

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

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Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.utah.gov/>

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Division of Administrative Rules, Salt Lake City 84114

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SPECIAL NOTICES

Governor's Executive Order 2006-0009: Wildland Fire Management

EXECUTIVE ORDER

Wildland Fire Management

WHEREAS, the danger from wildland fires is extremely high throughout the State of Utah;

WHEREAS, numerous wildland fires are burning and continue to burn in various areas statewide and present a serious threat to public safety, property, natural resources and the environment;

WHEREAS, some of the areas are extremely remote and inaccessible and the situation has the potential to greatly worsen if left unattended;

WHEREAS, immediate action is required to suppress the fires and mitigate post-burn flash floods to protect public safety, property, natural resources and the environment; and,

WHEREAS, these conditions do create a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981;

NOW, THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah, by virtue of the power vested in me by the Constitution and the laws of the State of Utah do hereby order that:

It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of October 10, 2006, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, this 10th day of October 2006.

(State Seal)

Jon M. Huntsman, Jr.
Governor

ATTEST:

Gary R. Herbert
Lieutenant Governor

2006/0009

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between October 3, 2006, 12:00 a.m., and October 16, 2006, 11:59 p.m. are included in this, the November 1, 2006, issue of the *Utah State Bulletin*.

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.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least December 1, 2006. The agency may accept comment beyond this date and will list 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 to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through March 1, 2007, the agency may notify the Division 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 Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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 63-46a-4; and Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Commerce, Consumer Protection
R152-39
 Child Protection Registry Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 29109

FILED: 10/06/2006, 13:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to reflect changes made to the Child Protection Registry Act as a result of H.B. 417, passed by the Utah State Legislature during the 2006 General Session. Additionally, the rule is amended to establish the procedures called for in Subsection 13-39-202(4) and Subsection 13-39-203(3)(a). (DAR NOTE: H.B. 417 (2006) is found at Chapter 336, Laws of Utah 2006, and was effective 05/01/2006.)

SUMMARY OF THE RULE OR CHANGE: The proposed amendment makes changes to the rule to reflect changes made to the Child Protection Registry Act by H.B. 417. The proposed amendment establishes the procedure for a marketer to utilize the provisions of Subsection 13-39-202(4). The proposed amendment also establishes the procedures for senders to qualify for the discounted fee set out in Subsection 13-39-203(3)(a).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 13-39-203

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. Existing funds will be used.
- ❖ LOCAL GOVERNMENTS: The proposed amendments do not apply to local governments; therefore, no costs or savings are anticipated.
- ❖ OTHER PERSONS: The only persons affected by the proposed amendment would be those persons who wish to utilize the provisions of Subsections 13-39-202(4) and 13-39-203(3)(a). Those persons will incur certain costs if they wish to utilize those provisions. Those persons will also derive certain savings if they qualify for the discounted fee offered in Subsection 13-39-203(3)(a).

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no increased costs for compliance unless those affected persons wish to utilize the provisions of Subsections 13-39-202(4) and 13-39-203(3)(a).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact to business is anticipated as a result of this rule filing beyond those previously addressed in the Legislature's passage of H.B. 417. Francine A. Giani, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

COMMERCE

CONSUMER PROTECTION
 HEBER M WELLS BLDG
 160 E 300 S
 SALT LAKE CITY UT 84111-2316, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Thomas Copeland at the above address, by phone at 801-530-6601, by FAX at 801-530-6001, or by Internet E-mail at tcopeland@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: Kevin V Olsen, Director

R152. Commerce, Consumer Protection.

R152-39. Child Protection Registry Rules.

R152-39-3. Information Required to Register.

(1) A person desiring to register ~~[an email address]~~ a contact point with the registry shall provide the following information to the provider:

- (a) the ~~[email address]~~ contact point the person desires to register;
- (b) an affirmation that:
 - (i) the contact point belongs to a minor;
 - (ii) a minor has access to the [email address] contact point; or
 - (iii) the contact point is used in a household in which a minor is present;

(c) an affirmation that the minor ~~[who has access to the email address]~~ referenced in R152-39-3(1)(b) is a Utah resident; and

(d) an affirmation that the person registering the ~~[email address]~~ contact point is:

- (i) the minor referenced in R152-39-3(1)(b); or
- (ii) a parent or guardian of the minor [who has access to the email address] referenced in R152-39-3(1)(b).

(2) ~~[An email address]~~ A contact point may not become a part of the registry until the provider sends a message to the contact point informing the user of the contact point:

(a) ~~[the provider sends an email to the email address]~~ the contact point has been registered; and

(b) ~~[the provider receives a response from the email described in R152-39-3(2)(a) verifying the person's intention to register the email address]~~ the process for removing the contact point from the registry.

(3) A school or institution desiring to register a domain name shall provide verification to the provider that:

- (a) the school or institution primarily serves minors; and
- (b) the school or institution owns the domain name being registered.

R152-39-4. Information Required to Verify Compliance.

A marketer desiring to verify compliance with the registry shall provide the following information to the provider before the provider compares the marketer's ~~[email]~~ contact point list against the registry:

- (1) the name, address, and telephone number of the marketer;
- (2) the specific legal nature and corporate status of the marketer;

(3) the name, address, and telephone number of a natural person who consents to service of process for the marketer; and

(4) an affirmation that the person described in R152-39-4(3) understands that improper use of information obtained from the registry is a second degree felony.

R152-39-5. Compliance.

(1) After a marketer has complied with R152-39-4 and paid the fee established by the Division under Section 13-39-201(4)(b), the marketer may ~~submit~~ check the marketer's ~~email~~ contact point list ~~to~~ with the provider according to the privacy and security measures implemented by the provider.

(2) After a marketer has complied with R152-39-5(1) and paid the fee established by the Division under Section 13-39-201(4)(b), the provider shall, according to the privacy and security measures implemented by the provider, ~~inform~~ remove from the marketer's list of ~~the email addresses from the marketer's email list~~ contact points any contact points that are contained ~~in~~ on the registry.

(3)(a) A marketer who desires to utilize the provisions of Subsection 13-39-202(4) shall:

(i) provide the Division with a detailed description of the methods the marketer intends to use to verify compliance with Subsection 13-39-202(4); and

(ii) agree to provide to the Division, at any time upon request by the Division, copies of all documentation relating to the marketer's compliance with Subsection 13-39-202(4).

(b) Within thirty calendar days after a marketer complies with R152-39-5(3)(a), the Division shall inform the marketer in writing whether the Division considers the marketer's methods sufficient to verify compliance with Subsection 13-39-202(4).

(c)(i) Approval of a verification method for compliance with Subsection 13-39-202(4) does not prevent the Division from investigating further whether the approved verification method actually guarantees compliance with Subsection 13-39-202(4).

(ii) The Division may revoke an approval granted pursuant to R152-39-5(3) upon a finding that the verification method does not adequately guarantee compliance with Subsection 13-39-202(4).

R152-39-6. Discounted Fee.

(1) In order for senders to qualify for the discounted fee schedule established pursuant to Subsection 13-39-203(3)(a), a sender must agree to be subject to enhanced security criteria for each subsequent list that they may submit to the state's compliance mechanism. To meet these criteria, senders must affirmatively agree that their scrubbing tasks may be stopped if a particular task deviates from a statistically normal baseline.

(2) The statistical baseline used for comparison will be based on the senders' past histories as well as the totality of the histories of senders that have used the compliance mechanism to scrub their lists.

(3) To restart a task and retrieve the results, senders whose tasks have been stopped must confirm that they in fact initiated the task and that the list submitted is not an attempt to abuse the registry mechanism. Depending on the amount of the deviation from the baseline, this confirmation may come from a telephone call to a pre-established phone number, completing information online, or sending an e-mail to a customer support representative.

(4) The Division, or its appointed representative, shall have discretion in allowing the retrieval of tasks if the confirmation does not resolve the security concerns.

KEY: consumer protection, e-mail, minors, advertising

Date of Enactment or Last Substantive Amendment: ~~August 16, 2005~~ 2006

Authorizing, and Implemented or Interpreted Law: 13-39

Commerce, Occupational and Professional Licensing **R156-56**

Utah Uniform Building Standard Act Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 29120

FILED: 10/12/2006, 08:54

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Uniform Building Code Commission are proposing these amendments to: 1) increase the number of members on the plumbing advisory committee from seven to nine members; 2) reestablish the electrical advisory committee; and 3) adopt current versions of each of the nationally recognized codes and to update state amendments under each of the codes as needed as a result of adopting the current editions. The following codes are being replaced with current editions: 2006 editions replacing 2003 editions of the building code, plumbing code, mechanical code, residential code, energy conversation code and the fuel gas code; and replacing the 1994 NCSBCS (National Conference of States on Building Codes and Standards) A225.1 manufactured home installation standard with the 2005 edition of the NFPA (National Fire Protection Association) 225 and the International Code Council (ICC) manufactured home installation standard contained in Appendix E of the residential code. Also, it should be noted that once the Division and Commission have determined which of all of the rule filings affecting Rule R156-56 will be made effective, a nonsubstantive rule filing will be filed by the Division to update and correct all subsection numbers. (DAR NOTES: Another proposed amendment to Rule R156-56 is under DAR No. 29122 in this issue, November 1, 2006, of the Bulletin. The other filings for changes to Rule R156-56 are as follows: Section R156-56-704 under DAR No. 29074, Section R156-56-711 under DAR No. 29075, Section R156-56-704 under DAR No. 29078, and Rule R156-56 under DAR No. 29079 all in the October 15, 2006, issue of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: In Subsections R156-56-202(1)(b) and (g), after requests and comments from interested parties, the Uniform Building Code Commission recommended returning the plumbing advisory committee to nine members and reestablishing the electrical advisory committee. The affected parties wanted more input into the code adoption and amendment process in these two areas. In Section R156-56-701, changes in this section replace

outdated codes with the current editions of the codes. In Sections R156-56-704, R156-56-705, R156-56-707, R156-56-709, R156-56-710, R156-56-711, R156-56-712, and the new Section R156-56-713, the changes in these sections are needed to adjust amendments to adoption of the current version of each code thus resulting in a number of technical amendments. As a general comment to the deletions shown, the deletions have resulted from the new code version incorporating requirements that now adequately address the concerns that were addressed in the prior amendments. In many cases, the new International Code Council (ICC) codes reflect the language of the Utah amendment, which had been forwarded to ICC, which was then considered and include in the various current editions of the codes. As a general comment to the changes shown, the changes have resulted from the new terms adopted in the international codes. The changes were made to correlate the Utah amendment to the current language in the international codes. As a general comment, the overall effect of the latest update is that the number and extent of Utah amendments are being reduced as a result of the international codes including many of the amendments that Utah had. In some cases the current edition codes adequately cover the subject but it wasn't exactly how the Utah amendment addressed the subject matter. The total number of Utah amendments will go down from 179 amendments to 177 amendments to the international codes. One exception to the overall reduction in number of amendments is the number of amendments to the residential code. The number of amendments to the International Residential Code (IRC) has increased not because of new requirements but because of incorporating amendments that were previously made in the building code into the residential code. These have included the snow load amendments in Section R301.2(5) and the plumbing tables at P2902.3 and P2902.3a. Including these amendments in the residential code enhances the correlation between the International Building Code (IBC) and the IRC. This assists persons who are only doing residential work in that these persons will not need to refer to both the building and residential codes to obtain the requirement in these areas.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1, and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-56-4(2), and 58-56-6(2)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes: the 2003 edition of the International Building Code (IBC); the 2003 edition of the International Energy Conservation Code (IECC); the 2003 edition of the International Residential Code (IRC); the 2003 edition of the International Plumbing Code (IPC); the 2003 edition of the International Mechanical Code (IMC); the 2003 International Fuel Gas Code (IFGC); the 1994 edition of NCSBCS (National Conference of States on Building Codes and Standards) A225.1 Manufactured Home Installations; the 1997 edition of the Uniform Code For Building Conservation; the Guidelines for the Seismic Retrofit of Existing Buildings (GSREB) promulgated by the International Code Council; the Guidelines for the Rehabilitation of Existing Buildings (GREB) promulgated by the International Code Council; and Table 1805.5(5) entitled "Empirical Foundation Walls", dated

September 1, 2002. Adds: the 2006 edition of the International Building Code; the 2006 edition of the International Plumbing Code; the 2006 edition of the International Mechanical Code; the 2006 edition of the International Residential Code; 2006 edition of the International Energy Conservation Code; the 2006 edition of the International Fuel Gas Code; the 2005 edition of the NFPA (National Fire Protection Association) 225 Model Manufactured Home Installation Standard; the 2006 edition of the International Existing Building Code (IEBC); the ASCE 31-03, Seismic Evaluation of Existing Buildings, promulgated by the American Society of Civil Engineers (ASCE); and the Table 1805.5(6) entitled "Empirical Foundation Walls", dated January 1, 2007

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The cost to purchase all of the current edition code books which are being updated will total approximately \$550. The Division is unable to determine how many persons in state government would need to purchase the new code books which would result in a cost to state agencies and the state budget. The changes regarding increasing the plumbing advisory committee members from seven to nine members and the reestablishment of the electrical advisory committee will result in no costs or savings impact to the state budget as service on these committees is voluntary and members receive no per diem. Also, there may be an indirect effect on the state budget if the state were involved in construction projects which are subject to the particular code amendments. Overall the proposed amendments do not appear to add substantially to costs of construction.

❖ LOCAL GOVERNMENTS: The cost to purchase all of the current edition code books which are being updated will total approximately \$550. The Division is unable to determine how many persons in local governments would need to purchase the new code books. Also, there may be an indirect effect on the local government budgets if the local government was involved in construction projects which are subject to the particular code amendments. Overall the proposed amendments do not appear to add substantially to costs of construction.

❖ OTHER PERSONS: The cost to purchase all of the current edition code books which are being updated will total approximately \$550. The Division is unable to determine how many persons involved in the construction industry will purchase the new codes books. The Division has determined that it is impossible to estimate the impact on either individuals or an aggregate impact because costs associated with the various technical amendments may vary depending on the type of project involved. However, overall the proposed technical amendments do not appear to add substantially to the costs of construction.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The cost to purchase all of the current edition code books which are being updated will total approximately \$550. The Division is unable to determine how many persons involved in the construction industry will purchase the new code books. The Division has determined that it is impossible to estimate the impact on affected persons because costs associated with the various

technical amendments may vary depending on the type of project involved. However, overall the proposed technical amendments do not appear to add substantially to the costs of construction.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendments include the following: increasing the number of plumbing committee members from seven to nine members, reestablishing the electrical advisory committee (which had been eliminated last year), and adopting the current editions of national codes. The remaining amendments are intended to remove any duplication in the current editions of national codes and the Utah standards previously in place, to better correlate with the new editions, and to incorporate certain parts of the residential code for ease of reference. There appears to be no significant fiscal impact to businesses as a result of these amendments other than costs to purchase the updated code books. Francine A. Giani, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dansjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 11/15/2006 at 9:00 AM, State Office Building (behind the Capitol), Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2006

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-202. Advisory Peer Committees Created - Membership - Duties.**

(1) There is created in accordance with Subsection 58-1-203(6) and 58-56-5(10)(e), the following committees as advisory peer committees to the Uniform Building Codes Commission:

- (a) the Education Advisory Committee consisting of seven members;
- (b) the Plumbing and Health Advisory Committee consisting of ~~seven~~ nine members;
- (c) the Structural Advisory Committee consisting of seven members;

(d) the Architectural Advisory Committee consisting of seven members;

(e) the Fire Protection Advisory Committee consisting of five members;

(i) This committee shall join together with the Fire Advisory and Code Analysis Committee of the Utah Fire Prevention Board to form the Unified Code Analysis Council.

(ii) The Unified Code Analysis Council shall meet as directed by the Utah Fire Prevention Board or as directed by the Uniform Building Code Commission or as needed to review fire prevention and building code issues that require definitive and specific analysis.

(iii) The Unified Code Analysis Council shall select one of its members to act in the position of chair and another to act as vice chair. The chair and vice chair shall serve for one year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of the calendar year.

(iv) The chair or vice chair shall report to the Utah Fire Prevention Board or Uniform Building Code Commission recommendations of the council with regard to the review of fire and building codes; ~~and~~

(f) the Mechanical Advisory Committee consisting of seven members; and

(g) the Electrical Advisory Committee consisting of seven members.

(2) The committees shall be appointed and serve in accordance with Section R156-1-205. The membership of each committee shall be made up of individuals who have direct knowledge or involvement in the area of code involved in the title of that committee.

(3) The duties and responsibilities of the committees shall include:

(a) review of requests for amendments to the adopted codes as assigned to each committee by the division with the collaboration of the commission;

(b) submission of recommendations concerning the requests for amendment; and

(c) the Education Advisory Committee shall review and make recommendations regarding funding requests which are submitted, and review and make recommendations regarding budget, revenue and expenses of the education fund established pursuant to Subsection 58-56-9(4).

R156-56-701. Specific Editions of Uniform Building Standards.

(1) In accordance with Subsection 58-56-4(3), and subject to the limitations contained in Subsection (6), (7), and (8), the following codes are hereby incorporated by reference, which codes together with any amendments specified under these rules, are ~~and~~ adopted as the construction standards to be applied to building construction, alteration, remodeling and repair and in the regulation of building construction, alteration, remodeling and repair in the state:

(a) the ~~[2003]~~ 2006 edition of the International Building Code (IBC), including Appendix J promulgated by the International Code Council ~~and amendments adopted under these rules together with standards incorporated into the IBC by reference, including but not limited to, the 2003 edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council and the 2003 edition of the International Residential Code (IRC) promulgated by the International Code Council~~ shall become effective on January 1, ~~[2004]~~ 2007;

(b) the 2005 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, to become effective January 1, 2006;

(c) the ~~[2003]~~2006 edition of the International Plumbing Code (IPC) promulgated by the International Code Council ~~[and amendments adopted under these rules in Section R156-56-707]~~ shall become effective on January 1, ~~[2004]~~2007;

(d) the ~~[2003]~~2006 edition of the International Mechanical Code (IMC) promulgated by the International Code Council ~~[together with all applicable standards set forth in the 2003 International Fuel Gas Code (IFGC) (formerly included as part of the IMC) and amendments adopted under these rules in Section R156-56-708]~~ shall become effective on January 1, ~~[2004]~~2007;

(e) the 2006 edition of the International Residential Code (IRC) promulgated by the International Code Council shall become effective on January 1, 2007;

(f) the 2006 edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council shall become effective on January 1, 2007;

(g) the 2006 edition of the International Fuel Gas Code (IFGC) promulgated by the International Code Council shall become effective on January 1, 2007;

(~~[e]~~h) subject to the provisions of Subsection (4), the Federal Manufactured Housing Construction and Safety Standards Act (HUD Code) as promulgated by the Department of Housing and Urban Development and published in the Federal Register as set forth in 24 CFR parts 3280 and 3282 as revised April 1, 1990; ~~[and]~~

(~~[f]~~i) subject to the provisions of Subsection (4), ~~[the 1994 edition of NCSBCS A225.1 Manufactured Home Installations]~~Appendix E of the 2006 edition of the International Residential Code promulgated by the ~~[National Conference of States on Building Codes and Standards (NCSBCS)]~~International Code Council shall become effective on January 1, 2007; and

(j) subject to the provisions of Subsection (4), the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard promulgated by the National Fire Protection Association shall become effective January 1, 2007.

(2) In accordance with Subsection 58-56-4(4), and subject to the limitations contained in Subsection 58-56-4(5), the following codes or standards are hereby incorporated by reference and approved for use and adoption by a compliance agency as the construction standards which may be applied to existing buildings in the regulation of building alteration, remodeling, repair, removal, seismic evaluation and rehabilitation in the state:

(a) the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings (UCADB) promulgated by the International Code Council;

(b) ~~[the 1997 edition of the Uniform Code for Building Conservation (UCBC) promulgated by the International Code Council]~~the 2006 edition of the International Existing Building Code (IEBC), including its appendix chapters, promulgated by the International Code Council;

(c) ~~[Guidelines for the Seismic Retrofit of Existing Buildings (GSREB) promulgated by the International Code Council]~~ASCE 31-03, Seismic Evaluation of Existing Buildings, promulgated by the American Society of Civil Engineers;

(d) ~~[Guidelines for the Rehabilitation of Existing Buildings (GREB) promulgated by the International Code Council];~~

~~—(e)—~~Pre-standard and Commentary for the Seismic Rehabilitation of Buildings (FEMA 356) published by the Federal Emergency Management Agency (November 2000).

(3) Amendments adopted by rule to prior editions of the Uniform Building Standards shall remain in effect until specifically amended or repealed.

(4) In accordance with Subsection 58-56-4(2), the following is hereby adopted as the installation standard for manufactured housing:

(a) The manufacturer's installation instruction for the model being installed;

(b) ~~[The NCSBCS/ANSI 225.1 1994, Manufactured Home Installations, promulgated by the National Conference of States on Building Codes and Standards]~~Appendix E of the 2006 edition of the International Residential Code as promulgated by the International Code Council is adopted as the installation standard for manufactured housing as defined in Section AE101;

(c) If an installation is beyond the scope of the 2006 edition of the International Residential Code Section AE101, as provided in Subsection R156-56-701(4)(b), then the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard promulgated by the National Fire Protection Association shall apply as the adopted installation standard;

(~~[e]~~d) The manufacturer, dealer or homeowner shall be permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction ~~[or NCSBCS/ANSI 225.1, Manufactured Home Installations,]~~Appendix E of the 2006 edition of the International Residential Code, or the 2005 edition of the NFPA 225, provided the design is approved in writing by a professional engineer or architect licensed in Utah; and

(~~[d]~~e) Guidelines for Manufactured Housing Installation as promulgated by the International Code Council may be used as a reference guide.

(5) Pursuant to the Federal Manufactured Home Construction and Safety Standards Section 604(d), a manufactured home may be installed in the state of Utah which does not meet the local snow load requirements as specified in Subsection R156-56-704; however all such homes which fail to meet the standards of Subsection R156-56-704 shall have a protective structure built over the home which meets the International Building Code and the snow load requirements under Subsection R156-56-704.

(6) To the extent that the building codes adopted under Subsection (1) establish local administrative functions or establish a method of appeal which pursuant to Section 58-56-8 are designated to be established by the compliance agency, such provisions are not included in the codes adopted hereunder but authority over such provisions are reserved to the compliance agency to establish such provisions.

(7) To the extent that the building codes adopted under Subsection (1) establish provisions, standards or references to other codes which by state statutes are designated to be established or administered by other state agencies or local city, town or county jurisdictions, such provisions are not included in the codes adopted herein but authority over such provisions are reserved to the agency or local government having authority over such provisions. Provisions excluded under this Subsection include but are not limited to:

(a) the International Property Maintenance Code;

(b) the International Private Sewage Disposal Code, authority over which would be reserved to the Department of Health and the Department of Environmental Quality;

(c) the International Fire Code which pursuant to Section ~~58-3-7~~53-7-106 authority is reserved to the Utah Fire Prevention Board; and

(d) day care provisions which are in conflict with the Child Care Licensing Act, authority over which is designated to the Utah Department of Health.

(8) To the extent that the codes adopted under Subsection (1) establish provisions that exceed the authority granted to the Division, under the Utah Uniform Building Standards Act, to adopt codes or amendments to such codes by rulemaking procedures, such provisions, to the extent such authority is exceeded, are not included in the codes adopted.

R156-56-704. Statewide Amendments to the IBC.

The following are adopted as amendments to the IBC to be applicable statewide:

(1) All references to the ~~International Electrical Code~~ICC Electrical Code are deleted and replaced with the National Electrical Code adopted under Subsection R156-56-701(1)(b).

(2) ~~All references to the International Existing Building Code are deleted and replaced with the codes approved under Subsection R156-56-701(2).~~

~~(3)~~Section 101.4.1 is deleted and replaced with the following:
101.4.1 Electrical. The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(3) Section 106.3.2 is deleted and replaced with the following:
106.3.2 Previous approval. If a lawful permit has been issued and the construction of which has been pursued in good faith within 180 days after the effective date of the code and has not been abandoned, then the construction may be completed under the code in effect at the time of the issuance of the permit.

(4) In Section 109, a new section is added as follows:

109.3.5 Weather-resistive barrier and flashing. An inspection shall be made of the weather-resistive barrier as required by Section 1403.2 and flashing as required by Section 1405.3 to prevent water from entering the weather-resistant exterior wall envelope.

The remaining sections will be renumbered as follows:

109.3.6 Lath or gypsum board inspection

109.3.7 Fire-resistant penetrations

109.3.8 Energy efficiency inspections

109.3.9 Other inspections

109.3.10 Special inspections

109.3.11 Final inspection.

(5) Section 114.1 is deleted and replaced with the following:

114.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or other pertinent laws or ordinances or dangerous or unsafe, the building official is authorized to stop work.

(6) In Section 202, the ~~following~~ definition ~~is added~~ for Assisted Living Facility is deleted and replaced with the following:
ASSISTED LIVING FACILITY. See Section 308.1.1.

(7) Section 305.2 is deleted and replaced with the following:

305.2 Day care. The building or structure, or portion thereof, for educational, supervision, child day care centers, or personal care services of more than four children shall be classified as a Group E occupancy. See Section ~~419~~421 for special requirements for Group E child day care centers.

Exception: Areas used for child day care purposes with a Residential Certificate, Family License or Family Group License

may be located in a Group R-2 or R-3 occupancy as provided in Section 310.1 or shall comply with the International Residential Code in accordance with Section 101.2.

Child day care centers providing care for more than 100 children 2 1/2 years or less of age shall be classified as Group I-4.

(8) In Section 308 the following definitions are added:

308.1.1 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

TYPE ~~[+]~~[2] ASSISTED LIVING FACILITY. A residential facility licensed by the Utah Department of Health that provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.

TYPE ~~[2]~~[2] ASSISTED LIVING FACILITY. A residential facility licensed by the Utah Department of Health that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent.

SEMI-INDEPENDENT. A person who is:

A. Physically disabled but able to direct his or her own care; or

B. Cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person.

RESIDENTIAL TREATMENT/SUPPORT ASSISTED LIVING FACILITY. A residential treatment/support assisted living facility which creates a group living environment for four or more residents licensed by the Utah Department of Human Services, and provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the physical assistance of another person.

