036 (Change in Proposed Rule) R380-70: Standards for Electronic Exchange of Clinical Health Information
 Published: 04/01/2024
 Effective: 05/08/2024

Population Health, Environmental Epidemiology
 No. 56384 (Amendment) R386-702: Communicable Disease Rule
 Published: 04/01/2024
 Effective: 05/29/2024

Population Health, Environmental Health
 No. 56391 (Repeal and Reenact) R392-100: Food Service Sanitation
 Published: 04/01/2024
 Effective: 05/08/2024

Judicial Performance Evaluation Commission

Administration

No. 56378 (New Rule) R597-6: Judicial Performance Evaluations
 Published: 04/01/2024
 Effective: 05/14/2024

NOTICES OF RULE EFFECTIVE DATES

Labor Commission

Boiler, Elevator and Coal Mine Safety
No. 56396 (Amendment) R616-2: Safety Codes and Rules
for Boilers and Pressure Vessels
Published: 04/15/2024
Effective: 05/22/2024

Natural Resources

Water Resources
No. 56338 (New Rule) R653-14: Capital Asset
Management Plans
Published: 04/01/2024
Effective: 05/09/2024

End of the Notices of Rule Effective Dates Section