(9) Section 308.2 is deleted and replaced with the following:

308.2 Group I-1. This occupancy shall include buildings, structures, or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, type ~~[+]~~[2] assisted living facilities, residential treatment/support assisted living facility, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons, shall be classified as a Group R-4.

(10) Section 308.3 is deleted and replaced with the following:

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than three persons who are not capable of self-preservation. This group shall include, but not be limited to the following: hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities, ambulatory surgical centers with two or more operating rooms where care is less than 24 hours, outpatient medical care facilities for ambulatory patients (accommodating more than five such patients in each tenant space) which may render the patient incapable of unassisted self-preservation, and type ~~[2]~~[2] assisted living facilities. Type ~~[2]~~[2] assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type ~~[2]~~[2] assisted living facilities as defined in 308.1.1 with at least six and

not more than sixteen residents shall be classified as a Group I-1 facility.

(11) Section 308.3.1 is deleted and replaced with the following:

308.3.1 Child care facility. A child care facility that provides care on a 24 hour basis to more than four children 2 1/2 years of age or less shall be classified as Group I-2.

(12) Section 308.5 is deleted and replaced with the following:

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with four or fewer persons shall be classified as an R-3 or shall comply with the International Residential Code in accordance with Section 101.2. Places of worship during religious functions and Group E child day care centers are not included.

(13) Section 308.5.2 is deleted and replaced with the following:

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24 hour basis for more than 100 children 2 1/2 years of age or less shall be classified as Group I-4.

(14) Section 310.1 is deleted and replaced with the following:

310.1 Residential Group "R". Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classed as an Institutional Group I. Residential occupancies shall include the following:

R-1: Residential occupancies where the occupants are primarily transient in nature (less than 30 days) including: Boarding Houses (transient) and congregate living facilities, Hotels (transient), and Motels (transient).

Exception: Boarding houses and congregate living facilities accommodating 10 persons or less shall be classified as a Residential Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2.

R-2: Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including: Apartment Houses, Boarding houses (not transient) and congregate living facilities, Convents, Dormitories, Fraternities and Sororities, Monasteries, Vacation timeshare properties, Hotels (non transient), and Motels (non transient).

Exception: Boarding houses and congregate living facilities accommodating 10 persons or less shall be classified as a Residential Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2.

R-3: Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units, as applicable in Section 101.2, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult and child care facilities that are within a single family home are permitted to comply with the International Residential Code in accordance with Section 101.2. Areas used for day care purposes may be located in a residential dwelling unit under all of the following conditions:

1. Compliance with the Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

2. Use is approved by the State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act,

UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care Standards.

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator.

R-4: Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities or Residential Treatment/Support Assisted Living Facilities including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the International Residential Code in accordance with Section 101.2.

(15) In Section 310.2 the definition for Residential Care/Assisted Living Facilities is deleted and replaced with the following:

See Section 308.1.1.

~~— (15) A new Section 403.9.1 is added as follows:~~

~~403.9.1 Elevator lobby. Elevators on all floors shall open into elevator lobbies that are separated from the remainder of the building, including corridors and other means of egress by smoke partitions complying with Section 710. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within the code. Elevator lobbies shall be separated from a fire resistance rated corridor with fire partitions complying with Section 708 and shall have walls of not less than one-hour fire resistance rating and openings shall conform to Section 715.~~

~~— Exceptions:~~

~~1. Separations are not required from a street floor elevator lobby.~~

~~2. In atria complying with the provisions of Section 404 elevator lobbies are not required.~~

] (16) A new section [419]421 is added as follows:

Section [419]421 Group E Child Day Care Centers. Group E child day care centers shall comply with Section [419]421.

[419-1]421.1 Location at grade. Group E child day care centers shall be located at the level of exit discharge.

Exception: Child day care spaces for children over the age of 24 months may be located on the second floor of buildings equipped with automatic fire protection throughout and an automatic fire alarm system.

[419-2]421.2 Egress. All Group E child day care spaces with an occupant load of [40 or] more than 10 shall have a second means of egress. If the second means of egress is not an exit door leading directly to the exterior, the room shall have an emergency escape and rescue window complying with Section [4025]1026.

(17) In Section 707.14.1 Exception 4 is deleted ~~and replaced with the following:~~

~~4. See Section 403.9.1 for high rise buildings].~~

(18) In Section (F)902, the definition for record drawings is deleted and replaced with the following:

(F)RECORD DRAWINGS. Drawings ("as built") that document all aspects of a fire protection system as installed.

(19) In Section (F)903.2.3 condition 2 is deleted and replaced with the following:

2. Where a Group F-1 fire area is located more than three stories above the lowest level of fire department vehicle access; or

(20) In Section (F)903.2.6 condition 2 is deleted and replaced with the following:

2. Where a Group M fire area is located more than three stories above the lowest level of fire department vehicle access; or

~~(19)21~~ Section (F)903.2.7 is deleted and replaced with the following:

(F)903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) constructed in accordance with the International Residential Code For One- and Two-Family Dwellings.

2. Group R-4 fire areas not more than 4,500 gross square feet and not containing more than 16 residents, provided the building is equipped throughout with an approved fire alarm system that is interconnected and receives its primary power from the building wiring and a commercial power system.

(22) In Section F903.2.8 condition 2 is deleted and replaced with the following:

2. Where a Group S-1 fire area is located more than three stories above the lowest level of fire department vehicle access; or
~~[(20) Section (F)903.3.7 is deleted and replaced with the following:~~

~~(F)903.3.7 Fire department connections. The location of fire department connections shall be approved by the code official.~~

~~(21) Section 905.5.3 is deleted and replaced with the following:~~

~~905.5.3 Class II system 1-inch hose. A minimum 1-inch (25.4 mm) hose shall be permitted to be used for hose stations in light-hazard occupancies where investigated and listed for this service and where approved by the code official.]~~

(23) Section (F)904.11 and Subsections (F)904.11.3, (F)904.11.3.1, (F)904.11.4 and (F)904.11.4.1 are deleted and replaced with the following:

(F)904.11 Commercial cooking systems. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of the type and arrangement protected. Pre-engineered automatic extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions. Automatic fire-extinguishing systems shall be installed in accordance with the referenced standard for wet-chemical extinguishing systems, NFPA 17A.

Exception: Factory-built commercial cooking recirculating systems that are tested in accordance with UL 710B and listed, labeled and installed in accordance with Section 304.1 of the International Mechanical Code.

(Subsections (F)904.11.1 and (F)904.11.2 remain unchanged.

~~(22)24~~ Section (F)907.2.10 is deleted and replaced with the following:

(F)907.2.10 Single- and multiple-station alarms. Listed single- and multiple-station smoke alarms complying with U.L. 217 shall be installed in accordance with the provision of this code and the household fire-warning equipment provision of NFPA 72. Listed single- and multiple-station carbon monoxide detectors shall comply with U.L. 2034 and shall be installed in accordance with the provisions of this code and NFPA 720.

(F)907.2.10.1 Smoke alarms. Single- or multiple-station smoke alarms shall be installed in the locations described in Sections (F)907.2.10.1.1 through (F)907.2.10.1.4.]

(F)907.2.10.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.

2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(F)907.2.10.1.2 Groups R-2, R-3, R-4 and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(F)907.2.10.1.3 Group I-1. Single- or multiple-station smoke alarms shall be installed and maintained in sleeping areas in occupancies in Group I-1.

Exception: Single- or multiple-station smoke alarms shall not be required where the building is equipped throughout with an automatic fire detection system in accordance with Section (F)907.2.6.

(F)907.2.10.2 Carbon monoxide alarms. Carbon monoxide alarms shall be installed on each habitable level of a dwelling unit or sleeping unit in Groups R-2, R-3, R-4 and I-1 equipped with fuel burning appliances.

(F)907.2.10.3. Power source. In new construction, required alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Alarms are not required to be equipped with battery backup in Group R-1 where they are connected to an emergency electrical system.

(F)907.2.10.4 Interconnection. Where more than one alarm is required to be installed with an individual dwelling unit in Group R-2, R-3, or R-4, or within an individual sleeping unit in Group R-1, the alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Approved combination smoke and carbon-monoxide detectors shall be permitted.

(F)907.2.10.5 Acceptance testing. When the installation of the alarm devices is complete, each detector and interconnecting wiring for multiple-station alarm devices shall be tested in accordance with the household fire warning equipment provisions of NFPA 72 and NFPA 720, as applicable.

([23]25) In Section 1008.1.8.3, a new subparagraph (5) is added as follows:

(5) Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require specialized security measures for their safety, approved access controlled egress may be installed when all the following are met:

5.1 The controlled egress doors shall unlock upon activation of the automatic fire sprinkler system or automatic fire detection system.

5.2 The facility staff can unlock the controlled egress doors by either sensor or keypad.

5.3 The controlled egress doors shall unlock upon loss of power.

([24]26) In Section 1009.3, Exception #[5]4 is deleted and replaced with the following:

[5]4. In [~~occupancies in~~]Group R-3 occupancies, [as applicable in Section 101.2,] within dwelling units in Group R-2 occupancies [~~in Group R-2, as applicable in Section 101.2,~~] and in Group U occupancies [~~in Group U, which] that are accessory to a [n occupancy in Group R-3, as applicable in Section 101.2] Group R-3 occupancy, or accessory to individual dwelling units in Group R-2 occupancies, the maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). The minimum winder tread depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 10 inches (254 mm).~~

([25]27) In Section 1009.[44]10 Exception [~~#4 is deleted and replaced with the following]~~6 is added as follows:

[4]6. In occupancies in Group R-3, as applicable in Section 101.2 and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, handrails shall be provided on at least one side of stairways consisting of four or more risers.

([26]28) Section [4009.11.3]1012.3 is amended to include the following exception at the end of the section:

Exception. Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy [~~shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83 mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16 mm) and 1.5 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6 mm) deep on each side and shall be at least 0.5 (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin]with a perimeter greater than 6 1/4 inches (160 mm) shall provide a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of 3/4 inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (10 mm) to a level that is not less than 1 3/4 inches (45 mm) below the tallest portion of the profile. The~~

minimum width of the handrail above the recess shall be 1 1/4 inches (32 mm) to a maximum of 2 3/4 inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

([27]29) In Section [4012.2]1013.2 Exception 3 is added as follows:

3. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm) in height.

(30) In Section 1015.2.2 the following sentence is added at the end:

Additional exits or exit access doorways shall be arranged a reasonable distance apart so that if one becomes blocked, the others will be available.

([28]31) A new[New] [s]Section[s] 1109.7.1 [~~and 1109.7.2 are]~~is added as follows:

1109.7.1 Platform (wheelchair) lifts. All platform (wheelchair) lifts shall be capable of independent operation without a key. [

~~1109.7.2 Standby power shall be provided for platform lifts permitted to serve as part of the accessible means of egress.]~~

([29]32) In Section 1208.4 subparagraph 1 is deleted and replaced with the following:

1. The unit shall have a living room of not less than 165 square feet (15.3 m²) of floor area. An additional 100 square feet (9.3 m²) of floor area shall be provided for each occupant of such unit in excess of two.

([30]33) Section 1405.3 is deleted and replaced with the following:

1405.3 Flashing. Flashing shall be installed in such a manner so as to prevent moisture from entering the wall or to redirect it to the exterior. Flashings shall be installed at the perimeters of exterior door and window assemblies, penetrations and terminations of exterior wall assemblies, exterior wall intersections with roofs, chimneys, porches, decks, balconies and similar projections and at built-in gutters and similar locations where moisture could enter the wall. Flashing with projected flanges shall be installed on both sides and the ends of copings, under sills and continuously above projected trim. A flashing shall be installed at the intersection of the foundation to stucco, masonry, siding or brick veneer. The flashing shall be on an approved corrosion-resistant flashing with a 1/2" drip leg extending past exterior side of the foundation. [

~~(31) Section 1604.5, footnote "e" is added to Table 1604.5 Classification of Buildings and Other Structures for Importance Factors:~~

~~e. For determining "W" per sections 1616.4.1, 1617, 1617.5.1, or 1618.1, the Snow Factor f_s , may be taken as 1.0.]~~

([32]34) In Section 1605.2.1, the formula shown as "f₂ = 0.2 for other roof configurations" is deleted and replaced with the following:

$f_2 = 0.20 + .025(A-5)$ for other configurations where roof snow load exceeds 30 psf

$f_2 = 0$ for roof snow loads of 30 psf (1.44kN/m²) or less.

Where A = Elevation above sea level at the location of the structure (ft/1000).

([33]35) In Section 1605.3.1 and section 1605.3.2, Exception number 2 in each section is deleted and replaced with the following:

2. Flat roof snow loads of 30 pounds per square foot (1.44 kNm²) or less need not be combined with seismic loads. Where flat roof[s] snow loads exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance with the following in

load combinations including both snow and seismic loads. W_s as calculated below, shall be combined with seismic loads.

$$W_s = (0.20 + 0.025(A-5))P_f \text{ is greater than or equal to } 0.20 P_f$$

Where

W_s = Weight of snow to be included ~~[, psf]~~ in seismic calculations;

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

For the purpose of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding. The Importance Factor, I, used in calculating P_f may be considered 1.0 for use in the formula for W_s.

~~[(34)36]~~ In Table 1607.1 number ~~[6]2~~ is deleted and replaced with the following:

Occupancy or Use	Uniform (psf)	Concentrated (lbs)
[6]2. Decks, except residential	Same as occupancy served ^d	
[6]2.1 Residential decks	60 psf	

~~[(35) In Table 1607.1 number 27 is deleted and replaced with the following:~~

Occupancy or Use	Uniform (psf)	Concentrated (lbs)
27. Residential		
Group R-3 as applicable in Section 101.2		
Uninhabitable attics without storage	10 ^a	
Uninhabitable attics with storage	20	
Habitable attics and sleeping areas	30	
All other areas except balconies and decks	40	
Hotels and multifamily dwellings		
Private rooms	40	
Public rooms and corridors serving them	100	

~~[(36) In Notes to Table 1607.1, Note i is added as follows:
i. This live load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.]~~

(37) Section 1608.1 is deleted and replaced with the following:

1608.1 General. Except as modified in section 1608.1.1, 1608.1.2, and 1608.1.3 design snow loads shall be determined in accordance with Section 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607.

(38) Section 1608.1.1 is added as follows:

1608.1.1 Section 7.4.5 of Section 7 of ASCE 7 ~~[referred to]referenced~~ in Section 1608.1 of the IBC is deleted and replaced with the following:

Section 7.4.5 Ice Dams and Icicles Along Eaves. Where ground snow loads exceed 75 psf, eaves shall be capable of sustaining a uniformly distributed load of 2p_f on all overhanging portions. No other loads except dead loads shall be present on the roof when this uniformly distributed load is applied. All building exits under down-slope eaves shall be protected from sliding snow and ice.

(39) Section 1608.1.~~[4]2~~ is added as follows:

1608.1.~~[4]2~~ Utah Snow Loads. The ground snow load, P_g, to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: P_g = (P_o² + S²(A-A_o)²)^{0.5} for A greater than A_o, and P_g = P_o for A less than or equal to A_o.

WHERE

P_g = Ground snow load at a given elevation (psf)

P_o = Base ground snow load (psf) from Table No. 1608.1.~~[4]2~~(a)

S = Change in ground snow load with elevation (psf/100 ft.)

From Table No. 1608.1.~~[4]2~~(a)

A = Elevation above sea level at the site (ft./1000)

A_o = Base ground snow elevation from Table 1608.1.~~[4]2~~(a) (ft./1000)

The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P_g, may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

The building official may also directly adopt roof snow loads in accordance with Table 1608.1.~~[4]2~~(b), provided the site is no more than 100 ft. higher than the listed elevation.

Where the minimum roof live load in accordance with section 1607.11 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.

(40) Table 1608.1.~~[4]2~~(a) and Table 1608.1.~~[4]2~~(b) are added as follows:

TABLE NO. 1608.1.~~[4]2~~(a)
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P _o	S	A _o
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

TABLE NO. 1608.1.[~~1~~2](b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS(2)

		Roof Snow Load (PSF)	Ground Snow Load (PSF)
Beaver County			
Beaver	5920 ft.	43	62
Box Elder County			
Brigham City	4300 ft.	30	43
Tremonton	4290 ft.	30	43
Cache County			
Logan	4530 ft.	35	50
Smithfield	4595 ft.	35	50
Carbon County			
Price	5550 ft.	30	43
Daggett County			
Manila	5377 ft.	30	43
Davis County			
Bountiful	4300 ft.	30	43
Farmington	4270 ft.	30	43
Layton	4400 ft.	30	43
Fruit Heights	4500 ft.	40	57
Duchesne County			
Duchesne	5510 ft.	30	43
Roosevelt	5104 ft.	30	43
Emery County			
Castledale	5660 ft.	30	43
Green River	4070 ft.	25	36
Garfield County			
Panguitch	6600 ft.	30	43
Grand County			
Moab	3965 ft.	25	36
Iron County			
Cedar City	5831 ft.	30	43
Juab County			
Nephi	5130 ft.	30	43
Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6800 ft.	100	142
Park City	8400 ft.	162	231
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43
Uintah County			
Vernal	5280 ft.	30	43

Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43
Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

NOTES

- (1) The IBC requires a minimum live load - See 1607.11.2.
(2) This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation.

(41) Section 1608.1.3 is added as follows:

1608.1.3 Thermal Factor. The value for the thermal factor, C_t , used in calculation of p_r shall be determined from Table 7.3 in ASCE 7.

Exception: Except for unheated structures, the value of C_t need not exceed 1.0 when ground snow load, P_g , is calculated using Section 1608.1.2 as amended.

([44]42) Section 1608.2 is deleted and replaced with the following:

1608.2 Ground Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs in states other than Utah are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.

(42) Section 1608.3.2 is deleted and replaced with the following:

1608.3.2 Thermal Factor. The value for the thermal factor, C_t , used in calculation of p_r shall be determined from Table 1608.3.2.

Exception: Except for unheated structures, the value of C_t need not exceed 1.0 when ground snow load, P_g , is calculated using Section 1608.1.1 as amended.

(43) Section 1614.2 is deleted and replaced with the following:

1614.2 Change in Occupancy. When a change of occupancy results in a structure being reclassified to a higher Seismic Use Group, or when such change of occupancy results in a design occupant load increase of 100% or more, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. This is not required if the design occupant load increase is less than 25 persons and the Seismic Use Group does not change.

—2. Specific detailing provisions required for a new structure are not required to be met where it can be shown an equivalent level of performance and seismic safety contemplated for a new structure is obtained. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the specific detailing provided. Alternatively, the building official may allow the structure to be upgraded in accordance with the latest edition of the "Guidelines for Seismic Rehabilitation of Existing Buildings" or another nationally recognized standard for retrofit of existing buildings.]

(43) In Section 1609.1.1 a new exception number 5 is added as follows:

5. The wind design procedure as found in Section 1616 through 1624 of the 1997 Uniform Building Code may be used as an alternative wind design procedure provided that the building or component being designed meets the limits for the Simplified Method as defined in ASCE 6.4.1.1 and 6.4.1.2 of ASCE 7. The Importance Factor, I, shall be determined in accordance with Table 6-1 of ASCE 7.

(44) [~~1616.4.1, 1613.7~~] Section 1613.7 is added as follows:
1613.7 ASCE 12.7.2 and 12.14.18.1 of Section 12 of ASCE 7 referenced in Section 1613.1. Definition of W, Item 4 is deleted and replaced with the following:

4. [Roof snow loads of 30 psf or less need not be included.] Where the flat roof snow load, P_f , exceeds 30 psf, the snow load [shall be] included in seismic design shall be calculated, [but may be adjusted] in accordance with the following formula: $W_s = (0.20 + 0.025(A-5))P_f$ is greater than or equal to $0.20 P_f$

WHERE:

W_s = Weight of snow to be included in seismic calculations;

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

For the purposes of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding. The Importance Factor, I, used in calculating P_f may be considered 1.0 for use in the formula for W_s .

[~~(45) Section 1617.4 is deleted and replaced with the following:
1617.4 Equivalent lateral force procedure for seismic design of buildings. The provisions given in Section 9.5.5 of ASCE 7 shall be used. Roof snow loads to be included in the seismic dead load (W) may be adjusted as outlined in Section 1616.4.1, Item 4, as amended.~~

(46) In Section 1617.5.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(47) Section 1618.1 is deleted and replaced with the following:
1618.1 Dynamic analysis procedures. The following dynamic analysis procedures are permitted to be used in lieu of the equivalent lateral force procedure of Section 1617.4:

1. Modal Response Spectral Analysis.
2. Linear Time history Analysis.
3. Nonlinear Time history Analysis.

The dynamic analysis procedures listed above shall be performed in accordance with the requirements of Section 9.5.6, 9.5.7, and 9.5.8 respectively, of ASCE 7. Roof snow loads to be included in the seismic dead load (W) may be adjusted as outlined in Section 1616.4.1, Item 4, as amended.

(48) Section 1621.1 is deleted and replaced with the following:

1621.1 Component design. Architectural, mechanical, electrical and nonstructural systems, components and elements permanently attached to structures, including supporting structures and attachments (hereinafter referred to as "components"), and nonbuilding structures that are supported by other structures, shall meet with requirements of Section 9.6 of ASCE 7 except as modified in Sections 1621.1.1, 1621.1.2, 1621.1.3, and 1621.1.4, excluding Section 9.6.3.11.2, of ASCE 7, as amended in this section.]

(49) A new Section 1621.1.4]1613.8 is added as follows:
1621.1.4]1613.8 ASCE 7, Section 9.6.2.6.2.2]13.5.6.2.2 paragraph (e) is modified to read as follows:

(e) Penetrations shall have a sleeve or adapter through the ceiling tile to allow for free movement of at least 1 inch (25 mm) in all horizontal directions.

Exceptions:

1. Where rigid braces are used to limit lateral deflections.
2. At fire sprinkler heads in frangible surfaces per NFPA 13.

(50) Section 1805.2.1 is deleted and replaced with the following:

1805.2.1 Frost protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

- (1) Extending below the frost line of the locality;
- (2) Constructed in accordance with ASCE 32; or
- (3) Erected on solid rock.

Exception: Freestanding buildings meeting all of the following conditions shall not be required to be protected:

1. Classified in Importance Category I (see Table 1604.5), or Occupancy Group U (see Section 312);
2. Area of 1,000 square feet (93m²) or less;
3. Eave height of 10 feet (3048 mm) or less; and
4. Constructed of light wood framed construction.

Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.]

(51) Section 1805.5 is deleted and replaced with the following:

1805.5 Foundation walls. Concrete and masonry foundation walls shall be designed in accordance with Chapter 19 or 21, respectively. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(1) through 1805.5(4) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.5. Concrete foundation walls may also be constructed in accordance with Section 1805.5.8.

(52) A new section 1805.5.8 is added as follows:

1805.5.8 Empirical foundation design. Group R, Division 3 Occupancies three stories or less in height, and Group U Occupancies, which are constructed in accordance with Section 2308, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, shall be permitted to have concrete foundations constructed in accordance with Table 1805.5(5)6).

(53) Table 1805.5(5)6) is added as follows:

Table 1805.5(5)6), entitled "Empirical Foundation Walls, dated September 1, 2002/January 1, 2007, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 1805.5(5)6) identifies foundation requirements for empirical walls.

([54]49) A new section 2306.1.45 is added as follows:

2306.1.45 Load duration factors. The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Frequently Used Load Duration Factors, C_d , of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1524 M).

([55]50) In Section 2308.6 [~~is deleted and replaced with~~] the following ~~exception is added~~:

~~—2308.6 Foundation plates or sills. Foundations and footings shall be as specified in Chapter 18. Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1 and shall be bolted or anchored by one of the following:~~

~~1. Foundation plates or sill shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 6 feet (1829 mm) apart. There shall be a minimum of two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece.~~

~~2. Exception: Where f[F]oundation plates or sills [shall be] are bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors~~[- Bolts shall be]~~, embedded at least 7 inches (178 mm) into concrete or masonry~~[-]~~, and spaced not more than 32 inches (816 mm) apart~~[-]~~, f[F]here shall be a minimum of two bolts or anchor straps per piece located not less than 4 inches (102 mm) from each end of each piece.~~

~~—]A properly sized nut and washer shall be tightened on each bolt to the plate.~~

([56]51) Section 2506.2.1 is deleted and replaced with the following:

2506.2.1 Other materials. Metal suspension systems for acoustical and lay-in panel ceilings shall conform with ASTM C635 listed in Chapter 35 and Section [9.6.2.6]13.5.6 of ASCE 7-05, as amended in Section [462.1.4]1613.8, for installation in high seismic areas.

([57]52) In Section 2902.1, the title for Table 2902.1 is deleted and replaced with the following and footnote [f]g is added as follows: Table 2902.1, Minimum Number of Required Plumbing Facilities^{a, f} Facilities^{a, e}.

FOOTNOTE: [f]g. When provided, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms.

~~—(58) A new section 2902.1.1 is added as follows:~~

~~2902.1.1 Unisex toilets and bath fixtures. Fixtures located within unisex toilet and bathing rooms complying with section 2902 are permitted to be included in determining the minimum number of fixtures for assembly and mercantile occupancies.~~

~~—] ([59]53) Section 3006.5 Shunt Trip, the following exception is added:~~

~~Exception: Hydraulic elevators and roped hydraulic elevators with a rise of 50 feet or less.~~

([60]54) A new section 3403.[5]2.4 is added as follows:

3403.[5]2.4 Parapet[s] bracing, wall anchors, and other appendages. Buildings constructed prior to 1975 shall have[with] parapet bracing, wall[s], anchors, and appendages such as cornices, spires, towers, tanks, signs, statuary, etc. [and other appendages shall have such appendages] evaluated by a licensed engineer [to determine resistance to design loads specified in this code] when said building is undergoing reroofing, or alteration of or repair to said feature. Such parapet bracing, wall anchors, and appendages

shall be evaluated in accordance with 75% of the seismic forces as specified in Section 1613. When allowed by the local building official, alternate methods of equivalent strength as referenced in Subsection R156-56-701(2) will be considered when accompanied by engineer sealed drawings, details and calculations. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce, or remove the deficient feature.

EXCEPTIONS: [Group R-3 and U occupancies.

— Original Plans and/or structural calculations may be utilized to demonstrate that the parapet or appendages are structurally adequate. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.]

1. Group R-3 and U occupancies.

2. Unreinforced masonry parapets need not be braced according to the above stated provisions provided that the[The] maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F. [If the required parapet height exceeds this maximum height, a bracing system designed using the coefficients specified in ASCE 7-02 Table 9.6.2.2 shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors shall be added. Approved alternative methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.]

(55) Section 3406.4 is deleted and replaced with the following:

3406.4 Change in Occupancy. When a change in occupancy results in a structure being reclassified to a higher Occupancy Category (as defined in Table 1604.5), or when such change of occupancy results in a design occupant load increase of 100% or more, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. Specific seismic detailing requirements of this code or ASCE 7 for a new structure shall not be required to be met where it can be shown that the level of performance and seismic safety is equivalent to that of a new structure. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the existing and retrofit (if any) detailing providing. Alternatively, the building official may allow the structure to be upgraded in accordance with referenced sections as found in Subsection R156-56-701(2).

2. When a change of use results in a structure being reclassified from Occupancy Category I or II to Occupancy Category III and the structure is located in a seismic map area where S_{DS} is less than 0.33, compliance with the seismic requirements of this code and ASCE 7 are not required.

3. Where design occupant load increase is less than 25 occupants and the Occupancy Category does not change.

([64]56) The exception in 3409.1 is deleted and replaced with the following:

Exception: Type B dwelling or sleeping units required by section 1107 are not required to be provided in existing buildings and facilities, except when an existing occupancy is changed to R-2.

([62]57) In Section 3409.[3]4, number 7 is added as follows:

7. When a change of occupancy in a building or portion of a building results in [multiple dwelling or sleeping units] a Group R-2

occupancy as determined in section 1107.6.2, not less than 20 percent of the dwelling or sleeping units shall be Type B dwelling or sleeping units. These dwelling or sleeping units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling or sleeping units shall be Type A dwelling units.

~~(63)~~58 The following referenced standard is added under NFPA in chapter 35:

TABLE		
Number	Title	Referenced in code Section number
720- 99 05 907.2.10.5	Recommended Practice for the Installation of Household Carbon Monoxide (CO) Warning Equipment	907.2.10 [-] ,

~~[— (64) In Chapter 35, Referenced Standards, the following NFPA referenced standards are deleted and replaced with the current versions as follows:~~

TABLE		
DELETED	REPLACED BY	
13 99	13 02	Installation of Sprinkler Systems
13D 99	13D 02	Installation of Sprinkler Systems in One and Two-family Dwellings and Manufactured Homes
13R 99	13R 02	Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height
72 99	72 02	National Fire Alarm Code
101 00	101 03	Life Safety Code

R156-56-705. Local Amendments to the IBC.

The following are adopted as amendments to the IBC to be applicable to the following jurisdictions:

(1) City of Farmington:

(a) A new Section (F)903.2.14 is ~~adopted~~ added as follows:

(F)903.2.14 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when any of the following conditions are present:

1. The structure is over two stories high, as defined by the building code;
2. The nearest point of structure is more than 150 feet from the public way;
3. The total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or
4. The structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply).

Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless required by the Chief.

(b) A new Section 907.20 is added as follows:

907.20 Alarm Circuit Supervision. Alarm circuits in alarm systems provided for commercial uses (defined as other than one- and two-family dwellings and townhouses) shall have Class "A" type of supervision. Specifically, Type "B" or End-of-line resistor and horn supervised systems are not allowed.

(c) NFPA 13-02 is amended to add the following new sections:

6.8.6 FDC Security Locks Required. All Fire Department connections installed for fire sprinkler and standpipe systems shall have approved security locks.

6.10 Fire Pump Disconnect Signs. When installing a fire pump, red plastic laminate signs shall be installed in the electrical service panel, if the pump is wired separately from the main disconnect. These signs shall state: "Fire Pump Disconnect ONLY" and "Main Breaker DOES NOT Shut Off Fire Pump".

14.1.1.5 Plan Preparation Identification. All plans for fire sprinkler systems, except for manufacturer's cut sheets of equipment shall include the full name of the person who prepared the drawings. When the drawings are prepared by a registered professional engineer, the engineer's signature shall also be included.

15.1.2.5 Verification of Water Supply:

15.1.2.5.1 Fire Flow Tests. Fire flow tests for verification of water supply shall be conducted and witnessed for all applications other than residential unless directed otherwise by the Chief. For residential water supply, verification shall be determined by administrative procedure.

15.1.2.5.2 Accurate and Verifiable Criteria. The design calculations and criteria shall include an accurate and verifiable water supply.

17.8.4 Testing and Inspection of Systems. Testing and inspection of sprinkler systems shall include, but are not limited to:

Commercial:

FLUSH-Witness Underground Supply Flush;

ROUGH Inspection-Installation of Riser, System Piping, Head Locations and all Components, Hydrostatic Pressure Test;

FINAL Inspection-Head Installation and Escutcheons, Inspectors Test Location and Flow, Main Drain Flow, FDC Location and Escutcheon, Alarm Function, Spare Parts, Labeling of Components and Signage, System Completeness, Water Supply Pressure Verification, Evaluation of Any Unusual Parameter.

(2) City of North Salt Lake

A new Section (F)903.2.14 is ~~adopted~~ added as follows:

(F)903.2.14 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when the following condition is present:

1. The structure is over 6,200 square feet.

Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves, or in enclosed attic spaces, unless required by the fire chief.

(3) Park City Corporation and Park City Fire District:

(a) Section (F)903.2 is deleted and replaced with the following:

(F)903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the location described in this section.

All new construction having more than 6,000 square feet on any one floor, except R-3 occupancy.

All new construction having more than two (2) stories, except R-3 occupancy.

All new construction having three (3) or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.

All new construction in the Historic Commercial Business zone district, regardless of occupancy.

All new construction and buildings in the General Commercial zone district where there are side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5) feet per story of height.

All existing building within the Historic District Commercial Business zone.

(b) In Table 1505.1, the following is added as footnotes d and e:

d. Wood roof covering assemblies are prohibited in R-3 occupancies in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors.

e. Wood roof covering assemblies shall have a Class A rating in occupancies other than R-3 in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors. The owner of the building shall enter into a written and recorded agreement that the Class A rating of the roof covering assembly will not be altered through any type of maintenance process.

TABLE 1505.1.1
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

TABLE 1505.1.2
PROHIBITION/ALLOWANCE OF WOOD ROOFING

Rating	R-3 Occupancy	All Other Occupancies
less than or equal to 11	wood roof covering assemblies per Table 1505.1 are allowed	wood roof covering assemblies per Table 1505.1 are allowed
greater than or equal to 12	wood roof covering is prohibited	wood roof covering assemblies with a Class A rating are allowed

(c) Appendix C is adopted.

(4) Sandy City

(a) Section (F)903.2.14 is added as follows:

(F)903.2.14 An automatic sprinkler system shall be installed in accordance with NFPA 13 throughout buildings containing all occupancies where fire flow exceeds 2,000 gallons per minute, based on Table B105.1 of the [2003]2006 International Fire Code. Exempt locations as indicated in Section 903.3.1.1.1 are allowed.

Exception: Automatic fire sprinklers are not required in buildings used solely for worship, Group R Division 3, Group U occupancies and buildings complying with the International Residential Code unless otherwise required by the International Fire Code.

(b) Appendix L is added to the IBC and adopted as follows:

Appendix L BUILDINGS AND STRUCTURES CONSTRUCTED IN AREAS DESIGNATED AS WILDLAND-URBAN INTERFACE AREAS

AL 101.1 General. Buildings and structures constructed in areas designated as Wildland-Urban Interface Areas by Sandy City shall be constructed using ignition resistant construction as determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 International Wildland-Urban Interface Code, as modified herein, shall be used to determine the requirements for Ignition Resistant Construction.

(i) In Section 504 of the IWUIC Class 1 IGNITION-RESISTANT CONSTRUCTION a new Section 504.1.1 is added as follows:

504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure side of the structure, as determined by the Fire Marshal, where defensible space is less than 50 feet as defined in Section 603 of the 2006 International Wildland-Urban Interface Code.

(ii) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION Subsections 505.5 and 505.7 are deleted.

R156-56-707. Statewide Amendments to the IPC.

The following are adopted as amendments to the IPC to be applicable statewide:

(1) In Section 202, the definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

(2) In Section 202, the definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(3) In Section 202, the following definition is added:

Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In Section 202, the definition for "Cross Connection" is deleted and replaced with the following:

Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").

(5) In Section 202, the following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(6) In Section 202, the definition for "Potable Water" is deleted and replaced with the following:

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(7) In Section 202, the following definition is added:

S-Trap. A trap having its weir installed above the inlet of the vent connection.

(8) ~~In Section 202, the following definition is added:~~

~~Trap Arm. That portion of a fixture drain between a trap weir and the vent fitting.~~

~~(9)~~In Section 202, the definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls

and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

~~(10) Section 304.3 Meter Boxes is deleted.~~

~~(11) Section 304.4 is deleted and replaced with the following:
304.4 Opening of Pipes. In or on the exterior habitable envelop of structures where openings have been made in walls, floors, or ceilings for the passage of pipes, the annular space between the opening and the pipe shall not exceed 1/2 inch (12.7 mm). Openings exceeding 1/2 inch (12.7 mm) shall be closed and protected by the installation of approved metal collars that are securely fastened to the adjoining structure.]~~

~~(12) Section 305.5 is deleted and replaced with the following:~~

~~305.5 Pipes through or under footings or foundation walls. Any pipe that passes under or through a footing or through a foundation wall shall be protected against structural settlement.~~

~~(13) Section 305.8 is deleted and replaced with the following:~~

~~305.8 Protection against physical damage. In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters or similar members less than 1 1/2 inches (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be minimum of 1/16 inch-thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored, and shall be at least the thickness of the framing member penetrated.~~

~~(14) Section 305.10 is added as follows:~~

~~Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.]~~

~~(15) Sections 308.7 and 308.7.1 are deleted and replaced with the following:~~

~~308.7 Anchorage. All drainage piping except ABS, PVC, CPVC, PP or any other approved piping material having solvent weld or heat fused joints shall be anchored and restrained to prevent axial movement.~~

~~308.7.1 Location. Restraints specified by an engineer and approved by the code official shall be provided for pipe sizes greater than 4 inches (102 mm), having changes in direction greater than 45 degrees and at all changes in diameter greater than two pipe sizes.]~~

~~(16) Section 311.1 is deleted.~~

~~(17) Section 312.9 is deleted in its entirety and replaced with the following:~~

~~312.9 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly.~~

~~(18) In Section 403.1, the title for Table 403.1 is deleted and replaced with the following title and footnote [f]e is added as follows: [Table 403.1, Minimum Number of Plumbing Facilities^{a,f}; (see Sections 403.2 and 403.3).]~~

FOOTNOTE: [f]e. When provided, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms.

~~(19) In Section 406.3, an exception is added as follows:~~

~~Exception: Gravity discharge clothes washers, when properly trapped and vented, shall be allowed to be directly connected to the drainage system or indirectly discharge into a properly sized catch basin, trench drain, or other approved indirect waste receptor installed for the purpose of receiving such waste.~~

~~(20) A new section 406.4 is added as follows:~~

~~406.4 Automatic clothes washer metal safe pans. Metal safe pans, when installed under automatic clothes washers, shall only be allowed to receive the unintended discharge from a leaking appliance, valve, supply hose, or overflowing waste water from the clothes washer standpipe. Clothes washer metal safe pans shall not be used as indirect waste receptors to receive the discharge of waste water from any other equipment, appliance, appurtenance, drain pipe, etc. Each safe pan shall be provided with an approved trap seal primer, conforming to ASSE 1018 or 1044 or a deep seal trap. The sides of the safe pan shall be no less than 1 1/2" high and shall be soldered at the joints to provide a water tight seal.~~

~~406.4.1 Safe pan outlet. The safe pan outlet shall be no less than 1 1/2" in diameter and shall be located in a visible and accessible location to facilitate cleaning and maintenance. The outlet shall be flush with the surface of the pan so as not to allow water retention within the pan.~~

~~(21) Section 412.1 is deleted and replaced with the following:~~

~~412.1 Approval. Floor drains shall be made of ABS, PVC, cast-iron, stainless steel, brass, or other approved materials that are listed for the use.~~

~~(22) Section 412.5 is added as follows:~~

~~412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one floor drain.]~~

~~(23) Section 417.5.2 is deleted and replaced with the following:~~

~~(Subsections 417.5.2.1 to 417.5.2.4 are not changed)~~

~~417.5.2 Shower lining. Floors under shower compartments, except where prefabricated receptors have been provided, shall be lined and made water tight utilizing material complying with Sections 417.5.2.1 through 417.5.2.4. Such liners shall turn up on all sides at least three inches (76.2 mm) above the finished threshold level. Liners shall be recessed and fastened to an approved backing so as not to occupy the space required for wall covering, and shall not be nailed or perforated at any point less than two inches (50.8 mm) above finished threshold. Liners shall be pitched one fourth unit vertical in 12 units horizontal (2 percent slope) and shall be sloped towards the fixture drains and be securely fastened to the waste outlet at the seepage entrance, making a watertight joint between the liner and the outlet.~~

~~Exception: Floor surfaces under shower heads provided for rinsing laid directly on the ground are not required to comply with this section.]~~

~~(24) Section 418.1 is deleted and replaced with the following:~~

~~418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1M, ASME A112.19.2M, ASME A112.19.3M, ASME A112.19.4M, ASME A112.19.9M, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.]~~

~~(25) Section 424.3 is deleted and replaced with the following:
 424.5 Shower Valves. Shower and tub shower combination valves shall be balanced pressure, thermostatic or combination balanced pressure/thermostatic valves that conform to the requirements of ASSE 1016 or CSA B125. Multiple (gang) showers supplied with a single tempered water supply pipe shall have the water supply for such showers controlled by an approved master thermostatic mixing valve complying with ASSE 1017. Shower and tub shower combination valves and master thermostatic mixing valves required by this section shall be equipped with a means to limit the maximum setting of the valve to 120 degrees F (49 degrees C), which shall be field adjusted in accordance with the manufacturer's instructions. The water heater thermostat shall not be used as a water tempering device to meet this requirement.~~

~~(26) Section 502.4 is deleted and replaced with the following:
 502.4 Water Heater Seismic Bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.]~~

~~(27)21) Section 504.6.2 is deleted and replaced with the following:~~

504.6.2 Material. Relief valve discharge piping shall be of those materials listed in Tables 605.4 and 605.5 and meet the requirements for Sections 605.4 and 605.5 or shall be tested, rated and approved for such use in accordance with ASME A112.4.1. Piping from safety pan drains shall meet the requirements of Section 804.1 and be constructed of those materials listed in Section 702.].

~~(28) Section 504.7.1 is amended as follows:
 The measurement of "3/4 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".]~~

~~(29)22) Section 504.7.2 is deleted and replaced with the following:~~

504.7.2 Pan drain termination. The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor, floor drain or extend to the exterior of the building and terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent ground surface. When permitted by the administrative authority, the pan drain may be directly connected to a soil stack, waste stack, or branch drain. The pan drain shall be individually trapped and vented as required in Section 907.1. The pan drain shall not be directly or indirectly connected to any vent. The trap shall be provided with a trap primer conforming to ASSE 1018 or ASSE 1044.

~~(30)23) A new section 504.7.3 is added as follows:~~

504.7.3 Pan Designation. A water heater pan shall be considered an emergency receptor designated to receive the discharge of water from the water heater only and shall not receive the discharge from any other fixtures, devices or equipment.

~~(34)24) Section 602.3 is deleted and replaced with the following:~~

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1, 73-3-3, and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

~~(32)25) Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.~~

~~(33)26) Section 604.4.1 is added as follows:~~

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

~~(34)27) Section 606.5 is deleted and replaced with the following:~~

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

~~(35)28) Section 606.5.11 is added as follows:~~

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

~~(36)29) In Section 608.1, the following sentence is added at the end of the paragraph:~~

Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

~~(37)30) Table 608.1 is deleted and replaced with the following:~~

TABLE 608.1
 General Methods of Protection

Assembly (applicable of standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2) Low	High or Low	Backsiphonage	See Table 608.15.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)	High or Low	Backpressure or Backsiphonage 1/2" - 16"	a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents. d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.
Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)	Low	Backpressure or Backsiphonage 1/2" - 16"	a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance. b. Shall be installed in a horizontal

			position unless listed or approved for vertical installation.	General Installation Criteria	The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.
Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)	High or Low	Backsiphonage 1/2" - 2"	<ul style="list-style-type: none"> a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use. c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only. 		The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.
Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)	High or Low	Backsiphonage 1/4" - 2"	<ul style="list-style-type: none"> a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use. c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only. 		In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official. Assemblies shall be maintained as an intact assembly.

(~~38~~31) Table 608.1.1 is added as follows:

TABLE 608.1.1
Specialty Backflow Devices for low hazard use only

				Device	Degree of Hazard	Application	Applicable Standard
Atmospheric Vacuum Breaker (ASSE 1001, USC-FCCCHR, CSA CAN/CSA-B64.1.1)	High or Low	Backsiphonage	<ul style="list-style-type: none"> a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time. c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use. d. Shall be installed on the discharge (downstream) side of any valves. e. The AVB shall be installed in a vertical position only. 	Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/ CSA-B125
				Dual check valve Backflow Preventer	Low	Backsiphonage or Backpressure 1/4" - 1"	ASSE 1024
				Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure 1/4" - 3/4"	ASSE 1012 CSA CAN/ CSA-B64.3
				Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure 1/4" - 3/8"	ASSE 1022
				Hose-connection Vacuum Breaker	Low	Backsiphonage 1/2", 3/4", 1"	ASSE 1011 CSA CAN/ CSA-B64.2
				Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage 3/4", 1"	ASSE 1019 CSA CAN/ CSA-B64.2.2

Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/ CSA-B64.7
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Hose Connection Backflow Preventer	Low	Backsiphonage 1/2" - 1"	ASSE 1052
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Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

~~(39)~~³² In Section 608.3.1, the following sentence is added at the end of the paragraph:

All piping and hoses shall be installed below the atmospheric vacuum breaker.

~~(40)~~³³ Section 608.7 is deleted in its entirety.

~~(41)~~³⁴ In Section 608.8, the following sentence is added at the end of the paragraph:

In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

~~(42)~~³⁵ In Section 608.11, the following sentence is added at the end of the paragraph:

The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

~~(43)~~³⁶ Section 608.13.3 is deleted and replaced with the following:

608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

~~(44)~~³⁷ Section 608.13.4 is deleted in its entirety.

~~(38)~~ Section 608.13.9 is deleted in its entirety.

~~(45)~~³⁹ Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

~~(46)~~⁴⁰ Section 608.15.4 is deleted and replaced with the following:

608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the atmospheric vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

~~(47)~~⁴¹ Section 608.15.4.2 is deleted and replaced with the following:

608.15.4.2 Hose connections. Sillcocks, hose bibbs, wall hydrants and other openings with a hose connection shall be protected by an atmospheric-type or pressure-type vacuum breaker or a permanently attached hose connection vacuum breaker. Add-on-type backflow prevention devices shall be non-removable. In

climates where freezing temperatures occur, a listed self-draining frost proof hose bibb with an integral backflow preventer shall be used.

~~(48)~~⁴² In Section 608.16.2, the first sentence of the paragraph is deleted and replaced as follows:

608.16.2 Connections to boilers. The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

~~(49)~~⁴³ Section 608.16.3 is deleted and replaced with the following:

608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls.

Exceptions:

1. Single wall heat exchangers shall be permitted when all of the following conditions are met:

a. It utilizes a heat transfer medium of potable water or contains only substances which are recognized as safe by the United States Food and Drug Administration (FDA);

b. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system; and

c. The equipment is permanently labeled to indicate only additives recognized as safe by the FDA shall be used.

2. Steam systems that comply with paragraph 1 above.

3. Approved listed electrical drinking water coolers.

~~(50)~~⁴⁴ In Section 608.16.4.1, add the following exception:

Exception: All class 1 and 2 systems containing chemical additives consisting of strictly glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol shall be protected against backflow with a double check valve assembly. Such systems shall include written certification of the chemical additives at the time of original installation and service or maintenance.

~~[(51) Section 608.16.5 is deleted and replaced with the following:~~

~~608.16.5 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric type vacuum breaker, a pressure type vacuum breaker, or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.~~

~~[(52)~~⁴⁵ Section 608.16.7 is deleted and replaced with the following:

608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

~~(53)~~⁴⁶ Section 608.16.8 is deleted and replaced with the following:

608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

~~(54)~~⁴⁷ Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

(55)48 Section 608.16.1[0] is added as follows:

608.16.1[0] Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

(56)49 Section 608.17 is deleted in its entirety.

(57)50 Section 701.2 is deleted and replaced with the following:

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann., (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-4, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(58)51 Section 802.3.2 is deleted in its entirety and replaced with the following:

802.3.2 Open hub waste receptors. Waste receptors for clear water waste shall be permitted in the form of a hub or pipe extending not more than 1/2 inch above a water impervious floor and are not required to have a strainer.

(59)52 Section 904.1 is deleted and replaced with the following:

904.1 Roof extensions. All open vent pipes that extend through a roof shall be terminated at least 12 inches (304.8 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 7 feet (2134 mm) above the roof.

(60)53 In Section 904.6, the following sentence is added at the end of the paragraph:

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

(64)54 In Section 905.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed in accordance with Sections 702.2, 905.2 and 905.3 and provided with a wall clean out. [

~~(62) Section 1002.2 is deleted and replaced with the following:~~

~~1002.2 Design of traps. Fixture traps shall be self-sealing. Fixture traps shall not have interior partitions, except where such traps are integral with the fixture or where such traps are constructed of an approved material that is resistant to corrosion and degradation. Slip joints shall be made with an approved elastomeric gasket and shall only be installed on the trap inlet, trap outlet and within the trap seal. One slip joint fitting shall be allowed to be installed downstream of the trap.~~

~~(63) Section 1002.8 is deleted and replaced with the following:~~

~~1002.8 Recess for trap connection. A recess provided for connection of the underground trap, such as one serving a bathtub in slab type construction, shall have sides and a bottom of corrosion-resistant, insect and vermin proof construction. The annular space between the pipe and the penetration shall not exceed 1/2 inch (12.7 mm).~~

~~(64) Section 1003.3.5 is added as follows:~~

~~1003.3.5 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.]~~

(65)55 Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm and sanitary drainage prohibited. The combining of sanitary and storm drainage systems is prohibited.

(66)56 Section 1108 is deleted in its entirety.

~~(57) The Referenced Standard NFPA 99c-02 in Chapter 13 is deleted and replaced with NFPA 99c-05.~~

(67)58 [Chapter 13,] The Referenced Standard[s, is amended as follows:

~~NSF Standard Reference Number 61-99 The following referenced in code section number is added: 608.11] NSF-2003e in Chapter 13 is amended to add Section 608.11 to the list of Referenced in code section number.~~

(59) In Chapter 13, Referenced Standards, [T]he following referenced standard is added:

TABLE

USC- Foundation for Cross-Connection Table 608.1
 FCCCHR Control and Hydraulic Research
 9th University of Southern California
 Edition Kaprielian Hall 300
 Manual Los Angeles CA 90089-2531
 of Cross
 Connection
 Control

(68)60 Appendix C of the IPC, Gray Water Recycling Systems as amended herein shall not be adopted by any local jurisdiction until such jurisdiction has requested Appendix C as amended to be adopted as a local amendment and such local amendment has been approved as a local amendment under these rules.

(69)61 In jurisdictions which have adopted Appendix C as amended as a local amendment as provided herein, Section 301.3 of the IPC is deleted and replaced with the following:

301.3 Connection to the drainage system. All plumbing fixtures, drains, appurtenances and appliances used to receive or discharge liquid wastes or sewage shall be directly connected to the drainage system of the building or premises, in accordance with the requirements of this Code. This section shall not be construed to prevent indirect waste systems provided for in Chapter 8.

Exception: Bathtubs, showers, lavatories, clothes washers and laundry sinks shall not be required to discharge to the sanitary drainage system where such fixtures discharge to a gray water recycling system meeting all the requirements as specified in Appendix C as amended by these rules.

(70)62 Appendix C is deleted and replaced with the following, to be effective only in jurisdictions which have adopted Appendix C as amended as a local amendment under these rules:

Appendix C, Gray Water Recycling Systems, C101 Gray Water Recycling Systems

C101.1 General, recycling gray water within a building. In R1, R2 and R4 occupancies and one- and two-family dwellings, gray water recycling systems are prohibited.

In commercial occupancies, recycled gray water shall only be utilized for the flushing of water closets and urinals that are located in the same building as the gray water recycling system, provided the following conditions are met:

1. Such systems comply with Sections C101.1 through C101.14 as amended by these rules.

2. The commercial establishment demonstrates that it has and will have qualified staff to oversee the gray water recycling systems. Qualified staff is defined as level 3 waste water treatment plan operator as specified by the Department of Environmental Quality.

3. Gray water recycling systems shall only receive non hazardous waste discharge of bathtubs, showers, lavatories, clothes washers and laundry sinks such as chemicals having a pH of 6.0 to 9.0, or non flammable or non combustible liquids, liquids without objectionable odors, non-highly pigmented liquids, or other liquids that will not interfere with the operation of the sewer treatment facilities.

C101.2 Permit required. A permit for any gray water recycling system shall not be issued until complete plans prepared by a licensed engineer, with appropriate data satisfactory to the Code Official, have been submitted and approved. No changes or connections shall be made to either the gray water recycling system or the potable water system within any site containing a gray water recycling system, without prior approved by the Code Official. A permit may also be required by the local health department to monitor compliance with this appendix for system operator standards and record keeping.

C101.3 Definition. The following term shall have the meaning shown herein.

GRAY WATER. Waste water discharged from lavatories, bathtubs, showers, clothes washers and laundry sinks.

C101.4 Installation. All drain, waste and vent piping associated with gray water recycling systems shall be installed in full compliance with this code.

C101.5 Gray Water Reservoir. Gray water shall be collected in an approved reservoir construction of durable, nonabsorbent and corrosion-resistant materials. The reservoir shall be a closed and gas-tight vessel. Gas tight access openings shall be provided to allow inspection and cleaning of the reservoir interior. The holding capacity of the reservoir shall be a minimum of twice the volume of water required to meet the daily flushing requirements of the fixtures supplied by the gray water, but not less than 50 gallons (189 L). The reservoir shall be sized to limit the retention time of gray water to 72 hours maximum.

C101.6 Filtration. Gray water entering the reservoir shall pass through an approved cartridge filter or other method approved by the Code Official.

C101.7 Disinfection. Gray water shall be disinfected by an approved method that employs one or more disinfectants such as chlorine, iodine or ozone. A minimum of 1 ppm free residual chlorine shall be maintained in the gray water recycling system reservoir. Such disinfectant shall be automatically dispensed. An alarm shall be provided to shut down the gray water recycling system if disinfectant levels are not maintained at the required levels.

C101.8 Makeup water. Potable water shall be supplied as a source of makeup water for the gray water recycling system. The potable water supply to any building with a gray water recycling system shall be protected against backflow by an RP backflow assembly installed in accordance with this code. There shall be full-open valve on the makeup water supply to the reservoir. The

potable water supply to the gray water reservoir shall be protected by an air gap installed in accordance with this code.

C101.9 Overflow. The reservoir shall be equipped with an overflow pipe of the same diameter as the influent pipe for the gray water. The overflow shall be directly connected to the sanitary drainage system.

C101.10 Drain. A drain shall be located at the lowest point of the reservoir and shall be directly connected to the sanitary drainage system. The drain shall be the same diameter as the overflow pipe required by Section C101.9 and shall be provided with a full-open valve.

C101.11 Vent required. The reservoir shall be provided with a vent sized in accordance with Chapter 9 based on the size of the reservoir influent pipe.

C101.12 Coloring. The gray water shall be automatically dyed blue or green with a food grade vegetable dye before such water is supplied to the fixtures.

C101.13 Identification. All gray water distribution piping and reservoirs shall be identified as containing non-potable water. Gray water recycling system piping shall be permanently colored purple or continuously wrapped with purple-colored Mylar tape. The tape or permanently colored piping shall be imprinted in black, upper case letters with the words "CAUTION: GRAY WATER, DO NOT DRINK."

All equipment areas and rooms for gray water recycling system equipment shall have a sign posted in a conspicuous place with the following text: TO CONSERVE WATER, THIS BUILDING USES GRAY WATER TO FLUSH TOILETS AND URINALS, DO NOT CONNECT TO THE POTABLE WATER SYSTEM. The location of the signage shall be determined by the Code Official.

C101.14 Removal from service. All gray water recycling systems that are removed from service shall have all connections to the reservoir capped and routed back to the building sewer. All gray water distribution lines shall be replaced with new materials.

C201.1 Outside the building. Gray water reused outside the building shall comply with the requirements of the Department of Environmental Quality Rule R317.

R156-56-709. Statewide Amendments to the IFGC.

The following are adopted as amendments to the IFGC to be applicable statewide:

(1) The following paragraph is added at the end of Section 305.1

305.1 General. After natural gas, space and water heating appliances have been adjusted for altitude and the Btu content of the natural gas, the installer shall apply a sticker in a visible location indicating that the proper adjustments to such appliances have been made. The adjustments for altitude and the Btu content of the natural gas shall be done in accordance with the manufacturer's installation instructions and the gas utility's approved practices.

(2) Chapter 4, Section 401 General, a new section 401.9 is added as follows:

401.9 Meter protection. Fuel g[as] as [meters] services shall be in an approved location and/or provided with structures designed to protect the fuel gas meter and surrounding piping from physical damage, including falling, moving, or migrating ice and snow. If an added structure is used, it must still provide access for service and comply with the IBC or the IRC. [protected from physical damage, including falling ice and snow.]

(3) In Section 402.1 General Considerations, the following sentence is added at the end of the section:

In residential occupancies, natural gas service lines shall be no less than 1 inch (25 mm) in diameter.

R156-56-710. Statewide Amendments to the IECC.

The following are adopted as amendments to the IECC to be applicable statewide:

(1) In Section 504.~~[7]4~~, the following exception is added:

Exception: Heat traps, other than the arrangement of piping and fittings, shall be prohibited unless a means of controlling thermal expansion can be ensured as required in the IPC Section 607.3.

R156-56-711. Statewide Amendments to the IRC.

The following are adopted as amendments to the IRC to be applicable statewide:

(1) All amendments to the IBC under Section R156-56-704, local amendments under Section R156-56-705, the NEC under Section R156-56-706, the IPC under Section R156-56-707, the IMC under Section R156-56-708, the IFGC under Section R156-56-709 and the IECC under Section R156-56-710 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC. All references to the ~~[International Electrical Code]ICC Electrical Code~~ are deleted and replaced with the National Electrical Code adopted under Section R156-56-701(1)(b). Should there be any conflicts between the NEC and the IRC, the NEC shall prevail.

~~(2) Section 106.3.2 is deleted and replaced with the following: 106.3.2 Previous approval. If a lawful permit has been issued and the construction of which has been pursued in good faith within 180 days after the effective date of the code and has not been abandoned, then the construction may be completed under the code in effect at the time of the issuance of the permit.~~

~~(2)3~~ In Section 109, a new section is added as follows:

R109.1.5 Weather-resistive barrier and flashing inspections. An inspection shall be made of the weather-resistive barrier as required by Section R703.1 and flashings as required by Section R703.8 to prevent water from entering the weather-resistant exterior wall envelope.

The remaining sections are renumbered as follows:

R109.1.6 Other inspections

R109.1.6.1 Fire-resistance-rated construction inspection

R109.1.6.2 Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection

R109.1.7 Final inspection.

~~(3)4~~ Section R114.1 is deleted and replaced with the following:

R114.1 Notice to owner. Upon notice from the building official that work on any building or structured is being prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work; and shall state the conditions under which work will be permitted to resume.

~~(4)5~~ In Section R202, the definition of "Backsiphonage" is deleted and replaced with the following:

BACKSIPHONAGE: The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

~~(5)6~~ In Section R202 the following definition is added:

CERTIFIED BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

~~(6)7~~ In Section R202 the definition of "Cross Connection" is deleted and replaced with the following:

CROSS CONNECTION. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems(see "Backflow, Water Distribution").

~~(7)8~~ In Section R202 the following definition is added:

HEAT exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

~~(8)9~~ In Section R202 the definition of "Potable Water" is deleted and replaced with the following:

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

~~(9)10~~ In Section R202, the following definition is added:

S-Trap. A trap having it's weir installed above the inlet of the vent connection.

~~(10)11~~ In Section R202 the definition of "Water Heater" is deleted and replaced with the following:

WATER HEATER. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use externally to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

~~(11) Section R301.5 is deleted and replaced with the following: R301.5 Live Load. The minimum uniformly distributed live load shall be as provided in Table R301.5.~~

TABLE R301.5
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
(in pounds per square foot)

USE	LIVE LOAD
Attics with storage (b), (c)	20
Attics without storage (b), (c), (g)	10
Decks (f)	60
Exterior balconies	60
Fire escapes	40
Guardrails and handrails (d)	200
Guardrails in fill components (f)	50
Passenger vehicle garages (a)	50(a)
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40(c)

~~For SI: 1 pound per square foot = 0.0479 kN/m², 1 square inch = 645 mm², 1 pound = 4.45N.~~

~~(a) Elevated garage floors shall be capable of supporting a 2,000 pound load applied over a 20 square inch area.~~

~~(b) No storage with roof slope not over 3 units in 12 units.~~

— (c) Individual stair treads shall be designed for the uniformly distributed live load or a 300 pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.

— (d) A single concentrated load applied in any direction at any point along the top.

— (e) Attics constructed with wood trusses shall be designated in accordance with Section R802.10.1.

— (f) See Section R502.2.1 for decks attached to exterior walls.

— (g) This live load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.]

(12) Figure R301.2(5) is deleted and replaced with Table R301.2(5a) and Table R301.2(5b) as follows:

TABLE NO. R301.2(5a)
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P _s	S	A _s
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

TABLE NO. R301.2(5b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS(2)

	Roof Snow Load (PSF)	Ground Snow Load (PSF)	
Beaver County			
Beaver	5920 ft.	43	62
Box Elder County			
Brigham City	4300 ft.	30	43
Tremonton	4290 ft.	30	43
Cache County			
Logan	4530 ft.	35	50
Smithfield	4595 ft.	35	50
Carbon County			
Price	5550 ft.	30	43
Daggett County			
Manila	5377 ft.	30	43
Davis County			
Bountiful	4300 ft.	30	43
Farlington	4270 ft.	30	43
Layton	4400 ft.	30	43
Fruit Heights	4500 ft.	40	57

Duchesne County			
Duchesne	5510 ft.	30	43
Roosevelt	5104 ft.	30	43
Emery County			
Castledale	5660 ft.	30	43
Green River	4070 ft.	25	36
Garfield County			
Panguitch	6600 ft.	30	43
Grand County			
Moab	3965 ft.	25	36
Iron County			
Cedar City	5831 ft.	30	43
Juab County			
Nephi	5130 ft.	30	43
Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6800 ft.	100	142
Park City	8400 ft.	162	231
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43
Uintah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43
Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

NOTES

(1) The IRC requires a minimum live load - See R301.6.

~~(2) This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation.~~

~~(13) Section R301.6 is deleted and replaced with the following:
R301.6 Utah Snow Loads. The ground snow load, P_g , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2 + S^2(A-A_o)^2)^{0.5}$ for A greater than A_o , and $P_g = P_o$ for A less than or equal to A_o .~~

~~WHERE~~

~~P_g = Ground snow load at a given elevation (psf)
 P_o = Base ground snow load (psf) from Table No. R301.2(5a)
S = Change in ground snow load with elevation (psf/100 ft.)
From Table No. R301.2(5a)
A = Elevation above sea level at the site (ft./1000)
 A_o = Base ground snow elevation from Table R301.2(5a) (ft./1000)~~

~~The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P_g , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record.~~

~~The building official may also directly adopt roof snow loads in accordance with Table R301.2(5b), provided the site is no more than 100 ft. higher than the listed elevation.~~

~~Where the minimum roof live load in accordance with Table R301.6 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.~~

~~(14) Section R304.3 is deleted and replaced with the following:~~

~~R304.3 Minimum dimensions. Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.~~

~~Exception: Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.~~

~~(15) Section R311.5.3 is deleted and replaced with the following:~~

~~R311.5.3 Stair treads and risers.~~

~~R311.5.3.1 Riser height. The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).~~

~~R311.5.3.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12 inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).~~

~~R311.5.3.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4 inches (32~~

mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inches (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

~~Exceptions.~~

~~1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).~~

~~2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.[]~~

~~(14) Section R311.5.6 is deleted and replaced with the following:~~

~~R311.5.6 Handrails. Handrails shall be provided on at least one side of stairways consisting of four or more risers. Handrails shall have a minimum height of 34 inches (864 mm) and a maximum height of 38 inches (965 mm) measured vertically from the nosing of the treads. All required handrails shall be continuous the full length of the stairs from a point directly above the top riser to a point directly above the lowest riser of the stairway. The ends of the handrail shall be returned into a wall or shall terminate in newel post or safety terminals. A minimum clear space of 1 1/2 inches (38 mm) shall be provided between the wall and the handrail.~~

~~Exceptions:~~

~~1. Handrails shall be permitted to be interrupted by a newel post at a turn.~~

~~2. The use of a volute, turnout or starting easing shall be allowed over the lowest tread.~~

~~(15) Section R311.5.6.3 is deleted and replaced with the following:~~

~~R311.5.6.3 Handrail grip size. The handgrip portion of handrails shall have a circular cross section of 1 1/4 inches (32mm) minimum to 2 5/8 inches (67mm) maximum. Edges shall have a minimum radius of 1/8 inch (3.2mm).~~

~~Exception: Non-circular handrails shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16mm) and 1.5 inches (38mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6mm) deep on each side and shall be at least 0.5 inch (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.]~~

~~(16) Section R313 is deleted and replaced with the following:~~

~~Section R313 SMOKE AND CARBON MONOXIDE ALARMS~~

~~R313.1 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed in the following locations:~~

~~1. In each sleeping room.~~

~~2. Outside of each separate sleeping area in the immediate vicinity of the bedrooms.~~

~~3. On each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the~~

adjacent lower level provided that the lower level is less than one full story below the upper level.

All smoke alarms shall be listed and installed in accordance with the provisions of this code and the household fire warning equipment provision of NFPA 72.

R313.2 Carbon monoxide alarms. In new residential structures regulated by this code that are equipped with fuel burning appliances, carbon monoxide alarms shall be installed on each habitable level. All carbon monoxide detectors shall be listed and comply with U.L. 2034 and shall be installed in accordance with provisions of this code and NFPA 720.

R313.3 Interconnection of alarms. When multiple alarms are required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Approved combination smoke- and carbon-monoxide detectors shall be permitted.

R313.4 Power source. In new construction, the required alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Alarms shall be permitted to be battery operated when installed in buildings without commercial power or in buildings that undergo alterations, repairs, or additions regulated by Section R313.5

R313.5 Alterations, repairs and additions. When interior alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be provided with alarms located as required for new dwellings; the alarms shall be interconnected and hard wired.

Exceptions:

1. Alarms in existing areas shall not be required to be interconnected and hard wired where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space, or basement available which could provide access for hard wiring and interconnection without the removal of interior finishes.

2. Repairs to the exterior surfaces of dwellings are exempt from the requirements of this section.

~~(17) [In Section 317.3.2 Exception 1.1 is deleted and replaced with the following:~~

~~1.1 By a horizontal distance of not less than the width of a stud space regardless of stud spacing, or~~

~~(18) In Section R403.1.4.1 exception 1 is deleted and replaced with the following:~~

~~1. Freestanding accessory structures, not intended for human occupancy, with an area of 1,000 square feet (93m²) or less, of wood framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required to be protected.~~

~~(19) [In Section R403.1.6 [the] exception 4 is added as follows: [deleted and replaced with the following exceptions:~~

~~Exceptions:~~

~~1. Foundation anchor straps, spaced as required to provide equivalent anchorage to 1/2-inch diameter (12.7 mm) anchor bolts.~~

~~2-4. When anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each~~

end of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls.

~~(20)18~~ In Section R403.1.6.1 the following exception is added at the end of Item 2 and Item 3:

Exception: When anchor bolt spacing does not exceed 32 inches (816 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls.

(19) New Sections R404.0, R404.0.1 and R404.0.2 are added before Section 404.1 as follows:

R404.0 This section may be used as an alternative to complying with Sections R404.1 through R404.1.5.1.

R404.0.1 Concrete and masonry foundation walls. Concrete and masonry foundation walls may be designed in accordance with IBC Chapters 19 or 21 respectively. Foundation walls that are laterally supported at the top and bottom within the parameters of IBC Tables 1805.5(1) through 1805.5(5) are permitted to be designed and constructed in accordance with IBC Sections 1805.5.1 through 1805.5.5. Concrete foundation walls may also be constructed in accordance with Section R404.0.2.

R404.0.2 Empirical foundation design. Buildings constructed with repetitive wood frame construction or repetitive cold-formed steel structural member construction may be permitted to have concrete foundations constructed in accordance with IBC Table 1805.5(6). IBC Table 1805.5(6) entitled "Empirical Foundations Walls", dated January 1, 2007, published by the Department of Commerce, Division of Occupational and Professional Licensing, is hereby adopted and incorporated by reference. Table 1805.5(6) identifies foundation requirements for empirical walls.

~~(21)20~~ Section R703.6 is deleted and replaced with the following:

R703.6 Exterior plaster.

R703.6.1 Lath. All lath and lath attachments shall be of corrosion-resistant materials. Expanded metal or woven wire lath shall be attached with 1 1/2 inch-long (38 mm), 11 gage nails having 7/16 inch (11.1 mm) head, or 7/8-inch-long (22.2 mm), 16 gage staples, spaced at no more than 6 inches (152 mm), or as otherwise approved.

R703.6.2 Weather-resistant barriers. Weather-resistant barriers shall be installed as required in Section R703.2 and, where applied over wood-based sheathing, shall include a weather-resistive vapor permeable barrier with a performance at least equivalent to two layers of Grade D paper.

R703.6.3 Plaster. Plastering with portland cement plaster shall be not less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1). On wood-frame construction with an on-grade floor slab system, exterior plaster shall be applied in such a manner as to cover, but not extend below, lath, paper and screed.

The proportion of aggregate to cementitious materials shall be as set forth in Table R702.1(3).

R703.6.3.1 Weep screeds. A minimum 0.019-inch (0.5 mm) (No. 26 galvanized sheet gage), corrosion-resistant weep screed or plastic weep screed, with a minimum vertical attachment flange of 3 1/2 inches (89 mm) shall be provided at or below the foundation plate line on exterior stud walls in accordance with ASTM C 926.

The weep screed shall be placed a minimum of 4 inches (102 mm) above the earth or 2 inches (51 mm) above paved areas and shall be of a type that will allow trapped water to drain to the exterior of the building. The weather-resistant barrier shall lap the attachment flange. The exterior lath shall cover and terminate on the attachment flange of the weep screed.

~~(22)~~(21) In Section R703.8, number 8 is added as follows:

8. At the intersection of foundation to stucco, masonry, siding, or brick veneer with an approved corrosive-resistance flashing with a 1/2" drip leg extending past exterior side of the foundation.

~~(23)~~(22) A new Section G2401.2 is added as follows:

G2401.2 Meter Protection. ~~[Gas]~~Fuel gas services [meters] shall be in an approved location and/or provided with structures designed to protect the fuel gas meter and surrounding piping~~[protected]~~ from physical damage, including falling, moving, or migrating ice and snow. If an added structure is used, it must provide access for service and comply with the IBC or the IRC.

(23) In Section G2413.1(402.1) General Considerations, the following sentence is added at the end of the section:

In residential occupancies, natural gas service lines shall be no less than 1 inch (25 mm) in diameter.

(24) Section P2602.3 is added as follows:

P2602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction.

(25) Section P2602.4 is added as follows:

P2602.4 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317, Chapter 4~~[R317-501 through R317-513 and Rule R317-5]~~, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(26) Section P2603.2.1 is deleted and replaced with the following:

P2603.2.1 Protection against physical damage. In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters, or similar members less than 1 1/2 inch (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be a minimum of 1/16 inch-thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored, and shall be at least the thickness of the framing member penetrated.

~~(27) Section P2801.2.1 is added as follows:~~

~~P2801.2.1 Water heater seismic bracing. In Seismic Design Categories C, D₁, and D₂, water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.~~

~~(27) In Section P2801.7 the word townhouses is deleted.~~

(28) Section P2902.1.1 is added as follows:

P2902.1.1 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly.

(29) Table P2902.3 is deleted and replaced with the following:

TABLE P2902.3
General Methods of Protection

<u>Assembly (applicable of standard)</u>	<u>Degree of Hazard</u>	<u>Application</u>	<u>Installation Criteria</u>
<u>Air Gap</u>	<u>High or Low</u>	<u>Backsiphonage</u>	<u>See Table P2902.3.1 (ASME A112.1.2) Low</u>
<u>Reduced Pressure Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013)</u>	<u>High or Low</u>	<u>Backpressure or Backsiphonage</u>	<u>a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor.</u>
<u>CSA CNA/CSA-B64.4 and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)</u>			<u>b. RP assemblies shall NOT be installed in a pit.</u>
			<u>c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents.</u>
			<u>d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.</u>
<u>Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015)</u>	<u>Low</u>	<u>Backpressure or Backsiphonage</u>	<u>a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.</u>
			<u>b. Shall be installed in a horizontal position unless listed or approved for vertical installation.</u>
<u>Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)</u>	<u>High or Low</u>	<u>Backsiphonage</u>	<u>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u>

b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.
 c. Shall not be installed below ground or in a vault or pit.
 d. Shall be installed in a vertical position only.

Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR) High or Low Backsiphonage 1/4" - 2"

a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.
 b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.
 c. Shall not be installed below ground or in a vault or pit.
 d. Shall be installed in a vertical position only.

Atmospheric Vacuum Breaker (ASSE 1001 USC-FCCCHR, CSA CAN/CSA-B64.1.1) High or Low Backsiphonage

a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.
 b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.
 c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.
 d. Shall be installed on the discharge (downstream) side of any valves.
 e. The AVB shall be installed in a vertical position only.

General Installation Criteria The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet

off the floor unless a permanent platform is installed.

The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.

In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.

Assemblies shall be maintained as an intact assembly.

(30) Table 2902.3a is added as follows:

TABLE 2902.3a
 Specialty Backflow Devices for low hazard use only

Device	Degree of Hazard	Application	Applicable Standard
Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/CSA-B125
Dual check valve Backflow Preventer	Low	Backsiphonage or Backpressure	ASSE 1024 1/4" - 1"
Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure	ASSE 1012 CSA CAN/CSA-B64.3
Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure	ASSE 1022 1/4" - 3/8"
Hose-connection Vacuum Breaker	Low	Backsiphonage	ASSE 1011 1/2", 3/4", 1" CSA CAN/CSA-B64.2
Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage	ASSE 1019 3/4", 1" CSA CAN/CSA-B64.2.2
Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/CSA-B64.7

Hose Connection Backflow Preventer 1/2" - 1"
 Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

(~~29~~31) Section P3003.2.1 is added as follows:

Section P3003.2.1 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(~~30~~32) In Section P3103.6, the following sentence is added at the end of the paragraph:

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

(~~34~~33) In Section P3104.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed below grade in accordance with Chapter 30, and Sections P3104.2 and P3104.3. A wall cleanout shall be provided in the vertical vent.

(~~32~~34) Chapter 43, Referenced Standards, is amended as follows:

The following reference standard is added:

TABLE

USC- P2902.3 FCCCHR 9th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	[Section] Table
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(~~33~~35) In Chapter 43, the following standard is added under NFPA as follows:

TABLE

720- 98 05	Recommended Practice for the Installation of Household Carbon Monoxide (CO) Warning Equipment	R313.2
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R156-56-712. Local Amendments to the IRC.

The following are adopted as amendments to the IRC to be applicable to the following jurisdictions:

- (1) City of Farmington:
R325 Automatic Sprinkler Systems.

(a) Sections R32[4]5.1 and R32[4]5.2 are added as follows:

R32[4]5.1 When required. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when any of the following conditions are present:

1. the structure is over two stories high, as defined by the building code;
2. the nearest point of structure is more than 150 feet from the public way;
3. the total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or
4. the structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply).

R32[4]5.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless

required by the Chief. Such system shall be installed in accordance with NFPA 13-D.

(b) In Chapter 43, Referenced Standards, the following NFPA referenced standards are added as follows:

TABLE

ADD	
13D-02	Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes, as amended by these rules
13R-02	Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height
101-03	Life Safety Code

(c) NFPA 13D-02 is amended to add the following new sections:

1.15 Reference to NFPA 13-D. All references to NFPA 13-D in the codes, ordinances, rules or regulations governing NFPA 13-D systems shall be read to refer to "modified NFPA 13-D" to reference the NFPA 13-D as amended by additional regulations adopted by Farmington City.

4.6 Testing and Inspection of Systems. Testing and inspection of sprinkler systems shall include, but are not limited to:

Residential:

ROUGH Inspection-Verify Water Supply Piping Size and Materials, Installation of Riser, System Piping, Head Locations and all Components, Hydrostatic Pressure Test.

FINAL Inspection-Inspectors Test Flow, System Completeness, Spare Parts, Labeling of Components and Signage, Alarm Function, Water Supply Pressure Verification.

5.2.2.3 Exposed Piping of Metal. Exposed Sprinkler Piping material in rooms of dwellings shall be of Metal.

EXCEPTIONS:

a. CPVC Piping is allowed in unfinished mechanical and storage rooms only when specifically listed for the application as installed.

b. CPVC Piping is allowed in finished, occupied rooms used for sports courts or similar uses only when the ceiling/floor framing above is constructed entirely of non-combustible materials, such as a concrete garage floor on metal decking.

5.2.2.4 Water Supply Piping Material. Water Supply Piping from where the water line enters the dwelling adjacent to and inside the foundation to the fire sprinkler contractor point-of-connection shall be metal, suitable for potable plumbing systems. See Section 7.1.4 for valve prohibition in such piping. Piping down stream from the point-of-connection used in the fire sprinkler system, including the riser, shall conform to NFPA 13-D standards.

5.4 Fire Pump Disconnect Signs. When installing a Fire Pump, Red Plastic Laminate Signs shall be installed in the electrical service panel, if the pump is wired separately from the main disconnect. These signs shall state: "Fire Pump Disconnect ONLY" and "Main Breaker DOES NOT Shut Off Fire Pump".

7.1.4 Valve Prohibition. NFPA 13-d, Section 7.1 is hereby modified such that NO VALVE is permitted from the City Water Meter to the Fire Sprinkler Riser Control.

7.6.1 Mandatory Exterior Alarm. Every dwelling that has a fire sprinkler system shall have an exterior alarm, installed in an approved location. The alarm shall be of the combination horn/strobe or electric bell/strobe type, approved for outdoor use.

8.1.05 Plan Preparation Identification. All plans for fire sprinkler systems, except for manufacturer's cut sheets of equipment, shall include the full name of the person who prepared the drawings.

When the drawings are prepared by a registered professional engineer, the engineer's signature shall also be included.

8.7 Verification of Water Supply:

8.7.1 Fire Flow Tests: Fire Flow Tests for verification of Water Supply shall be conducted and witnesses for all applications other than residential, unless directed otherwise by the Chief. For residential Water Supply, verification shall be determined by administrative procedure.

8.7.2 Accurate and Verifiable Criteria. The design calculations and criteria shall include an accurate and verifiable Water Supply.

(2) Morgan City Corp:

In Section R105.2 Work Exempt From Permit, the following is added:

10. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria is met:

a. The parcel of property involved is zoned for the keeping of farm animals or has grand fathered animal rights.

b. The structure is setback not less than 50 feet from the rear or side of dwellings, and not less than 10 feet from property lines and other structures.

c. The structure does not exceed 1000 square feet of floor area, and is limited to 20 feet in height. Height is measured from the average grade to the highest point of the structure.

d. Before construction, a site plan is submitted to, and approved by the building official.

Electrical, plumbing, and mechanical permits shall be required when that work is included in the structure.

(3) Morgan County:

In Section R105.2 Work Exempt From Permit, the following is added:

10. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria is met:

a. The parcel of property involved is zoned for the keeping of farm animals or has grand fathered animal rights.

b. The structure is set back not less than required by the Morgan County Zoning Ordinance for such structures, but not less than 10 feet from property lines and other structures.

c. The structure does not exceed 1000 square feet of floor area, and is limited to 20 feet in height. Height is measured from the average grade to the highest point of the structure.

d. Before construction, a Land Use Permit must be applied for, and approved, by the Morgan County Planning and Zoning Department.

Electrical, plumbing, and mechanical permits shall be required when that work is included in the structure.

(4) City of North Salt Lake:

Sections R32[4]5.1 and R32[4]5.2 are added as follows:

R32[4]5.1 When Required. An automatic sprinkler system shall be installed throughout every dwelling when the following condition is present:

1. The structure is over 6,200 square feet.

R32[4]5.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves, or in enclosed attic spaces, unless required by the fire chief. Such system shall be installed in accordance with NFPA 13-D.

(5) Park City Corporation:

Appendix P is adopted.

~~([5]6)~~ Park City Corporation and Park City Fire District:

(a) Section R905.7 is deleted and replaced with the following:
R905.7 Wood shingles. The installation of wood shingles shall comply with the provisions of this section.

Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited

(b) Section R905.8 is deleted and replaced with the following:

R905.8 Wood Shakes. The installation of wood shakes shall comply with the provisions of this section. Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited

(c) Appendix K is adopted.

(7) Sandy City

A new Section R325 is added to the IRC as follows:

Section R325 IGNITION RESISTANT CONSTRUCTION

R325.1 General. Buildings and structures constructed in areas designated as Wildland-Urban Interface Areas by Sandy City shall be constructed using ignition resistant construction as determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 IWUIC, as modified herein, shall be used to determine the requirements for Ignition Resistant Construction.

(i) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a new Section 504.1.1 is added as follows:

504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure side of the structure, as determined by the Fire Marshal, where defensible space is less than 50 feet as defined in Section 603 of the 2006 IWUIC.

(ii) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION Subsections 505.5 and 505.7 are deleted.

R156-56-713. Statewide Amendments to the IEBC.

The following are adopted as amendments to the IEBC to be applicable statewide:

(1) In Section 101.5 the exception is deleted.

(2) Section R106.3.2 is deleted and replaced with the following:

R106.3.2 Previous approval. If a lawful permit has been issued and the construction of which has been pursued in good faith within 180 days after the effective date of the code and has not been abandoned, then the construction may be completed under the code in effect at the time of the issuance of the permit.

(3) In Section 202 the definition for existing buildings is deleted and replaced with the following:

EXISTING BUILDING. A building lawfully erected prior to January 1, 2002, or one which is deemed a legal non-conforming building by the code official, and one which is not a dangerous building.

(4) Section 606.2.2 is deleted and replaced with the following:

602.2.2 Parapet bracing, wall anchors, and other appendages. Buildings constructed prior to 1975 shall have parapet bracing, wall anchors, and appendages such as cornices, spires, towers, tanks, signs, statuary, etc. evaluated by a licensed engineer when said building is undergoing reroofing, or alteration of or repair to said feature. Such parapet bracing, wall anchors, and appendages shall be evaluated in accordance with the reduced International Building Code level seismic forces as specified in IEBC Section 506.1.1.3 and design procedures of Section 506.1.1.1. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce, or remove the deficient feature.

EXCEPTIONS:

1. Group R-3 and U occupancies.

2. Unreinforced masonry parapets need not be braced according to the above stated provisions provided that the maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F.

(5) Section 705.3.1.2 is deleted and replaced with the following:

705.3.1.2 Fire escapes required. When more than one exit is required, an existing fire escape complying with Section 705.3.1.2.1 shall be accepted as providing one of the required means of egress.

705.3.1.2.1 Fire escape access and details. Fire escapes shall comply with all of the following requirements:

1. Occupants shall have unobstructed access to the fire escapes without having to pass through a room subject to locking.

2. Access to an existing fire escape shall be through a door, except that windows shall be permitted to provide access from single dwelling units or sleeping units in Group R-1, R-2, and I-1 occupancies or to provide access from spaces having a maximum occupant load of 10 in other occupancy classifications.

3. Existing fire escapes shall be permitted only where exterior stairs cannot be utilized because of lot lines limiting the stair size or because of the sidewalks, alleys, or roads at grade level.

4. Openings within 10 feet (3048 mm) of fire escape stairs shall be protected by fire assemblies having minimum 3/4-hour fire-resistance ratings.

Exception: Opening protection shall not be required in buildings equipped throughout with an approved automatic sprinkler system.

5. In all buildings of Group E occupancy, up to and including the 12th grade, buildings of Group I occupancy, rooming houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

(6) Section 906.1 is deleted and replaced with the following:

906.1 General. Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with Section 605 and 912.8.

(7) Section 907.3.1 is deleted and replaced with the following:

When a building or portion thereof is subject to a change of occupancy such that a change in the nature of the occupancy results in a higher seismic occupancy based on Table 1604.5 of the International Building Code; or where such change of occupancy results in a reclassification of a building to a higher hazard category as shown in Table 912.4; or where a change of a Group M occupancy to a Group A, ETM R-1, R-2, or R-4 occupancy with two-thirds or more of the floors involved in Level 3 alteration work; or when such change of occupancy results in a design occupant load increase of 100% or more, the building shall conform to the seismic requirements of the International Building Code for the new seismic use group.

Exceptions 1-4 remain unchanged.

5. Where the design occupant load increase is less than 25 occupants and the occupancy category does not change.

(8) In Section 912.7.3 exception 2 is deleted.

(9) In Section 912.8 number 7 is added as follows:

7. When a change of occupancy in a building or portion of a building results in a Group R-2 occupancy, not less than 20 percent of the dwelling or sleeping units shall be Type B dwelling or sleeping units. These dwelling or sleeping units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one unit, of the dwelling or sleeping units shall be Type A dwelling units.

KEY: contractors, building codes, building inspection, licensing
Date of Enactment or Last Substantive Amendment: ~~January 4,~~ 2006

Notice of Continuation: May 16, 2002

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-56-1; 58-56-4(2); 58-56-6(2)(a)



Commerce, Occupational and
Professional Licensing
R156-56
Utah Uniform Building Standard Act
Rules

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 29122
FILED: 10/12/2006, 14:51

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Uniform Building Code Commission are proposing these amendments to implement statute amendments enacted in H.B. 160 during the 2006 General Legislative Session. Those statute amendments require the Division and Uniform Building Code Commission to enact rules regarding the standardized building permit number. These proposed amendments enact the minimum requirements that are envisioned by the statute. Virtually all of the specifics which are being proposed in the rule are mandated to be included in the rule by statute. Also, it should be noted that once the Division and Commission have determined which of all of the rule filings affecting Rule R156-56 will be made effective, a nonsubstantive rule filing will be filed by the Division to update and correct all subsection numbers. (DAR NOTES: H.B. 160 (2006) is found at Chapter 297, Laws of Utah 2006, and was effective 05/01/2006. Another proposed amendment to Rule R156-56 is under DAR No. 29120 in this issue, November 1, 2006, of the Bulletin. The other filings for changes to Rule R156-56 are as follows: Section R156-56-704 under DAR No. 29074, Section R156-56-711 under DAR No. 29075, Section R156-56-704 under DAR No. 29078, and Rule R156-56 under DAR No. 29079 all in the October 15, 2006, issue of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: New Sections R156-56-401 and R156-56-402 are being added to define the standardized building permit number and standardized building permit content which is required in Section 58-56-18.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 58-56-1 and 58-56-18, and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-56-4(2), and 58-56-6(2)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division anticipates no costs or savings associated with this rule amendment as the proposed amendments do not enact any requirements that are not already provided for in the statute. Any costs involved in a standardized building permit were addressed during the 2006 legislative session with respect to H.B. 160.

❖ LOCAL GOVERNMENTS: The Division anticipates no costs or savings associated with this rule amendment as the proposed amendments do not enact any requirements that are not already provided for in the statute. Any costs involved in a standardized building permit were addressed during the 2006 legislative session with respect to H.B. 160. Many representatives of local governments have voiced objection to this proposed rule because of the costs that they claim will be required of them to implement the new statute. While the statute amendments do impose new obligations upon local government, this proposed rule change does not add any additional burden on local governments from what costs already resulted from the enactment of the statute.

❖ OTHER PERSONS: The Division anticipates no costs or savings associated with this rule amendment as the proposed amendments do not enact any requirements that are not already provided for in the statute. Any costs involved in a standardized building permit were addressed during the 2006 legislative session with respect to H.B. 160.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division anticipates no costs or savings associated with this rule amendment as the proposed amendments do not enact any requirements that are not already provided for in the statute. Any costs involved in a standardized building permit were addressed during the 2006 legislative session with respect to H.B. 160.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule filing relating to standardized numbering of building permits is required by authorizing statute. Therefore, no fiscal impact to businesses is anticipated by this filing beyond those already addressed upon passage of the authorizing statute. Francine A. Giani, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dansjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 11/15/2006 at 9:00 AM, State Office Building (behind the Capitol), Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2006

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.**

R156-56-102. Definitions.

In addition to the definitions in Title 58, Chapters 1, 55 and 56, as used in Title 58, Chapter 56 or these rules:

(1) "Building permit" means, for the purpose of determining the building permit surcharge under Subsection 58-56-9(4), a warrant, license or authorization to build or construct a building or structure or any part thereof.

(2) "Building permit fee" means, for the purpose of determining the building permit surcharge under Subsection 58-56-9(4), fees assessed by an agency of the state or political subdivision of the state for the issuance of permits for construction, alteration, remodeling, and repair and installation including building, electrical, mechanical and plumbing components.

(3) "Different permit number", as used in Sections R156-56-401 and R156-56-402, means a permit number derived from any format other than the standardized building permit described in R156-56-401. The different permit number may refer to a compliance agency's previous permit numbering system.

(3)4 "Employed by a local regulator, state regulator or compliance agency" means, with respect to Subsection 58-56-9(1), the hiring of services of a qualified inspector whether by an employer/employee relationship, an independent contractor relationship, a fee-for-service relationship or any other lawful arrangement under which the regulating agency purchases the services of a qualified inspector.

(4)5 "Inspector" means a person employed by a local regulator, state regulator or compliance agency for the purpose of inspecting building, electrical, plumbing or mechanical construction, alteration, remodeling, repair or installation in accordance with the codes adopted under these rules and taking appropriate action based upon the findings made during inspection.

(6) "Permit number", as used in Sections R156-56-401 and R156-56-402, means the 12 digit standardized building permit number described below in R156-56-401.

(5)7 "Refuses to establish a method of appeal" means with respect to Subsection 58-56-8(3), that a compliance agency does not in fact adopt a formal written method of appealing uniform building standard matters in accordance with generally recognized standards of due process; or, that the compliance agency does not convene an appeals board and render a decision in the matter within ninety days from the date on which the appeal is properly filed with the compliance agency.

(6)8 "Uniform Building Standards" means the codes identified in Section R156-56-701 and as amended under these rules.

(7)9 "Unprofessional conduct" as defined in Title 58, Chapter 1 is further defined, in accordance with Subsection 58-1-203(5), in Section R156-56-502.

R156-56-401. Standardized Building Permit Number.

As provided in Section 58-56-18, beginning on January 1, 2007, any agency issuing a permit for construction within the state of Utah shall use the standardized building permit numbering which includes the following:

(1) The permit number shall consist of 12 digits with the following components in the following order:

(a) digits one, two and three shall be alphabetical characters identifying the compliance agency issuing the permit as specified in the table in Subsection (3);

(b) digits four and five shall be numerical characters indicating the year of permit issuance;

(c) digits six and seven shall be numerical characters indicating the month of permit issuance;

(d) digits eight and nine shall be numerical characters indicating the day of the month on which the permit is issued; and

(e) digits ten, eleven and twelve shall be numerical characters used to distinguish between permits issued by the agency on the same day.

(2) When used in addition to a different permit numbering system, as provided for in Subsection 58-56-18(3)(b), the standardized building permit number shall be clearly identified and labeled as the "state permit number" or "Utah permit number".

(3) The following table establishes the three digit alphabetical character for which the compliance agency shall be identified as provided in Subsection (1)(a):

**TABLE
COMPLIANCE AGENCY PERMIT TABLE
FOR STANDARDIZED BUILDING PERMIT
THREE LETTER DESIGNATIONS**

Index:

Column 1: City or town in which project is located
 Column 2: County in which the city or town is located
 Column 3: City or town 3 digit designation (Designation is shown for cities or towns which issue building permits. If no designation is shown, the building permits for the city or town are issued by the county, therefore the county three digit designation should be used)
 Column 4: County 3 digit designation

1 City or Town	2 County	3 City or Town Desig- nation	4 County Designa- tion
Adamsville	BEAVER		BVR
Alpine	UTAH	ALP	
Alta	SALT LAKE	ALT	
Altamont	DUCHESNE		DCH
Alton	KANE		KAN
Altonah	DUCHESNE		DCH
Amalga	CACHE		CAC
American Fork	UTAH	AFC	
Aneth	SAN JUAN		SJC
Angle	PIUTE		PIU
Annabella	SEVIER		SEV
Antimony	GARFIELD		GRF
Apple Valley	WASHINGTON		WSC
Aragonite	TOOELE		TOC
Aurora	SEVIER		SEV
Austin	SEVIER		SEV
Avon	CACHE		CAC
Axtell	SANPETE		SPC
Bacchus	SALT LAKE		SCO
Ballard	UINTAH	BAL	
Bauer	TOOELE		TOC
Bear River	BOX ELDER	BRC	
Beaver City	BEAVER		BEA
BEAVER COUNTY			BVR
Beaver Dam	BOX ELDER		BEC
Benjamin	UTAH		UTA
Benson	CACHE		CAC
Beryl	IRON		IRO
Bicknell	WAYNE		WAY
Big Water	KANE	BWM	
Birdseye	UTAH		UTA
Black Rock	MILLARD		MIL
Blanding	SAN JUAN	BLA	
Bloomington Hills	WASHINGTON	STG (part of St. George)	
Bloomington	WASHINGTON	STG (part of St. George)	
Blue Creek	BOX ELDER		BEC
Bluebell	DUCHESNE		DCH
Bluff	SAN JUAN		SJC
Bluffdale	SALT LAKE	BLU	
Bonanza	UINTAH		UTC
Boneta	DUCHESNE		DCH
Bothwell	BOX ELDER		BEC
Boulder	GARFIELD		GRF
Bountiful	DAVIS	BOU	
BOX ELDER COUNTY			BEC
Brian Head	IRON	BHT	
Bridgeland	DUCHESNE		DCH
Brigham	BOX ELDER	BRI	
Brighton	SALT LAKE		SCO
Brookside	WASHINGTON		WSC
Bryce	GARFIELD		GRF
Bullfrog	KANE		KAN
Burmester	TOOELE		TOC

Burrville	SEVIER	SEV
CACHE COUNTY		CAC
Cache Junction	CACHE	CAC
Caineville	WAYNE	WAY
Callao	JUAB	JUA
Camp Williams	UTAH	UTA
Cannonville	GARFIELD	GRF
CARBON COUNTY		CAR
Carbonville	CARBON	CAR
Castle Dale	EMERY	EMR
Castle Rock	SUMMIT	SUM
Castle Valley	GRAND	GRA
Cedar City	IRON	CEC
Cedar Creek	BOX ELDER	BEC
Cedar Fort	UTAH	CFT
Cedar Hills	UTAH	CDH
Cedar Mountain	TOOELE	TOC
Cedar Springs	BOX ELDER	BEC
Cedar Valley	UTAH	UTA
Cedarview	DUCHESNE	DCH
Center Creek	WASATCH	WAC
Centerfield	SANPETE	SPC
Centerville	DAVIS	CEV
Central	SEVIER	SEV
Central	WASHINGTON	WSC
Central Valley	SEVIER	SEV
Charleston	WASATCH	CHA
Chester	SANPETE	SPC
Christinburg	SANPETE	SPC
Christmas Meadows	SUMMIT	SUM
Church Wells	KANE	KAN
Circleville	PIUTE	CIR
Cisco	GRAND	GRA
Clarkston	CACHE	CAC
Clawson	EMERY	EMR
Clear Lake	MILLARD	MIL
Clearcreek	BOX ELDER	BEC
Clearcreek	CARBON	CAR
Clearfield	DAVIS	CLE
Cleveland	EMERY	EMR
Clinton	DAVIS	CLI
Clive	TOOELE	TOC
Clower	TOOELE	RUV (became Rush Valley)
Coalville	SUMMIT	COA
College Ward	CACHE	CAC
Collinston	BOX ELDER	BEC
Colton	UTAH	UTA
Copperton	SALT LAKE	SCO
Corinne	BOX ELDER	COR
Cornish	CACHE	CAC
Cottonwood	SALT LAKE	SCO
Cottonwood Heights	SALT LAKE	CHC
Cove	CACHE	CAC
Cove Fort	MILLARD	MIL
Crescent	SALT LAKE	SCO
Crescent Junction	GRAND	GRA
Croyden	MORGAN	MRG
DAGGETT COUNTY		DAG
Dameron Valley	WASHINGTON	WSC
Daniels	WASATCH	WAC
DAVIS COUNTY		DAV
Deer Creek	WASATCH	WAC
Delle	TOOELE	TOC
Delta	MILLARD	DEL
Deseret	MILLARD	MIL
Deseret Mound	IRON	IRO
Devils Slide	MORGAN	MRG
Deweville	BOX ELDER	DEW
Diamond Valley	WASHINGTON	WSC
Dividend	UTAH	UTA
Draper	SALT LAKE	DRA
Draper City South	UTAH	UTA
Duchesne City	DUCHESNE	DUC
DUCHESNE COUNTY		DCH
Duck Creek	KANE	KAN
Dugway (Federal)	TOOELE	XXX
Dutch John	DAGGETT	DAG
Eagle Mountain	UTAH	EMC
East Carbon	CARBON	ECC
East Green River	GRAND	GRA
East Millcreek	SALT LAKE	SCO
Eastland	SAN JUAN	SJC
Echo	SUMMIT	SUM
Eden	WEBER	WEB
Elk Ridge	UTAH	ERC
Elberta	UTAH	UTA
Elmo	EMERY	EMR
Elsinore	SEVIER	SEV
Elwood	BOX ELDER	ELW
Emery City	EMERY	EME
EMERY COUNTY		EMR
Emory	SUMMIT	SUM
Enoch	IRON	ENO
Enterprise	WASHINGTON	ENT
Ephraim	SANPETE	SPC
Erda	TOOELE	TOC
Escalante	GARFIELD	GRF
Eskdale	MILLARD	MIL
Etna	BOX ELDER	BEC
Eureka	JUAB	EUR
Fairfield	UTAH	UTA
Fairmont	SEVIER	SEV
Fairview	SANPETE	SPC
Farmington	DAVIS	FAR
Farr West	WEBER	FAW
Faust	TOOELE	TOC
Fayette	SANPETE	SPC
Ferron	EMERY	EMR
Fielding	BOX ELDER	FIE
Fillmore	MILLARD	FIL
Flowell	MILLARD	MIL
Fort Duchesne	UINTAH	UTC
Fountain Green	SANPETE	SPC
Francis	SUMMIT	FRA
Freedom	SANPETE	SPC
Freeport Circle	DAVIS	DAV
Fremont	WAYNE	WAY
Fremont Junction	SEVIER	SEV
Fruit Heights	DAVIS	FRU
Fruitland	DUCHESNE	DCH
Fry Canyon	SAN JUAN	SJC
Gandy	MILLARD	MIL
Garden City	RICH	GAR
Garfield	SALT LAKE	SCO
GARFIELD COUNTY		GRF
Garland	BOX ELDER	GRL
Garrison	MILLARD	MIL
Geneva	UTAH	GEV
Genola	UTAH	GEN
Glendale	KANE	KAN
Glenwood	SEVIER	SEV
Goldhill	TOOELE	TOC
Goshen	UTAH	GOS
Grafton	WASHINGTON	ROC (part of Rockville)
GRAND COUNTY		GRA
Granite	SALT LAKE	SCO
Grantsville	TOOELE	GTV
Green River	EMERY	EMR
Greenville	BEAVER	BVR
Greenwich	PIUTE	PIU
Greenwood	MILLARD	MIL
Grouse Creek	BOX ELDER	BEC
Grover	WAYNE	WAY
Gunlock	WASHINGTON	WSC
Gunnison	SANPETE	SPC
Gusher	UINTAH	UTC
Hailstone	WASATCH	WAC
Halls Crossing	SAN JUAN	SJC
Hamilton Fort	IRON	IRO
Hamlin Valley	IRON	IRO
Hanksville	WAYNE	WAY
Hanna	DUCHESNE	DCH

Harrisville	WEBER	HAR	
Hatch	GARFIELD		GRF
Hatton	MILLARD		MTL
Heber	WASATCH	HEB	
Helper	CARBON		CAR
Henefer	SUMMIT	HEN	
Henrieville	GARFIELD		GRF
Herriman	SALT LAKE	HER	
Hiawatha	CARBON		CAR
Hideway Valley	SANPETE		SPC
Highland	UTAH	HIG	
Hildale	WASHINGTON	HIL	
Hinckley	MILLARD	HIN	
Hite	SAN JUAN		SJC
Holden	MILLARD	HOL	
Holladay	SALT LAKE	HOD	
Honeyville	BOX ELDER	HON	
Hooper	WEBER	HOO	
Hot Springs	BOX ELDER		BEC
Hovenweep Mountain	SAN JUAN		SJC
Howell	BOX ELDER	HPW	
Hoytsville	SUMMIT		SUM
Huntington	EMERY		EMR
Huntsville	WEBER	HTV	
Hurricane	WASHINGTON	HUR	
Hyde Park	CACHE	HPC	
Hyrum	CACHE		CAC
Ibapah	TOOELE		TOC
Indianola	SANPETE		SPC
Ioka	DUCHESNE		DCH
IRON COUNTY			IRO
Iron Springs	IRON		IRO
Ivins	WASHINGTON	INI	
Jensen	UINTAH		UTC
Jericho	JUAB		JUA
Joseph	SEVIER		SEV
JUAB COUNTY			JUA
Junction	PIUTE	JUN	
Kamas	SUMMIT	KAM	
Kanab	KANE	KNB	
Kanarrville	IRON		IRO
KANE COUNTY			KAN
Kaneville	WEBER		WEC
Kanosh	MILLARD	KNS	
Kayenta	WASHINGTON	INI (part of Ivins)	
Kaysville	DAVIS	KAY	
Kearns	SALT LAKE		SCO
Keetley	WASATCH		WAC
Kelton	BOX ELDER		BEC
Kenilworth	CARBON		CAR
Kingston	PIUTE	KIN	
Knolls	TOOELE		TOC
Koosharem	SEVIER		SEV
La Sal	SAN JUAN		SJC
La Verkin	WASHINGTON	LAV	
Lake Powell	SAN JUAN		SJC
Lakepoint	TOOELE		TOC
Lakeshore	UTAH		UTA
Lakeside	BOX ELDER		BEC
Laketown	RICH		RIC
Lakeview	UTAH		UTA
Lapoint	UINTAH		UTC
Lark	SALT LAKE		SCO
Lawrence	EMERY		EMR
Layton	DAVIS	LAY	
Leamington	MILLARD	LEA	
Leeds	WASHINGTON	LEE	
Leeton	UINTAH		UTC
Lehi	UTAH	LEH	
Leland	UTAH		UTA
Leota	UINTAH		UTC
Levan	JUAB	LEV	
Lewiston	CACHE	LEW	
Liberty	WEBER		WEC
Lincoln	TOOELE		TOC
Lindon	UTAH	LIN	
Little Mountain	WEBER		WEC
Littleton	MORGAN		MRG
Loa	WAYNE	LOA	
Logan	CACHE	LOG	
Long Valley	KANE		KAN
Losepa	TOOELE		TOC
Low	TOOELE		TOC
Lucin	BOX ELDER		BEC
Lund	IRON		IRO
Lyman	WAYNE		WAY
Lynn	BOX ELDER		BEC
Lynndyl	MILLARD	LYN	
Madsen	BOX ELDER		BEC
Maeser	UINTAH		UTC
Magna	SALT LAKE		SCO
Mammoth	JUAB		JUA
Manderfield	BEAVER		BVR
Manila	DAGGETT	MNL	
Manti	SANPETE		SPC
Mantua	BOX ELDER	MNT	
Mapleton	UTAH	MAP	
Marion	SUMMIT		SUM
Marriott-Slaterville	WEBER	MSC	
Marysvale	PIUTE	MAR	
Mayfield	SANPETE		SPC
Meadow	MILLARD	MEA	
Meadowville	RICH		RIC
Mendon	CACHE	MEN	
Mexican Hat	SAN JUAN		SJC
Middleton	WASHINGTON	STG (part of St. George)	
Midvale	SALT LAKE	MID	
Midway	WASATCH	MWC	
Milburn	SANPETE		SPC
Milford	BEAVER	MLF	
Mill Fork	UTAH		UTA
MILLARD COUNTY			MIL
Mills	JUAB		JUA
Mills Junction	TOOELE		TOC
Millville	CACHE		CAC
Milton	MORGAN		MRG
Minersville	BEAVER		BVR
Moab	GRAND	MOA	
Modena	IRON		IRO
Mohrland	EMERY		EMR
Molen	EMERY		EMR
Mona	JUAB	MON	
Monarch	DUCHESNE		DCH
Monroe	SEVIER		SEV
Montezuma Creek	SAN JUAN		SJC
Monticello	SAN JUAN	MNC	
Monument Valley	SAN JUAN		SJC
Moore	EMERY		EMR
Morgan City	MORGAN	MOR	
MORGAN COUNTY			MRG
Moroni	SANPETE		SPC
Mt Carmel	KANE		KAN
Mt Emmons	DUCHESNE		DCH
Mt Green	MORGAN		MRG
Mt Home	DUCHESNE		DCH
Mt Olympus	SALT LAKE		SCO
Mt Pleasant	SANPETE		SPC
Mt Sterling	CACHE		CAC
Murray	SALT LAKE	MUR	
Myton	DUCHESNE		DCH
Naples	UINTAH	NAP	
National	CARBON		CAR
Navaho Lake	DUCHESNE		DCH
Neola	DUCHESNE		DCH
Nephi	JUAB	NEP	
New Harmony	WASHINGTON		WSC
Newcastle	IRON		IRO
Newton	CACHE	NEW	
Nibley	CACHE	NIB	
North Logan	CACHE	NLC	
North Ogden	WEBER	NOC	
North Salt Lake	DAVIS	NSL	
Oak City	MILLARD	OAK	

Oakley	SUMMIT	OKL	
Oasis	MILLARD		MIL
Ogden	WEBER	OGD	
Ophir	TOOELE	OPH	
Orangeville	EMERY	ORA	
Orderville	KANE		KAN
Orem	UTAH	ORE	
Orrey	WAYNE		WAY
Ouray	UINTAH		UTC
Palmvra	UTAH		UTA
Panquitch	GARFIELD		GRF
Paradise	CACHE		CAC
Paragonah	IRON		IRO
Park City	SUMMIT	PAC	
Park City East	WASATCH		WAC
Park Valley	BOX ELDER		BEC
Parowan	IRON		IRO
Partoun	JUAB		JUA
Payson	UTAH	PAY	
Penrose	BOX ELDER		BEC
Peoa	SUMMIT		SUM
Perry	BOX ELDER	PER	
Petersboro	CACHE		CAC
Peterson	MORGAN		MRG
Pickleville	RICH		RIC
Pigeon Hollow Junction	SANPETE		SPC
Pine Valley	WASHINGTON		WSC
Pineview	SUMMIT		SUM
Pinto	WASHINGTON		WSC
Pintura	WASHINGTON		WSC
PIUTE COUNTY			PIU
Plain City	WEBER	PLA	
Pleasant Grove	UTAH	PGC	
Pleasant View	WEBER	PVC	
Plymouth	BOX ELDER	PLY	
Portage	BOX ELDER		BEC
Porterville	MORGAN		MRG
Price	CARBON	PRI	
Promontory	BOX ELDER		BEC
Providence	CACHE	PRV	
Provo	UTAH	PRO	
Provo Canyon	UTAH		UTA
Randlett	UINTAH		UTC
Randolph	RICH	RAN	
Redmond	SEVIER	RED	
Redmonton	BOX ELDER		BEC
RICH COUNTY			RIC
Richfield	SEVIER	RCF	
Richmond	CACHE		CAC
Richville	MORGAN		MRG
River Heights	CACHE		CAC
Riverdale	WEBER	RVD	
Riverside	BOX ELDER		BEC
Riverton	SALT LAKE	RVT	
Rockville	WASHINGTON	ROC	
Rocky Ridge Town	JUAB	ROR	
Roosevelt	DUCHESNE	ROO	
Rosette	BOX ELDER		BEC
Round Valley	RICH		RIC
Roy	WEBER	ROY	
Rubys Inn	GARFIELD		GRF
Rush Valley	TOOELE	RUV	
Sage Creek Junction	RICH		RIC
Salem	UTAH	SLM	
Salina	SEVIER		SEV
Salt Lake City	SALT LAKE	SLC	
SALT LAKE COUNTY			SCO
Salt Springs	TOOELE		TOC
Samak	SUMMIT		SUM
SAN JUAN COUNTY			SJC
Sandy	SALT LAKE	SAN	
SANPETE COUNTY			SPC
Santa Clara	WASHINGTON	SAC	
Santaquin	UTAH	STQ	
Saratoga Springs	UTAH	SRT	
Scipio	MILLARD	SCI	
Scofield	CARBON		CAR
Sevier	SEVIER		SEV
SEVIER COUNTY			SEV
Shivwits (Federal)	WASHINGTON	YYY	
Sigurd	SEVIER		SEV
Silver City	JUAB		JUA
Silver Creek Junction	SUMMIT		SUM
Silver Fork	SALT LAKE		SCO
Silver Reef	WASHINGTON	LEE (part of Leeds)	
Smithfield	CACHE	SMI	
Snowbird	SALT LAKE		SCO
Snowville	BOX ELDER	SNO	
Snyderville	SUMMIT		SUM
Soldier Summit	WASATCH		WAC
South Jordan	SALT LAKE	SOJ	
South Ogden	WEBER	SOO	
South Salt Lake	SALT LAKE	SSL	
South Weber	DAVIS	SOW	
Spanish Fork	UTAH	SFC	
Spring City	SANPETE		SPC
Spring Glen	CARBON		CAR
Spring Lake	UTAH		UTA
Springdale	WASHINGTON	SPD	
Springville	UTAH	SPV	
St George	WASHINGTON	STG	
St John	TOOELE	RUV (became Rush Valley)	
Standrod	BOX ELDER		BEC
Stansbury Park	TOOELE		TOC
Sterling	SANPETE		SPC
Stockmore	DUCHESNE		DCH
Stockton	TOOELE	STO	
Stoddard	MORGAN		MRG
Sugarville	MILLARD		MIL
Summit	IRON		IRO
SUMMIT COUNTY			SUM
Summit Park	SUMMIT		SUM
Summit Point	SAN JUAN		SJC
Sundance	UTAH		UTA
Sunnyside	CARBON		CAR
Sunset	DAVIS	SUN	
Sutherland	MILLARD		MIL
Swan Creek	TOOELE		TOC
Syracuse	DAVIS	SYR	
Tabiona	DUCHESNE		DCH
Talmage	DUCHESNE		DCH
Taylor	WEBER		WEC
Tavorsville	SALT LAKE	TAY	
Teasdale	WAYNE		WAY
Thatcher	BOX ELDER	THA	
Thistle	UTAH		UTA
Thompson Springs	GRAND		GRA
Ticaboo	GARFIELD		GRF
Timpe	TOOELE		TOC
Tintic	JUAB		JUA
Tooele City	TOOELE	TOO	
TOOELE COUNTY			TOC
Toquerville	WASHINGTON	TOQ	
Torrey	WAYNE		WAY
Tremonton	BOX ELDER	TRE	
Trenton	CACHE		CAC
Tridell	UINTAH		UTC
Tropic	GARFIELD		GRF
Trout Creek	JUAB		JUA
Tucker	UTAH		UTA
Ucolo	SAN JUAN		SJC
Uintah	WEBER	UIN	
UINTAH COUNTY			UTC
Upalco	DUCHESNE		DCH
Upton	SUMMIT		SUM
UTAH COUNTY			UTA
Uvada	IRON		IRO
Venice	SEVIER		SEV
Vernal	UINTAH	VER	
Vernon	TOOELE		TOC
Veyo	WASHINGTON		WSC
Vineyard	UTAH	VIN	
Virgin	WASHINGTON	VIR	

Wahsatch	SUMMIT	SUM
Wales	SANPETE	SPC
Wallsburg	WASATCH	WAC
Wanship	SUMMIT	SUM
Warren	WEBER	WEC
WASATCH COUNTY		WAC
Washington City	WASHINGTON	WAS
Washakie	BOX ELDER	BEC
Washington Terrace	WEBER	WAT
WASHINGTON COUNTY		WSC
WAYNE COUNTY		WAY
WEBER COUNTY		WEC
Webster Cove Junction	CACHE	CAC
Wellington	CARBON	CAR
Wellsville	CACHE	CAC
Wendover	TOOELE	WEN
West Bountiful	DAVIS	WEB
West Haven	WEBER	WEH
West Jordan	SALT LAKE	WEJ
West Point	DAVIS	WEP
West Valley	SALT LAKE	WVC
West Warren	WEBER	WEC
West Weber	WEBER	WEC
Westwater	GRAND	GRA
Whiterocks	UINTAH	UTC
Widtsoe Junction	GARFIELD	GRF
Wildwood	UTAH	UTA
Willard	BOX ELDER	WIL
Wilson	WEBER	WEC
Wins	WASHINGTON	WSC
Woodland Hills	UTAH	WHO
Woodland	SUMMIT	SUM
Woodruff	RICH	RIC
Woodrow	MILLARD	MLL
Woods Cross	DAVIS	WCC
Woodside	EMERY	EMR
Yost	BOX ELDER	BEC
Young Ward	CACHE	CAC
Zane	IRON	IRO

R156-56-402. Standardized Building Permit Content.

As provided in Section 58-56-18, beginning January 1, 2007, any agency issuing a permit for construction within the state of Utah shall use a permit form that incorporates standardized building permit content as follows:

- (1) permit number, as set forth in Section R156-56-401;
- (2) the name of the owner of the project;
- (3) the name of the original contractor or owner-builder for the project;
- (4) whether the permit applicant is an original contractor or owner-builder; and
- (5) street address of the project or a general description of the project.

KEY: contractors, building codes, building inspection, licensing
Date of Enactment or Last Substantive Amendment: January 1, 2006

Notice of Continuation: May 16, 2002

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-56-1; 58-56-4(2); 58-56-6(2)(a); 58-56-18



Education, Administration
R277-701
 Robert C. Byrd Honors Scholarship Program

NOTICE OF PROPOSED RULE
 (New Rule)

DAR FILE No.: 29131
 FILED: 10/16/2006, 15:40

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to provide Utah eligibility requirements and application procedures and time lines for applicants for the Robert C. Byrd Honors Scholarship Program.

SUMMARY OF THE RULE OR CHANGE: The rule provides definitions, student eligibility requirements, application procedures, application and notification time lines, scholarship award and continuing eligibility procedures, and waivers or exceptions for student requirements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There is no anticipated cost or savings to state budget. The Robert C. Byrd Honors Scholarship Program is a federally-funded program with individual states providing standards consistent with the federal requirements.
- ❖ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. School districts and schools are not involved in the application process. Individual students complete and submit applications.
- ❖ **OTHER PERSONS:** There is no anticipated cost or savings to other persons. This program has been in existence for many years. This rule merely clarifies and provides written standards consistent with the federal requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. This rule merely clarifies and provides written standards consistent with federal requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY UT 84111-3272, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2006

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.**R277-701. Robert C. Byrd Honors Scholarship Program.****R277-701-1. Definitions.**

A. "ACT score" means the result, expressed numerically, of the ACT college entrance exam.

B. "Full-time student" means a student enrolled at an institution of higher education who is carrying a full-time academic workload, as determined by that institution under standards applicable to all students enrolled in that student's program.

C. "High school graduate" means an individual who has:

- (1) a high school diploma;
- (2) a General Education Development (GED) Certificate; or
- (3) any other evidence recognized by the state of Utah as an equivalent of a high school diploma.

D. "Institution of higher education" means any public or private nonprofit institution of higher education, proprietary institution of higher education, or postsecondary vocational institution to prepare students for gainful employment in a recognized occupation, as defined in the 1998 Amendments to Higher Education Act of 1965.

E. "Robert C. Byrd Honors Scholarship (Byrd Scholarship)" means a scholarship grant from the Secretary of Education to the states, in this case, the state of Utah, to provide scholarships for study at institutions of higher education to outstanding high school graduates who show promise of continued excellence in an effort to recognize and promote student excellence and achievement.

F. "USOE" means the Utah State Office of Education.

R277-701-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and 34 CFR 654 which establishes the Robert C. Byrd Honors Scholarship Program and allows states to participate, in the Program consistent with the regulations of the section, and directs participating states to develop eligibility requirements and procedures for Byrd Scholarship participants.

B. The purpose of this rule is to provide Utah eligibility requirements and application procedures and timelines for applicants for the Byrd Scholarship.

R277-701-3. Student Eligibility Requirements.

A. Applicants shall be legal residents of Utah.

B. Applicants shall be high school graduates in the same year that they seek to receive the Byrd Scholarship and attend a higher education institution.

C. Applicants shall provide documentation of acceptance to and full-time enrollment, as defined by that institution, in an accredited institution of higher education as defined under R277-701-1D.

D. Applicants shall have demonstrated outstanding academic achievement and show promise of continued academic excellence.

(1) Applicants shall have an ACT composite score of 25 or higher.

(2) Applicants shall have a high school (grades 9-12) grade point average of 3.70 (unweighted on a 4.0 scale) or higher.

E. Applicants shall sign and submit with the application a Certification of Eligibility for Federal Assistance in Certain Programs form, required under 34 CFR 75.60 through 75.62, hereby incorporated by reference.

F. Applicants shall have filed a Statement of Selective Service Registration Status with the institution he plans to attend.

G. Applicants who are enrolled at a military service academy are not eligible for the Byrd Scholarship.

R277-701-4. Application Procedures.

A. Applications shall be available from school counselors, the USOE, and online through the USOE website by January 30 for the subsequent school year.

B. Applicants shall submit complete applications, including all required documentation. Incomplete applications shall not be considered.

C. Applicants shall submit only materials specifically requested in the application. Additional materials will not be reviewed and will be discarded.

D. Applications shall be delivered by mail or in person to the USOE as required on the application. Applications will not be considered if they are emailed or faxed.

R277-701-5. Application and Notification Timelines.

A. Applications shall be received by the USOE no later than 5:00 p.m. on the last Friday of March of the year in which the scholarship is sought.

B. Scholarship recipients shall be notified of their receipt of the scholarship no later than June 30, or upon the USOE receiving grant notification if the USOE receives grant notification later than June 30.

C. Scholarship recipients shall notify the USOE of their intent to use the scholarship no later than 15 business days following USOE notification in order to retain the scholarship.

D. Continuing scholarship recipients shall notify the USOE by June 30 of their intent to continue using the scholarship in the subsequent year.

R277-701-6. Scholarship Award and Continuing Eligibility.

A. A scholarship recipient shall receive \$1,500 for each year of full-time enrollment in an accredited institution of higher education for a maximum of four years of undergraduate study provided the program continues to be funded and all requirements are satisfied by the student.

B. A scholarship recipient continues to be eligible for scholarship funds as long as the recipient continues to:

- (1) remain a legal resident of Utah;

(2) remain a U.S. citizen or provide evidence from the U.S. Immigration and Naturalization Service that he is a permanent resident of the United States or is in the United States for other than a temporary purpose with the intention of becoming a citizen/permanent resident.

(3) remain enrolled as a full-time student in good standing in an institution of higher education.

C. A scholarship recipient remains eligible for the scholarship as long as the recipient maintains satisfactory progress as determined by the institution of higher education the recipient is attending.

D. The decision(s) of the USOE for scholarships is the final administrative determination and based on funds available in the given year.

R277-701-7. Waivers or Exceptions for Student Requirements.

A. A scholarship recipient may be allowed, based on prior approval for unusual circumstances to interrupt or postpone, the recipient's use of the scholarship for a period not to exceed 12 months.

B. A scholarship recipient shall complete and submit a waiver request form, available from the USOE or through the USOE website, with attached required documentation.

(1) A recipient shall request the postponement or interruption from the USOE in writing at least eight weeks in advance of the beginning of the postponement/interruption.

(2) The USOE may consider a written request for a postponement/interruption with less than the eight week notice:

(a) for good cause, and

(b) so long as the funds are not lost or sacrificed.

(3) Unusual circumstances shall be limited to:

(a) military enlistment;

(b) religious or charitable service;

(c) a foreign study opportunity; or

(d) personal or family emergency or significant change of circumstances.

(4) The USOE may ask the student for a written explanation or documentation or both of the student's unusual circumstances.

(5) A scholarship recipient who desires to change his enrollment status from full-time to part-time shall satisfy the requirements of a postponement/interruption.

C. A scholarship recipient may be allowed, based on prior approval for exceptional circumstances, to extend an approved 12-month postponement/interruption of the scholarship award. Exceptional circumstances shall be limited to:

(1) extended religious or charitable service;

(2) extended military service; or

(3) an extended personal or family emergency or health crisis necessitating the recipient's extended delay of his education.

(4) There shall be a presumption that personal and family emergencies can be resolved in less than 12 months; scholarship recipients shall be required to provide written justification and documentation of compelling circumstances to justify a scholarship postponement/interruption of longer than 12 months.

(5) All long-term postponement/interruptions shall be requested in writing from the USOE at least eight weeks in advance of the beginning of the postponement/interruption and shall include documentation of the necessity for the extended delay.

D. A recipient who is denied a postponement/interruption for unusual or exceptional circumstances may appeal the decision to the USOE Assistant Superintendent for Curriculum. The decision of the Assistant Superintendent is the final administrative decision.

KEY: scholarships

Date of Enactment or Last Substantive Amendment: 2006

Authorizing, and Implemented or Interpreted Laws: Art X, Sec 3; 53A-1-401(3); 34 CFR 654



Education, Administration
R277-705
Secondary School Completion and
Diplomas

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 29132

FILED: 10/16/2006, 15:41

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to change the requirements to exempt adult education students from the Utah Basic Skills Competency Test (UBSCT).

SUMMARY OF THE RULE OR CHANGE: The amendment to the rule provides a UBSCT exemption for adult education students and removes current language on adult education student UBSCT procedures.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-402(1)(b) and (c)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no anticipated cost to the state budget. There may be minimal savings to the state budget because adult education students will not be using resources to take the UBSCT.

❖ LOCAL GOVERNMENTS: There is no anticipated cost to the local government. There may be minimal savings to the school districts because adult education students will not be using resources to take the UBSCT.

❖ OTHER PERSONS: There is no anticipated cost or savings to other persons. School districts or the state have borne any costs of the UBSCT previously.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. School districts or the state have borne any costs of the UBSCT previously.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY UT 84111-3272, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

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THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2006

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-705. Secondary School Completion and Diplomas.

R277-705-4. Diplomas and Certificates of Completion.

A. School districts or schools shall award diplomas and certificates of completion.

B. School districts or schools shall offer differentiated diplomas to secondary school students and adults to include:

(1) a high school diploma indicating on the diploma that a student successfully completed all state and district course requirements for graduation and passed all subtests of the UBSCT.

(2) a high school diploma indicating on the diploma that a student did not receive a passing score on all UBSCT subtests; the student shall have:

(a) met all state and district course requirements for graduation; and

(b) beginning with the graduating class of 2007, participated in UBSCT remediation consistent with school district or school policies and opportunities; and

(c) provided documentation of at least three attempts to take and pass all subtests of the UBSCT unless:

(i) the student took all subtests of the UBSCT offered while the student was enrolled in Utah schools; or

~~(ii) the student has been out of the secondary school system at least five years or more beginning June 1, 2006; or~~

(ii) a student's IEP team has determined that the student's participation in statewide assessment is through the UAA.

C. School districts or schools shall establish criteria for students to earn a certificate of completion that may be awarded to students who have completed their senior year, are exiting the school system, and have not met all state or district requirements for a diploma.

R277-705-6. Adult Education Students.

A. Students who are officially enrolled in a school district as adult education students shall not be required to attempt or pass the UBSCT in order to qualify for an adult education diploma.

B. Adult education students are eligible only for an adult education secondary diploma.

C. After the 2006-2007 school year, adult education diplomas cannot be upgraded or changed to traditional, high school-specific diplomas.

D. School districts shall establish policies:

(1) allowing or disallowing adult education student participation in graduation activities or ceremonies.

(2) allowing or disallowing adult education students from attempting the UBSCT.

(3) providing for wording, on adult education diplomas, including allowing or disallowing adult education diplomas to state that student did or did not pass UBSCT.

(4) establishing timelines and criteria for satisfying adult education graduation/diploma requirements.

R277-705-16]7. Utah Basic Skills Competency Testing Requirements and Procedures.

A. All Utah public school students shall participate in Utah Basic Skills Competency testing, unless alternate assessment is designated in accordance with federal law or regulations or state law.

B. Timeline:

(1) Beginning with students in the graduating class of 2006, UBSCT requirements shall apply.

(2) No student may take any subtest of the UBSCT before the tenth grade year.

(3) Tenth graders should first take the test in the second half of their tenth grade year.

(4) Exceptions may be made to this timeline with documentation of compelling circumstances and upon review by the school principal and USOE assessment staff.

C. UBSCT components, scoring and consequences:

(1) UBSCT consists of subtests in reading, writing and mathematics.

(2) Students who reach the established cut score for any subtest in any administration of the assessment have passed that subtest.

(3) Students shall pass all subtests to qualify for a high school diploma indicating a passing score on all UBSCT subtests unless they qualify under one of the exceptions of state law or this rule such as R277-705-~~[6]~~7D.

(4) Students who do not reach the established cut score for any subtest shall have multiple additional opportunities to retake the subtest.

(5) Students who have not passed all subtests of the UBSCT by the end of their senior year may receive a diploma indicating that a student did not receive a passing score on all UBSCT subtests or a certificate of completion.

~~(6) The certificate of completion or diploma indicating that a student did not receive a passing score on all UBSCT subtests may be converted to a high school diploma indicating a passing score on all UBSCT subtests whenever the student completes all current state and district diploma requirements.~~

~~(7) Beginning in June 2006, an adult student enrolled in a Utah school district adult education program may receive an adult high school diploma indicating a passing score on all UBSCT subtests and by completing all state and district diploma requirements including provisions of this rule or may receive an adult high school diploma indicating that a student did not receive a passing score on all UBSCT subtests consistent with district and state requirements.]~~

~~(8) Specific testing dates shall be calendared and published at least two years in advance by the Board.~~

D. Reciprocity and new seniors:

(1) Students who transfer from out of state to a Utah high school after the tenth grade year may be granted reciprocity for high school graduation exams taken and passed in other states or

countries based on criteria set by the Board and applied by the local board.

(2) Students for whom reciprocity is not granted and students from other states or countries that do not have high school graduation exams shall be required to pass the UBSCT before receiving a high school diploma indicating a passing score on all UBSCT subtests if they enter the system before the final administration of the test in the student's senior year.

(3) The UBSCT Advisory Committee following review of applicable documentation shall recommend to the Board the type of diploma that a student entering a Utah high school in the student's senior year after the final administration of the UBSCT may receive.

E. Testing eligibility:

(1) Building principals shall certify that all students taking the test in any administration are qualified to be tested.

(2) Students are qualified if they:

(a) are enrolled in tenth grade, eleventh, or twelfth grade (or equivalent designation in adult education) in a Utah public school program; or

(b) are enrolled in a Utah private/parochial school (with documentation) and are least 15 years old or enrolled at the appropriate grade level; or

(c) are home schooled (with documentation required under Section 53A-11-102) and are at least 15 years old; and

(3) Students eligible for accommodations, assistive devices, or other special conditions during testing shall submit appropriate documentation at the test site.

F. Testing procedures:

(1) Three subtests make up the UBSCT: reading, writing, and mathematics. Each subtest may be given on a separate day.

(2) The same subtest shall be given to all students on the same day, as established by the Board.

(3) All sections of a subtest shall be completed in a single day.

(4) Subtests are not timed. Students shall be given the time necessary within the designated test day to attempt to answer every question on each section of the subtest.

(5) Makeup opportunities shall be provided to students for the UBSCT according to the following:

(a) Students shall be allowed to participate in makeup tests if they were not present for the entire UBSCT or subtest(s) of the UBSCT.

(b) School districts shall determine acceptable reasons for student makeup eligibility which may include absence due to illness, absence due to family emergency, or absence due to death of family member or close friend.

(c) School districts shall provide a makeup window not to exceed five school days immediately following the last day of each administration of the UBSCT.

(d) School districts shall determine and notify parents in an appropriate and timely manner of dates, times, and sites of makeup opportunities for the UBSCT.

(6) Arrangements for extraordinary circumstances or exceptions to R277-705-5 shall be reviewed and decided by the UBSCT Advisory Committee on a case-by-case basis consistent with the purposes of this rule and enabling legislation.

R277-705-[7]8. Security and Accountability.

A. Building principals shall be responsible to secure and return completed tests consistent with Utah State Office of Education timelines.

B. School district testing directors shall account for all materials used, unused and returned.

C. Results shall be returned to students and parents/guardians no later than eight weeks following the administration of each test.

D. Appeals for failure to pass the UBSCT due to extraordinary circumstances:

(1) If a student or parent has good reason to believe, including documentation, that a testing irregularity or inaccuracy in scoring prevented a student from passing the UBSCT, the student or parent may appeal to the local board within 60 days of receipt of the test results.

(2) The local board shall consider the appeal and render a decision in a timely manner.

(3) The parent or student may appeal the local board's decision through the UBSCT Advisory Committee, under rules adopted by the Board.

(4) Appeals under this section are limited to the criteria of R277-705-[7]8D(1).

R277-705-[8]9. Designation of Differentiated Diplomas and Certificates of Completion.

A. As provided under Section 53A-1-611(2)(d), districts or schools shall designate in express language at least the following types of diplomas or certificates:

(1) High School Diploma indicating a passing score on all UBSCT subtests.

(2) High School Diploma indicating that a student did not receive a passing score on all UBSCT subtests.

(3) Certificate of Completion.

B. The designation shall be made on the face of the diploma or certificate of completion provided to students.

R277-705-[9]10. Student Rights and Responsibilities Related to Graduation, Transcripts and Receipt of Diplomas.

A. School districts shall supervise the granting of credit and awarding of diplomas, but may delegate the responsibility to schools within the district.

B. A school district or school may determine criteria for a student's participation in graduation activities, honors, and exercises, independent of a student's receipt of a diploma or certificate of completion.

C. Diplomas or certificates, credit or unofficial transcripts may not be withheld from students for nonpayment of school fees.

D. School districts or schools shall establish consistent timelines for all students for completion of graduation requirements. Timelines shall be consistent with state law and this rule.

KEY: curricula

Date of Enactment or Last Substantive Amendment: ~~August 8, 2006~~

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(b); 53A-1-603 through 53A-1-611; 53A-1-401(3)



Education, Administration
R277-911
 Secondary Applied Technology
 Education

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE No.: 29133
 FILED: 10/16/2006, 15:41

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to update language, definitions, pupil accounting, and funding and disbursement of funds procedures to bring the rule up-to-date with other amended rules.

SUMMARY OF THE RULE OR CHANGE: The amendments provide for changes in definitions, terminology, and new language on adult education records.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-15-202

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There are no anticipated cost or savings to state budget. The changes are intended to update terminology and improve accuracy of student counts.
- ❖ LOCAL GOVERNMENTS: There are no anticipated cost or savings to local government. The changes are intended to update terminology and improve accuracy of student counts.
- ❖ OTHER PERSONS: There are no anticipated cost or savings to other persons. The changes are intended to update terminology and improve accuracy of student counts.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The changes are intended to update terminology and improve accuracy of student counts.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses. Patti Harrington, State Superintendent to Public Instruction

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

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 SALT LAKE CITY UT 84111-3272, or
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DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

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THIS RULE MAY BECOME EFFECTIVE ON: 12/09/2006

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.**R277-911. Secondary ~~Applied Technology~~Career and Technical Education.****R277-911-1. Definitions.**

A. "~~ADM~~Aggregate membership" means ~~average daily membership~~the sum of all days in membership during a school year for the student, program, school, LEA, or state.

~~[C]~~B. "Approved program" means a program approved by the Board that meets or exceeds the state program standards or outcomes for ~~applied technology~~career and technical education programs.

~~[D]~~C. "Board" means the Utah State Board of Education.

~~[E]~~D. "Bureau of Apprenticeship and Training" means a branch office for apprenticeship administered by the United States Department of Labor and located in Salt Lake City.

~~[B]~~E. "~~Applied technology~~Career and technical education" means organized educational programs which directly or indirectly prepare individuals for employment, or for additional preparation leading to employment, in occupations where entry requirements generally do not require a baccalaureate or advanced degree. These programs provide all students an undisrupted education system, driven by a student education occupation plan (SEOP), through competency-based instruction, culminating in essential life skills, certified occupational skills, and meaningful employment. Occupational categories include agriculture; business; family and consumer sciences; health science and technology; information technology; marketing; trade and technical education; and technology education.

F. "CIP code" means the Classification of Instructional Programs, a federal curriculum listing.

G. "Comprehensive counseling and guidance program" means the organization of resources to meet the priority needs of students through four delivery system components as outlined in R277-462.

H. "Course" means an individual ~~applied technology~~career and technical education class structured by state-approved standards and CIP code. An approved course may require one or two periods for up to one year. Courses may be completed by demonstrated competencies or by course completion.

I. "Entry-level" means a set of tasks identified and validated by workers and employers in an occupation as those of a beginner in the field. Entry-level skills are a limited subset of the total set of tasks performed by an experienced worker in the occupation. Competent performance of entry-level tasks enhances employability and initial productivity.

J. "Extended year program" means ~~applied technology~~career and technical education programs no longer than 12 weeks in duration, offered during the summer recess, and supported by extended-year or other ~~applied technology~~career and technical education funds.

K. "Program" means a combination of ~~applied technology~~career and technical education courses that provides the competencies for specific job placement or continued related training and is outlined in the SEOP using all available and appropriate high school courses.

L. "Program completion" means the student completion of a sequence of approved courses, work-based learning experiences, and/or other prescribed learning experiences as determined by the student education occupation plan (SEOP).

M. "Regional [C]onsortium" means the school districts, applied technology colleges, colleges and universities within the regions that approve [applied technology]career and technical education programs.

N. "Registered [A]pprenticeship" means a training program that includes on-the-job training in a specific occupation combined with related classroom training and has approval of the Bureau of Apprenticeship and Training.

O. "Related training" means a course or program directly related to an occupation that is compatible with apprenticeship training and is taught in a classroom and approved by the Bureau of Apprenticeship and Training.

P. "Scope and [S]equence" means the organization of all [applied technology]career and technical education courses and related academic courses into programs within the high school curriculum that lead to specific skill certification, job placement, continued education or training.

Q. "SEOP" means student education occupation plan. An SEOP shall include:

(1) a student's education occupation plans (grades 7-12) including job placement when appropriate;

(2) all Board, local board and local charter board graduation requirements;

(3) evidence of parent, student, and school representative involvement annually;

(4) attainment of approved workplace skill competencies; and

(5) identification of post secondary goals and approved sequence of courses.

R. "Skill [C]ertification" means a verification of competent task performance. Verification of the skills standard is provided by an approved state or national program certification process.

S. "Tech [P]rep" means a planned [applied technology]career and technical education/academic continuum of courses within a [a] [applied technology]career and technical education field beginning in the 9th grade and continuing with post secondary training which culminates in an associate degree, apprenticeship, certificate of completion, or baccalaureate degree.

T. "USOE" means the Utah State Office of Education.

U. "WPU" means weighted pupil unit. The basic unit used to calculate the amount of state funds for which a school district is eligible.

V. "Work-based [L]earning" means a program in which a student is trained by employment or other activity at a work site, either at place of business, a home, or a farm, supplemented by needed classroom instruction or teacher assistance.

R277-911-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board, by Section 53A-15-202 which allows the Board to establish minimum standards for [applied technology]career and technical education programs in the public education system, and Sections 53A-17a-113 and 114 which direct the Board to distribute specific amounts and percentages for specific [applied technology]career and technical education programs and facilitate administration of various programs.

B. This rule establishes standards and procedures for school districts seeking to qualify for funds administered by the Board for [applied technology]career and technical education programs in the public education system.

R277-911-3. [Applied Technology]Career and Technical Education Program Approval.

A. Program Planning: [applied technology]career and technical education programs are based on verified training needs of the area and provide students with the competencies necessary [to progress in occupations for which an occupational potential exists]for occupational opportunities. Programs are supported by a data base, including:

- (1) local, regional, state, and federal manpower projections;
- (2) student occupational/interest surveys;
- (3) regional job profile;
- (4) advisory committee [input]information; and
- (5) follow-up evaluation and reports.

B. Program Administration: School district [applied technology]career and technical education directors shall meet the requirements specified in Subsections 9(A), (B) and (C).

C. Learning Resources: Within available resources, instructional materials, including textbooks, reference materials, and media, shall reflect current technology, processes, and information for the [applied technology]career and technical education programs [being taught].

D. Student Services provided by school districts or consortia of school districts:

(1) [Applied Technology]Career and technical education guidance, counseling, and Board approved testing shall be provided for students enrolled in [applied technology]career and technical education programs.

(2) A written plan for placement services shall be developed with the assistance of local advisory committees, business and industry and the Department of Workforce Services.

(3) An SEOP shall be developed for all students. The plan shall include:

(a) a student's education occupation plans (grades 7-12), including job placement when appropriate;

(b) all Board, local board and local charter board graduation requirements;

(c) evidence of parent, student, and school representative involvement annually;

(d) attainment of approved workplace skill competencies;

(e) identification of a [n] [applied technology]career and technical education post-secondary goal and an approved sequence of academic and [applied technology]career and technical education courses.

E. Instruction: Curricula and instruction shall be directly related to business and industry validated competencies. Successful completion of competencies shall be verified by a valid skill certification process. Instruction in proper and safe use of any equipment required for skill certification shall be provided within the approved program.

F. Equipment and Facilities: Equipment and facilities, consistent with the validated competencies identified in the instruction standard, shall be provided and maintained [in a manner that meets]safe[t], [requirements and]consistent with applicable state and federal laws.

G. Instructional Staff: Counselors and instructional staff shall hold valid Utah teaching licenses with endorsements appropriate for the programs they teach. These may be obtained through an institutional recommendation or through occupational and educational experience verified by the USOE licensure process~~as outlined in R277-502~~. ~~[Applied technology]~~Career and technical education program instructors shall keep technical and professional skills current through business/industry involvements in order to ensure that students are provided accurate state-of-the-art information.

H. Equal Educational Opportunity: ~~[Applied technology]~~Career and technical education programs ~~are~~shall be conducted ~~[in agreement]~~consistent with the Board policies and state and federal laws and regulations on access that prohibit discrimination on the basis of race, creed, color, national origin, religion, age, sex, and disability.

I.(1) ~~[Applied technology]~~Career and technical education advisory council: An active advisory council shall be established to review all ~~[applied technology]~~career and technical education programs annually. The council may serve several school districts or a region. The council reviews the program offerings, quality of programs, and equipment needs.

(2) Program advisory committee: Each state-funded approved occupational ~~[applied technology]~~career and technical education program shall be supported at the school district/regional level by a program advisory committee made up of individuals who are working in the occupational area. Basic exploratory programs ~~are to~~shall have an advisory committee.

J. ~~[Applied technology]~~Career and technical education student leadership organizations: School districts are encouraged to make this training available through nationally-chartered ~~[applied technology]~~career and technical education student leadership organizations in each program area.

K. Program and instruction evaluation: Each school district, with oversight by local program advisory committee members, shall make an annual evaluation of its ~~[applied technology]~~career and technical education programs.

R277-911-4. Disbursement and Expenditure of ~~[Applied Technology]~~Career and Technical Education Funds--General Standards.

A. To be eligible for state ~~[applied technology]~~career and technical education program funds, a school district shall first expend for ~~[applied technology]~~career and technical education programs an amount equivalent to the regular WPU for students in approved ~~[applied technology]~~career and technical education programs, grades nine through twelve, based on prior year ~~[ADM]~~aggregate membership, times the current year WPU value, less an amount for indirect costs as computed by the ~~[State School Finance Unit]~~USOE.

B. State ~~[applied technology]~~career and technical education program funds may thereafter be expended only for approved ~~[applied technology]~~career and technical education programs.

R277-911-5. Disbursement of Funds--Added Cost Funds.

A. Weighted pupil units ~~are~~shall be allocated for the added instructional costs of approved ~~[applied technology]~~career and technical education programs operated or contracted by school districts. Programs and courses provided through applied technology colleges, and higher education institutions do not qualify

for added cost funds except for specific contractual arrangements approved by the Board.

~~B. Computerized or manually produced records for career and technical education programs shall be kept by teacher, class, and Classification of Instructional Program (CIP) code. These records shall show clearly and accurately the entry and exit date of each student and whether a student has been absent from a career and technical education class ten consecutive days.~~

~~C. Added cost funds shall not be generated:~~

~~(1) during bus travel;~~

~~(2) until the student starts attending the approved career and technical education course;~~

~~(3) when the student has been absent, without excuse, for the previous 10 days.~~

~~[B]D. All approved ~~[applied technology]~~career and technical education programs shall receive funds determined by prior year hours of membership for approved programs.~~

~~[C]E. Allocations are computed using grades nine through twelve ~~[ADM]~~aggregate membership in approved programs for the previous year with a growth factor applied to school districts experiencing growth of one percent or greater in grades nine through twelve except as provided by R277-462 and R277-916.~~

~~[D]E. Added cost funds shall be used to cover the added ~~[applied technology]~~career and technical education program instructional costs of school district programs.~~

R277-911-6. Disbursement of Funds--Equipment Set Aside Funds.

A. Equipment set aside funds ~~are used to~~shall pay for ~~[applied technology]~~career and technical education program equipment needs.

B. Each school district is eligible for a minimum amount of equipment set aside funds.

C. Applicants for funds may submit proposals as individual school districts or as regional groups. All proposals shall show evidence of coordination within a service delivery area. A regional group shall include recommended priorities for funding in its proposal.

R277-911-7. Disbursement of Funds--Skill Certification.

A. School districts that demonstrate approved student skill certification may receive additional compensation.

B. To be eligible for skill certification compensation, a school district shall show its student completer has demonstrated mastery of standards, as established by the Board. An authorized test administrator shall verify student mastery of the skill standards.

C. Skill certification compensation ~~is~~shall be available only if an approved skill certification assessment is developed for the program.

R277-911-8. Disbursement of Funds--~~[Applied Technology]~~Career and Technical Education Leadership Organization Funds.

A. Participating school districts sponsoring ~~[applied technology]~~career and technical education leadership organizations ~~are~~shall be eligible for a portion of the funds set aside for this purpose.

B. Qualifying ~~[applied technology]~~career and technical education leadership organizations shall be nationally chartered and include: SkillsUSA/VICA (Vocational Industrial Clubs of America), DECA (Distributive Education Clubs of America), FFA (Future

Farmers of America), HOSA (Health Occupations Students of America), FBLA (Future Business Leaders of America), FCCLA (Family, Career and Community Leaders of America), and ITEA/TSA (International Technology Education Association/Technology Students Association).

C. Up to one percent of the state ~~applied technology~~ career and technical education appropriation for school districts shall be allocated to eligible school districts based on documented prior year student membership in approved ~~applied technology~~ career and technical education leadership organizations.

D. A portion of funds allocated to a school district[s] for ~~applied technology~~ career and technical education leadership organizations shall be used to pay the school district's portion of statewide administrative and national competition costs. The remaining amount shall be available for school district ~~applied technology~~ career and technical education leadership organization expenses.

R277-911-9. Disbursement of Funds--School District/Charter School WPU's.

A. Twenty (20) WPUs ~~are~~ shall be allocated to each school district or charter school for costs associated with the administration of ~~applied technology~~ career and technical education. To encourage multidistrict ~~applied technology~~ career and technical education administrative services, 25 WPUs may be allocated to each school district or charter school that consolidates ~~applied technology~~ career and technical education administrative services with one or more other school district/charter school.

B. To qualify for 20 or 25 WPUs per school district, the school district ~~applied technology~~ career and technical education director shall:

(1) hold or be in the process of completing requirements for a current Utah Administrative/Supervisory License specified in R277-505; and

(2)(a) have an endorsement in at least one ~~applied technology~~ career and technical area listed in R277-518, Vocational-Technical Certificates, and have four years of experience as a full-time ~~applied technology~~ career and technical educator; or

(b) complete a prescribed in-service program provided by the USOE within a period of two years following local board appointment as a school district ~~applied technology~~ career and technical education director.

B. To qualify for 25 WPUs for consolidated, multi-district administration, the participating school districts shall employ a full-time multi-district or charter school ~~applied technology~~ career and technical education director.

C. In addition to WPUs appropriated to school districts qualifying according to the above criteria, each approved high school may qualify for funding according to the following criteria:

(1) Ten (10) WPUs are allocated to each high school that:

(a) conducts approved programs in a minimum of two ~~applied technology~~ career and technical education areas e.g. agriculture; business; family and consumer sciences; health science and technology; information technology; marketing; trade and technical education; and technology education.

(b) conducts a minimum of six different state-approved CIP coded courses. Consolidated courses in small schools may count as more than one course as approved by the appropriate state ~~applied technology~~ career and technical education specialist(s);

(2) Fifteen (15) WPUs ~~are~~ shall be allocated to each high school that:

(a) conducts approved programs in a minimum of three ~~applied technology~~ career and technical education areas;

(b) conducts a minimum of nine different state-approved CIP coded courses. Consolidated courses in small schools may count as more than one course as approved by the appropriate state ~~applied technology~~ career and technical education specialist(s);

(c) has at least one approved ~~applied technology~~ career and technical education student leadership organization;

(3) Twenty (20) WPUs ~~are~~ shall be allocated to each high school that:

(a) conducts approved programs in a minimum of four ~~applied technology~~ career and technical education areas,

(b) conducts a minimum of twelve different state-approved CIP coded courses. Consolidated courses in small schools may count more than one course as approved by the appropriate state ~~applied technology~~ career and technical education specialist(s),

(c) has at least two approved ~~applied technology~~ career and technical education student leadership organizations;

(4) Twenty-five (25) WPUs ~~are~~ shall be allocated to each high school that:

(a) conducts approved programs in a minimum of five ~~applied technology~~ career and technical education areas,

(b) conducts a minimum of fifteen different state-approved CIP coded courses. Consolidated courses in small schools may count more than one course as approved by the appropriate state ~~applied technology~~ career and technical education specialist(s),

(c) has at least three approved ~~applied technology~~ career and technical education student leadership organizations.

D. Also, a maximum of one approved alternative high school, as outlined in R277-730, per school district may qualify. School districts sharing an alternative school share shall receive a prorated share.

E. Programs and courses provided through school district technical centers shall not receive funding under this section.

R277-911-10. Disbursement of Funds--School District Technical Centers.

A. A maximum of forty WPUs may be computed for each school district operating an approved school district center. To qualify under the approved school district technical center provision, the school district shall:

(1) provide at least one facility other than an existing high school as a designated school district technical center;

(2) employ a full-time ~~applied technology~~ career and technical education administrator for the center;

(3) enroll a minimum of 400 students in the school district technical center;

(4) prevent unwarranted duplication by the school district technical center of courses offered in existing high schools, applied technology colleges and higher education institutions;

(5) centralize high-cost programs in the school district technical center;

(6) conduct approved programs in a minimum of five ~~applied technology~~ career and technical education areas;

(7) conduct a minimum of fifteen different state-approved CIP coded courses.

R277-911-11. Disbursement of Funds--Summer [Applied Technology]Career and Technical Education Agriculture Programs.

A. To receive state summer [applied technology]career and technical education agriculture program funds, a school district shall submit to the USOE, an application for approval of the school district's program. Applications shall be received prior to the annual due date specified each year. Notification of approval of the school district's program shall be made within ten calendar days of receiving the application.

B. A teacher of a summer [applied technology]career and technical education agriculture program shall:

(1) hold a valid Utah teaching license, with an endorsement in agriculture, as outlined in R277-911-3G;

(2) develop a calendar of activities which shall be approved by school district administration and reviewed by the state specialist for [applied technology]career and technical education agricultural education;

(3) work a minimum of eight hours a day in the summer [applied technology]career and technical education agriculture program. Exceptions shall be reflected in the calendar of activities and be approved by the school district administration;

(4) not engage in other employment, including self-employment, which conflicts with the teacher's performance in the summer [applied technology]career and technical education agriculture program;

(5) develop and file a weekly schedule and a monthly report outlining accomplishments related to the calendar of activities with the school principal, school district [applied technology]career and technical education director, and the state specialist for agricultural education; and

(6) visit the participating students a minimum of two times during the summer program with a minimum average of four on-site visits to students.

C. College interns may be approved to conduct summer [applied technology]career and technical education agriculture programs upon approval by the state specialist for [applied technology]career and technical education agricultural education.

D. Students enrolled in the summer [applied technology]career and technical education agriculture program shall:

(1) have on file in the teacher's and school district office a student education occupation plan (SEOP) goal related to agriculture;

(2) in conjunction with the student's parent or employer and the teacher, develop an individual plan of activities, including a supervised occupational experience program;

(3) have completed the eighth grade; and

(4) have not have graduated from high school.

E. The USOE [applied technology]career and technical education agricultural education specialist shall collect[s] data from the program and staff of each school district to ensure compliance with approved standards. A final program report, on forms provided by the USOE, shall be submitted to the USOE [Division of School Finance] on the annual due date specified.

F. Summer [applied technology]career and technical education agricultural funding [is]shall be allocated to each school district conducting an approved program for a minimum of 35 students lasting nine weeks. A school district may receive funding for no more than nine weeks or 35 students.

G. School districts operating programs with fewer than 35 students per teacher or for fewer than nine weeks shall receive a

prorated share of the summer [applied technology]career and technical education agricultural allocation.

KEY: technical education, [applied technology]career and technical education

Date of Enactment or Last Substantive Amendment: [November 4, 2002]2006

Notice of Continuation: September 12, 2002

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-15-202; 53A-17a-113 through 115



Insurance, Title and Escrow Commission **R592-2**

Title Insurance Administrative Hearings and Penalty Imposition

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 29130

FILED: 10/16/2006, 15:24

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes to this rule are being made to make the rule comply more closely with the requirements of the Code.

SUMMARY OF THE RULE OR CHANGE: The rule clarifies the relationship between the Title and Escrow Commission and the Insurance Commissioner regarding administrative hearings and penalty imposition.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-2-404

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This rule will not change the work of the department to the degree that it will require a change in personnel, nor a change in revenues.

❖ **LOCAL GOVERNMENTS:** Local government will not be affected by the changes to this rule since it deals only with the relationship between the department and its licensees.

❖ **OTHER PERSONS:** The changes to the rule clarify the relationship between the Title and Escrow Commission and the Insurance Department as well as their responsibilities in title hearings and the imposition of penalties. Persons outside of the department and the Commission will not be affected by these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to the rule clarify the relationship between the Title and Escrow Commission and the Insurance Department as well as their responsibilities in title hearings and the imposition of penalties. Persons outside of the department and the Commission will not be affected by these changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have no fiscal impact on Utah businesses. D. Kent Michie, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

INSURANCE
TITLE AND ESCROW COMMISSION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: Jilene Whitby, Information Specialist

R592. Insurance, Title and Escrow Commission.

R592-2. Title Insurance Administrative Hearings and Penalty Imposition.

R592-2-2. Purpose and Scope.

- (1) The purpose of this rule is
- (a) to establish procedures for the Commission:
 - (i) to delegate authority to the department's administrative law judge to conduct an administrative hearing ~~[for a title license applicant, a title licensee, or a title continuing education program];~~ or
 - (ii) to conduct an administrative hearing ~~[for a title license applicant, a title licensee, or a title continuing education program];~~ and
 - (b) to establish procedures for the Commission, after an investigation by the commissioner, to impose penalties and for the commissioner to concur with the penalties ~~imposed on a title licensee, applicant for a title license, unlicensed person doing business as a title licensee, and continuing education providers submitting title continuing education programs for approval, for violations of statute, rule, Order of the Commissioner, or Order of the Commission].~~

- (2) This rule applies to all title licensees, applicants for a title insurance license, unlicensed persons doing business as a title licensee, and continuing education providers submitting title continuing education programs for approval.

R592-2-4. Administrative Hearings.

~~[The Title and Escrow Commission may delegate the conduct of administrative hearings involving a title license applicant, a title licensee, or a title continuing education program to the department's administrative law judge.~~

~~—(1) [The Commission will receive a periodic report listing each administrative hearing requested by a title license applicant, a title licensee, a title continuing education program or by the commissioner to resolve an investigation of a title licensee's conduct, the denial of a~~

~~title license application, or the disapproval of a title continuing education program]~~ When an investigation involving title insurance or escrow is concluded and the commissioner or the respondent request an administrative hearing, the commissioner will report to the Commission the commissioner's conclusion and recommended disposition of the matter under investigation.

(2) The Commission will review the report at each meeting and, either:

(a) delegate the conduct of the requested administrative hearing to the department's administrative law judge; or

(b) determine that the Commission will conduct the requested administrative hearing.

(3) For an administrative hearing conducted by the Commission, the Commission will:

(a) set the date, time, and place of the administrative hearing;

(b) notify the title license applicant, the title licensee, or the continuing education program of the date, time, and place of the administrative hearing;

(c) conduct the hearing:

(i) hear the evidence; and

(ii) make a decision based on the evidence presented;

(d) impose penalties, with the concurrence of the commissioner, in accordance with Sections 31A-2-308, 31A-23a-111, 31A-23a-112, 31A-26-213, and 31A-26-214; and

(e) issue an Order on Hearing.

(4) The department's administrative law judge will assist the Commission in its conduct of an administrative hearing as required ~~[by ruling on admissibility of evidence and motions pertaining to the hearing].~~

R592-2-5. Imposition of Penalties.

(1) ~~[The department will investigate alleged violations of statute or rule by a title licensee, applicants for a title insurance license, unlicensed person doing business as a title licensee, and continuing education providers submitting title continuing education programs for approval.~~

~~—(2)]If the resolution of the investigation is other than an administrative hearing or is an administrative hearing conducted by the department's administrative law judge, and the administrative proceeding imposes a penalty, the Commission must concur with the penalty imposed, prior to the imposition of the penalty.~~

~~(2[3]) If the resolution of the investigation is an administrative hearing conducted by the Commission, and the administrative hearing imposes a penalty, the commissioner must concur with the penalty imposed, prior to the imposition of the penalty.~~

KEY: title insurance

Date of Enactment or Last Substantive Amendment: [September 30, 2005]2006

Authorizing, and Implemented or Interpreted Law: 31A-2-402



Labor Commission, Industrial Accidents

R612-4-2

Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 29124

FILED: 10/13/2006, 11:57

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to establish the premium assessment rates for 2007 to fund the Employers' Reinsurance Fund, the Uninsured Employers' Fund, and the Workplace Safety Account.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment sets the workers compensation insurance premium assessment rates for the 2007 calendar year for purposes of funding the Uninsured Employers' Fund, the Employers' Reinsurance Fund, and the Workplace Safety Account.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 59-9-101(2), and Sections 59-9-101.3 and 34A-2-202

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There should be no cost or savings to the State budget as the assessment rates will remain at the same level for 2007 as they were for 2006.
- ❖ LOCAL GOVERNMENTS: There should be no cost or savings to local governments as the assessment rates will remain at the same level for 2007 as they were for 2006.
- ❖ OTHER PERSONS: There should be no cost or savings to other persons as the assessment rates will remain at the same level for 2007 as they were for 2006.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons, because the rates are remaining the same in 2007 as they were in 2006.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no fiscal impact on businesses due to this rule change, as the rates are remaining the same as they were in 2006. Sherrie Hayashi, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Sewell at the above address, by phone at 801-530-6988, by FAX at 801-530-6804, or by Internet E-mail at jsewell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2007

AUTHORIZED BY: Sherrie Hayashi, Commissioner

R612. Labor Commission, Industrial Accidents.**R612-4. Premium Rates.****R612-4-2. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund.**

A. Pursuant to Section 59-9-101(2), Section 59-9-101.3 and 34A-2-202 the workers' compensation premium rates effective January 1, 200[6]7, as established by the Labor Commission, shall be:

1. 0.25% for the Uninsured Employers' Fund;
2. 7.25% for the Employers' Reinsurance Fund;
3. 0.25% for the workplace safety account.

B. The premium rates are a percentage of the total workers' compensation insurance premium income as detailed in Section 59-9-101(2)(a).

KEY: workers' compensation, rates

Date of Enactment or Last Substantive Amendment: January 1, [2006]2007

Notice of Continuation: January 12, 2006

Authorizing, and Implemented or Interpreted Law: 59-9-101(2)

**Natural Resources, Wildlife Resources****R657-3-11****Certificate of Registration Required****NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 29114

FILED: 10/09/2006, 14:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted for taking public input and reviewing the Division of Wildlife's zoological animal program.

SUMMARY OF THE RULE OR CHANGE: The amendments to rule will allow small quantities of brine shrimp and brine shrimp eggs to be collected for personal use. Simply stated it allows children or tourists on an outing to the Great Salt Lake to legally take home a bottle of brine shrimp and brine shrimp eggs to look at.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18, 23-14-19, 23-14-18, 23-14-19, 23-20-3, 23-13-14; and 63-30-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: The amendment clarifies requirements for taking brine shrimp and their eggs from the Great Salt Lake. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments will not create any cost or

savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

❖ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖ OTHER PERSONS: These amendment clarifies requirements for taking brine shrimp and their eggs. Therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or saving impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments are for clarification. DWR determines that there are no additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses. Michael R. Styler, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Robin Thomas at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at robinthomas@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.

R657-3. Collection, Importation, Transportation, and Possession of Zoological Animals.

R657-3-11. Certificate of Registration Required.

(1)(a) A person shall obtain a certificate of registration before collecting, importing, transporting, or possessing any species of zoological animal or its parts classified as prohibited or controlled, except as otherwise provided by the Wildlife Board or rules of the Wildlife Board as provided in Subsection R657-3-1(3).

(b) A certificate of registration is not required:

(i) to collect, import, transport, or possess any species or subspecies of zoological animal classified as noncontrolled; ~~or~~

(ii) to export any species or subspecies of zoological animal from Utah, provided that the zoological animal is held in legal possession; or

(iii) to collect, transport or possess brine shrimp and brine shrimp eggs for personal use, provided:

(A) the brine shrimp and brine shrimp eggs are collected, transported and possessed together with water in a container no larger than one gallon;

(B) no more than a one gallon container of brine shrimp and brine shrimp eggs, including water, is collected during any consecutive seven day period; and

(C) the brine shrimp or brine shrimp eggs following possession are not released live into the Great Salt Lake, Sevier River or any of their tributary waters.

(c) Applications for zoological animals classified as prohibited shall not be accepted by the division without providing written justification describing how the applicant's proposed collection, importation, or possession of the zoological animal meets the criteria provided in Subsections R657-3-20(1)(b) or R657-3-18(4)(b).

(2)(a) Certificates of registration are not transferable and expire December 31 of the year issued, except as otherwise designated on the certificate of registration.

(b) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall end upon the representative's discontinuation of association with that entity.

(c) Certificates of registration do not provide the holder with any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.

(3)(a) The issuance of a certificate of registration automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the certificate of registration is issued.

(b) Any person accepting a certificate of registration under this rule acknowledges the necessity for close regulation and monitoring by the division.

(4) A single certificate of registration may authorize more than one activity.

(5)(a) In addition to this rule, the division may impose specific requirements on the holder of the certificate of registration necessary for the safe and humane handling and care of the zoological animal involved, including requirements for veterinary care, cage or holding pen sizes and standards, feeding requirements, social grouping requirements, and other requirements considered necessary by the division for the health and welfare of the zoological animal or the public.

(b) The authorizations on the face of the certificate of registration setting forth specific times, dates, places, methods of take, numbers and species of zoological animals, location of activity, authorization for certain circumscribed transactions, or other designated conditions are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

(6)(a) Upon or before the expiration date of a certificate of registration, the holder must apply for a new certificate of registration to continue the activity.

(b) The division shall use the criteria provided in Section R657-3-14 in determining whether to issue the new certificate of registration.

(c) If an application is not made by the expiration date, live or dead zoological animals held in possession under the expired certificate of registration shall be considered unlawfully held and may be seized by the division.

(d) If an application for a new certificate of registration is submitted before the expiration date, the existing certificate of registration shall remain valid while the application is pending.

(7) Failure to submit timely, accurate, or valid reports as required under Section R657-3-16 and the certificate of registration may disqualify a person from obtaining a new certificate of registration.

(8) A certificate of registration may be revoked as provided in Section 23-19-9 and Rule R657-26.

KEY: wildlife, animal protection, import restrictions, zoological animals

Date of Enactment or Last Substantive Amendment: ~~June 3, 2003~~2006

Notice of Continuation: April 15, 2003

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-20-3; 23-13-14 ; 63-30-1 et seq.



Natural Resources, Wildlife Resources

R657-13

Taking Fish and Crayfish

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 29115

FILED: 10/09/2006, 14:09

RULE ANALYSIS

PURPOSE OF THE 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's fish and crayfish management program.

SUMMARY OF THE RULE OR CHANGE: The amendments to the rule: 1) add definitions for dipnet, liftnet, and seine; 2) allow the use of two poles at any water open to fishing when a valid second pole permit is purchased; 3) clarify that second pole and setline permits are 365-day permits, 4) allow dipnets to be used to land game fish at any water, in addition to being used as primary take method at Bear Lake for Bonneville Cisco, 5) remove the use of a gaff to land fish and make having a gaff in possession while fishing unlawful, except at Lake Powell, 6) add dipnet to the methods by which nongame fish and crayfish may be taken, and 7) make technical corrections for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The amendments clarify requirements for fishing. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments will not create any cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

❖ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖ OTHER PERSONS: These amendments clarify requirements for fishing. Therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments are for clarification. DWR determines that there are no additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses. Michael R. Styler, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Robin Thomas at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at robinthomas@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.

R657-13. Taking Fish and Crayfish.

R657-13-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Aggregate" means the combined total of two or more species of fish or two or more size classes of fish which are covered by a limit distinction.

(b) "Angling" means fishing with a rod, pole, tipup, handline, or trollboard that has a single line with legal hooks, baits, or lures attached to it, and is held in the hands of, or within sight (not to exceed 100 feet) of, the person fishing.

(c)(i) "Artificial fly" means a fly made by the method known as fly tying.

(ii) "Artificial fly" does not mean a weighted jig, lure, spinner, attractor blade, or bait.

(c) "Artificial lure" means a device made of rubber, wood, metal, glass, fiber, feathers, hair, or plastic with a hook or hooks attached. Artificial lures, including artificial flies, do not include

fish eggs or other chemically treated or processed natural baits or any natural or human-made food, or any lures that have been treated with a natural or artificial fish attractant or feeding stimulant.

(d) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that one person may legally take during one day.

(e) "Bait" means a digestible substance, including worms, cheese, salmon eggs, marshmallows, or manufactured baits including human-made items that are chemically treated with food stuffs, chemical fish attractants or feeding stimulants.

(f) "Chumming" means dislodging or depositing in the water any substance not attached to a hook, line, or trap, which may attract fish.

(g) "Dipnet" means a small bag net with a handle that is used to scoop fish or crayfish from the water.

(h) "Fishing contest" means any organized event or gathering where anglers are awarded prizes, points or money for their catch.

(i) "Float tube" means an inflatable floating device less than 48 inches in any dimension, capable of supporting one person.

(j) "Gaff" means a spear or hook, with or without a handle, used for holding or lifting fish.

(k) "Game fish" means Bonneville cisco; bluegill; bullhead; channel catfish; crappie; green sunfish; largemouth bass; northern pike; Sacramento perch; smallmouth bass; striped bass; trout (rainbow, albino, cutthroat, brown, golden, brook, lake/mackinaw, kokanee salmon, and grayling or any hybrid of the foregoing); tiger muskellunge; walleye; white bass; whitefish; wiper; and yellow perch.

(l) "Handline" means a piece of line held in the hand and not attached to a pole used for taking fish or crayfish.

(m) "Immediately Released" means that the fish should be quickly unhooked and released back into the water where caught. Fish that must be immediately released cannot be held on a stringer, or in a live well or any other container or restraining device.

(n) "Lake" means the standing water level existing at any time within a lake basin. Unless posted otherwise, a stream flowing inside or within the high water mark is not considered part of the lake.

(o) "Length measurement" means the greatest length between the tip of the head or snout and the tip of the caudal (tail) fin when the fin rays are squeezed together. Measurement is taken in a straight line and not over the curve of the body.

(p) "Liftnet" means a small net that is drawn vertically through the water column to take fish or crayfish.

(q) "Motor" means an electric or internal combustion engine.

(r) "Nongame fish" means species of fish not listed as game fish.

(s) "Possession limit" means, for purposes of this rule only, one bag limit, including fish at home, in a cooler, camper, tent, freezer, or any other place of storage.

(t) "Protected aquatic wildlife" means, for purposes of this rule only, all species of fish, crustaceans, or amphibians.

(u) "Reservoir" means the standing water level existing at any time within a reservoir basin. Unless posted otherwise, a stream flowing inside or within the high water mark is not considered part of the reservoir.

(v) "Second pole" means fishing with one additional rod, pole, tipup, handline, or trollboard that has a single line with legal hooks, bait, or lures attached to it and is held in the hands of, or within sight of the person fishing.

(w) "Seine" means a small mesh net with a weighted line on the bottom and float line on the top that is drawn through the water. This type of net is used to enclose fish when its ends are brought together.

(x) "Setline" means a line anchored to a non-moving object and not attached to a fishing pole.

(y) "Single hook" means a hook or multiple hooks having a common shank.

(z) "Snagging" or "gaffing" means to take a fish in a manner that the fish does not take the hook voluntarily into its mouth.

(aa) "Tributary" means a stream flowing into a larger stream, lake, or reservoir.

(ab)(i) "Trout" means species of the family Salmonidae, including rainbow, albino, cutthroat, brown, golden, brook, tiger, lake (mackinaw), splake, kokanee salmon, and grayling or any hybrid of the foregoing.

(ii) "Trout" does not include whitefish or Bonneville cisco.

(ac) "Underwater Spearfishing" means, fishing by a person swimming or diving and using a mechanical device held in the hand, which uses a rubberband, spring, or pneumatic power to propel a spear to take fish.

R657-13-6. Angling.

(1) While angling, the angler shall be within sight (not to exceed 100 feet) of the equipment being used at all times, except setlines.

(2) Angling with more than one line is unlawful, except ~~while fishing for crayfish without the use of fish hooks and on selected waters with~~ when using a valid second pole permit in conjunction with an unexpired Utah one day, seven day or annual fishing or combination license, or while fishing for crayfish without the use of fish hooks. A second pole permit is not required when fishing for crayfish with lines without hooks.

(3) No artificial lure may have more than three hooks.

(4) No line may have attached to it more than two baited hooks, two artificial flies, or two artificial lures, except for a setline or while fishing at Flaming Gorge Reservoir or Lake Powell.

(5) When angling through the ice, the hole may not exceed 12 inches across at the widest point, except at Bear Lake, Flaming Gorge Reservoir, and Fish Lake where specific limitations apply.

R657-13-7. Fishing With a Second Pole.

(1) A person may use a second pole to take fish on all waters open to fishing provided they have an unexpired fishing or combination license and a valid second pole permit ~~only in the:~~

~~(a) Bear River from the Idaho state line downstream, including Cutler Reservoir and the outlet canals;~~

~~(b) Little Bear River below Valley View highway (SR-130);~~

~~(c) Malad River;~~

~~(d) Newton Reservoir;~~

~~(e) Hyrum Reservoir;~~

~~(f) Willard Bay Reservoir;~~

~~(g) Pine View Reservoir;~~

~~(h) Flaming Gorge Reservoir;~~

~~(i) Pelican Lake;~~

~~(j) Starvation Reservoir;~~

~~(k) Utah Lake;~~

~~(l) Yuba Reservoir;~~

~~(m) D.M.A.D.;~~

~~(n) Gunnison Bend;~~

~~(o) Lake Powell; and~~

~~(p) Gunlock Reservoir].~~

(2)(a) A second pole permit may be obtained through the division's web site, from ~~[online]~~ license agents and division offices.

~~(b)(i) A second pole permit is a 365 day permit valid only when required in addition to a valid Utah one day, seven day or annual fishing license, or combination license.~~

~~(c) A second pole permit is an annual permit, but may only be used in conjunction with an unexpired Utah one day, seven day or annual fishing or combination license.~~

~~(ii) A second pole permit does not allow an angler to take more than one bag or possession limit in any one day.~~

(3) Anglers under 14 years of age must purchase a valid fishing or combination license and second pole permit in order to use a second pole.

(4) A second pole permit shall only be used by the person to whom the second pole permit was issued.

R657-13-8. Setline Fishing.

(1) A person may use a setline to take fish only in the Bear River proper downstream from the Idaho state line, including Cutler Reservoir and outlet canals; Little Bear River below Valley View Highway (SR-30); Malad River; and Utah Lake.

(2)(a) Angling with one pole is permitted while setline fishing, except as provided in Subsection (b).

(b) A person who obtains a second pole permit may fish with two poles while setline fishing.

(3) No more than one setline per angler may be used and it may not contain more than 15 hooks.

(4)(a) A setline permit may be obtained through the division's web site, from ~~[online]~~ license agents and division offices.

(b) A setline permit is required in addition to a valid Utah one day, seven day or annual fishing or combination license.

~~(c) A setline permit is [an annual] a 365 day permit [but may] valid only [be] when used in conjunction with an unexpired Utah one day, seven day or annual fishing or combination license.~~

(5) When fishing with a setline, the angler shall be within 100 yards of the surface or bank of the water being fished.

(6) A setline shall have one end attached to a nonmoving object, not attached to a fishing pole, and shall have attached a legible tag with the name, address, and setline permit number of the angler.

(7) Anglers under 14 years of age must purchase a valid Utah one day, seven day or annual fishing or combination license and setline permit in order to use a setline.

R657-13-9. Underwater Spearfishing.

(1) Underwater spearfishing is permitted from official sunrise to official sunset.

(2) Use of artificial light is unlawful while underwater spearfishing.

(3) Causey Reservoir, Deer Creek Reservoir, Fish Lake, Flaming Gorge Reservoir, Joe's Valley Reservoir, Ken's Lake, Lake Powell, Lost Creek Reservoir, Red Fleet Reservoir, Steinaker Reservoir, Starvation Reservoir, and Willard Bay Reservoir are open to taking game fish by means of underwater spearfishing from June 1 through September 30. These are the only waters open to underwater spearfishing for game fish.

(4) Lake Powell is open to taking carp and striped bass by means of underwater spearfishing from January 1 through December 31.

(5) The bag and possession limit for underwater spearfishing is two game fish. No more than one fish greater than 20 inches may be taken, except at Flaming Gorge Reservoir only one lake trout (mackinaw) greater than 28 inches may be taken.

(6) Nongame fish may be taken by underwater spearfishing only in the waters listed in Subsections (3) and (4) above and as provided in Section R657-13-14.

(7) Carp may be taken by means of underwater spearfishing from any water open to angling during the open angling season.

R657-13-10. Dipnetting.

(1) Hand-held dipnets may be used to ~~[take Bonneville cisco only at Bear Lake.]~~ land game fish legally taken by angling. However, they may not be used as a primary method to take game fish from Utah waters except at Bear Lake where they are permitted for Bonneville Cisco.

(2) The opening of the dipnet may not exceed 18 inches.

(3) When dipnetting through the ice, the size of the hole is unrestricted.

~~(4) Hand held dipnets may also be used to take crayfish and nongame fish, except prohibited fish.~~

R657-13-11. Restrictions on Taking Fish and Crayfish.

(1) Artificial light is permitted, except when underwater spearfishing.

(2) A person may not obstruct a waterway, use a chemical, explosive, electricity, poison, crossbow, firearm, pellet gun, or archery equipment to take fish or crayfish, except as provided in Subsection R657-13-14(1)(c) and Section R657-13-20.

~~(3) A person may not take protected aquatic wildlife by snagging or gaffing [however], except at Lake Powell where a gaff may be used to land [fish caught by lawful means, except at Flaming Gorge Reservoir and Fish Lake] striped bass. It is unlawful to possess a gaff at waters, except at Lake Powell.~~

(4) Chumming is prohibited on all waters, except as provided in Section R657-13-20.

(5) The use of a float tube or a boat, with or without a motor, for fishing is unlawful on some waters. Boaters should be aware that other agencies may have additional restrictions on the use of float tubes, boats, or boats with motors on some waters.

(6) Nongame fish and crayfish may be taken only as provided in Sections R657-13-14 and R657-13-15.

R657-13-14. Taking Nongame Fish.

(1)(a) Except as provided in Subsections (b) and (c), a person possessing a valid Utah fishing or combination license may take nongame fish for personal, noncommercial purposes during the open fishing season set for the given body of water.

(b) A person may not take any species of fish designated as prohibited in Section R657-13-13.

(c) Nongame fish may not be taken in the following waters, except carp may be taken by angling, archery, spear, or underwater spearfishing:

(i) San Juan River;

(ii) Colorado River;

(iii) Green River (from confluence with Colorado River upstream to Colorado state line in Dinosaur National Monument);

(iv) Green River (from Colorado state line in Brown's Park upstream to Flaming Gorge Dam, including Gorge Creek, a tributary entering the Green River at Little Hole);

- (v) White River (Uintah County);
 - (vi) Duchesne River (from Myton to confluence with Green River);
 - (vii) Virgin River (Main stem, North, and East Forks).
 - (viii) Ash Creek;
 - (ix) Beaver Dam Wash;
 - (x) Fort Pierce Wash;
 - (xi) La Verkin Creek;
 - (xii) Santa Clara River (Pine Valley Reservoir downstream to the confluence with the Virgin River);
 - (xiii) Diamond Fork;
 - (xiv) Thistle Creek;
 - (xv) Main Canyon Creek (tributary to Wallsburg Creek);
 - (xvi) South Fork of Provo River (below Deer Creek Dam); and
 - (xvii) Snake Valley waters (west and north of US-6 and that part of US-6 and US-50 in Millard and Juab counties).
- (2) Nongame fish, except those species listed in Section R657-13-13, may be taken by angling, traps, bow and arrow, liftnets, dipnets, seine, spear or underwater spearfishing in the waters specified in Subsection R657-13-9(3).
- (3) Seines shall not exceed 10 feet in length or width.
- (4) Cast nets must not exceed 10 feet in diameter.
- (5) Lawfully taken nongame fish shall be either released or killed immediately upon removing them from the water, however, they may not be left or abandoned on the shoreline.

R657-13-15. Taking Crayfish.

- (1) A person possessing a valid Utah fishing or combination license may take crayfish for personal, noncommercial purposes during the open fishing season set for the given body of water.
- (2) Crayfish may be taken by hand or with a trap, pole, liftnet, dipnet, handline, or seine, provided that:
- (a) game fish or their parts, or any substance unlawful for angling, is not used for bait;
 - (b) seines shall not exceed 10 feet in length or width;
 - (c) no more than five lines are used, and no more than one line may have hooks attached (bait is tied to the line so that the crayfish grasps the bait with its claw); and
 - (d) live crayfish are not transported from the body of water where taken.

KEY: fish, fishing, wildlife, wildlife law

Date of Enactment or Last Substantive Amendment: ~~January 18,~~ 2006

Notice of Continuation: September 20, 2002

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-19-1; 23-22-3



Natural Resources, Wildlife Resources
R657-52-3

Certificate of Registration Required

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 29113
 FILED: 10/09/2006, 13:24

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted for taking public input and reviewing the Division of Wildlife's commercial harvest program for brine shrimp and brine shrimp eggs.

SUMMARY OF THE RULE OR CHANGE: The amendment to the rule will allow small quantities of brine shrimp and brine shrimp eggs to be collected for personal use. Simply stated it allows children or tourists on an outing to the Great Salt Lake to legally take home a bottle of brine shrimp and brine shrimp eggs to look at.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-3, 23-14-18, 23-14-19, 23-15-7, 23-15-8, and 23-15-9; and Subsection 23-19-1(2)

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** The amendment clarifies requirements for taking brine shrimp and their eggs from the Great Salt Lake. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments will not create any cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget
- ❖ **LOCAL GOVERNMENTS:** None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.
- ❖ **OTHER PERSONS:** These amendment clarifies requirements for taking brine shrimp and their eggs. Therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments are for clarification. DWR determines that there are no additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses. Michael R. Styler, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
 WILDLIFE RESOURCES
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Robin Thomas at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at robinthomas@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.

R657-52. Commercial Harvesting of Brine Shrimp and Brine Shrimp Eggs.

R657-52-3. Certificate of Registration Required.

(1) A person may not harvest, possess, or transport brine shrimp or brine shrimp eggs without first obtaining a certificate of registration and a helper card for each individual assisting that person.

(2)(a) The division may issue a certificate of registration authorizing a person to harvest brine shrimp and brine shrimp eggs.

(b) A separate certificate of registration and the corresponding certificate of registration marker is required for each harvest location.

(c) The original copy of the certificate of registration must be present at the harvest location while harvesting brine shrimp or brine shrimp eggs.

(3) A certificate of registration under this rule is not required:

(a) to harvest 200 pounds or less of brine shrimp or brine shrimp eggs, during a single calendar year, for culturing ornamental fish, provided the brine shrimp eggs are not sold, bartered, or traded;

(i) a certificate of registration is required, however, under Rule R657-3 for the activities described in Subsection (a);

(b) for the retail sale of brine shrimp or brine shrimp eggs imported into Utah, provided the product is clearly labeled as to its out-of-state origin;

(c) to process lawfully acquired brine shrimp or brine shrimp eggs; ~~or~~

(d) to sell brine shrimp or brine shrimp eggs, provided the brine shrimp or brine shrimp eggs were taken in accordance with the provisions of this rule by a person who has obtained a certificate of registration or as provided in rule R657-3; or

(e) to collect, transport or possess brine shrimp and brine shrimp eggs for personal use, provided:

(i) the brine shrimp and brine shrimp eggs are collected, transported and possessed together with water in a container no larger than one gallon;

(ii) no more than a one gallon container of brine shrimp and brine shrimp eggs, including water, is collected during any consecutive seven day period; and

(iii) the brine shrimp or brine shrimp eggs are not released live into the Great Salt Lake, Sevier River or any of their tributary waters.

(4) Certificates of registration are not transferable, except as provided in Section R657-52-7.

(5) Any certificate of registration issued to a business or any other commercial organization shall be void upon the termination of the business or organization or upon bankruptcy.

(6) Certificates of registration that may become available for issuance through revocation, expiration, nonrenewal, or surrender

may either be retired by the division or reallocated to eligible persons and entities through random drawings conducted at the Division of Wildlife Resources, Salt Lake City office.

(7) All persons or entities applying for a certificate of registration to harvest brine shrimp and brine shrimp eggs made available for issuance through Subsection (6) shall satisfy the following requirements:

(a) submit a certificate of registration application to the wildlife registration office consistent with the requirements set forth in R657-52-5; and

(b) submit a cashiers check to the division in the established fee amount for each certificate of registration applied for.

(8)(a) The issuance of a certificate of registration automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the certificate of registration is issued.

(b) Any person accepting a certificate of registration under this rule acknowledges the necessity for close regulation and monitoring by the division.

(9) Any certificate of registration issued or renewed by the division under this rule to harvest brine shrimp or brine shrimp eggs is a privilege and not a right. The certificate of registration authorizes the holder to harvest brine shrimp or brine shrimp eggs subject to all present and future conditions, restrictions, and regulations imposed on such activities by the division, the Wildlife Board, the state of Utah, or the United States.

(10) A certificate of registration to harvest brine shrimp or brine shrimp eggs does not guarantee or otherwise legally entitle the holder to any of the following:

(a) a minimum harvest quota in any given season or seasons;

(b) a quota or percentage of the harvestable surplus as determined by the division;

(c) a particular harvesting or processing method;

(d) a particular harvest season duration, commencement date, or termination date; (e) access to any particular area or site on the Great Salt Lake or on other waters in the state, regardless of historical authorization or use;

(f) marina access on the Great Salt Lake or elsewhere in the state, regardless of historical authorization or use;

(g) an increase, stabilization, or reduction in the number of certificates of registration issued by the division to harvest brine shrimp and brine shrimp eggs;

(h) an exclusive opportunity to harvest;

(i) a particular quantity or quality of brine shrimp or brine shrimp eggs;

(j) a particular water condition or salinity level conducive to brine shrimp production, brine shrimp egg production, or harvest success;

(k) any particular level of protection for brine shrimp or brine shrimp eggs from disease, pesticides, or predators; or

(l) any other right or management philosophy beneficial to harvesting or production of brine shrimp and brine shrimp eggs.

(11) The procedures and processes outlined in this rule regulating the harvest of brine shrimp and brine shrimp eggs are all subject to change as the division and the Wildlife Board gather greater information and data on the impact current harvest regulations have on the sustainability of brine shrimp populations, the Great Salt Lake ecosystem, and the economic viability of the industry.

KEY: brine shrimp, commercialization

Notice of Enactment or Last Substantive Amendment:
~~September 4, 2002~~ 2006

Authorizing, and Implemented or Interpreted Law: 23-14-3; 23-14-18; 23-14-19; 23-15-7; 23-15-8; 23-15-9; 23-19-1(2)



Natural Resources, Wildlife Resources

R657-54

Taking Wild Turkey

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 29112

FILED: 10/09/2006, 12:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council meetings and the Wildlife Board meeting conducted for taking public input and reviewing the wild turkey program as approved by the Wildlife Board.

SUMMARY OF THE RULE OR CHANGE: The amendments to this rule add a definition of bait to Section R657-54-2 and creates a new section that makes it unlawful for a person to hunt turkey at a baited area, Section R657-54-12. The sections following the new one are renumbered.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 50 CFR 20, 2003 ed.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The amendments clarify requirements for hunting wild turkey. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments will not create any cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

❖ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖ OTHER PERSONS: These amendments clarify requirements for hunting wild turkey. Therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These minor amendments are designed to make hunting wild turkey over baited areas unlawful and does not impose any cost requirements for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses. Michael R. Styler, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
 WILDLIFE RESOURCES
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Robin Thomas at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at robinthomas@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.

R657-54. Taking Wild Turkey.

R657-54-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Bait" means shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that lures, attracts or entices birds.

(b) "CFR" means the Code of Federal Regulations.

~~(c)~~(c) "Cleared and planted land" means private land or privately leased state or federal land used to produce a cultivated crop for commercial gain and the cultivated crop is routinely irrigated or routinely mechanically or manually harvested, or is crop residue that has forage value for livestock.

~~(d)~~(d) "Commercial gain" means intent to profit from cultivated crops through an enterprise in support of the crop owner's livelihood.

~~(e)~~(e) "Essential habitat" means areas where wild turkeys regularly and consistently roost, feed, loaf, nest or winter.

~~(f)~~(f) "Immediate family" means the landowner's lessee, or landowner's or lessee's spouse, children, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, stepchildren, and grandchildren.

~~(g)~~(g) "Landowner" means any individual, family or corporation who owns property in Utah and whose name appears on the deed as the owner of eligible property or whose name appears as the purchaser on a contract for sale of eligible property.

~~(h)~~(h) "Livestock Forage" means any forage, excluding cultivated crops and crop residues, meant for consumption by livestock, not routinely irrigated or routinely mechanically or manually harvested.

~~(4)~~(i) "Open season" means the days when upland game may lawfully be taken. Each period prescribed as an open season shall include the first and last days thereof.

(i) "Private land" means land in private fee ownership and in agricultural use as provided in Section 59-2-502 and eligible for agricultural use valuation as provided in Section 59-2-503 and 59-2-504. Private land does not include tribal trust lands.

R657-54-12. Baiting.

A person may not hunt turkey using bait, or on or over any baited area where a person knows or reasonably should know that the area is or has been baited. An area is considered baited for 10 days after bait is removed, or 10 days after bait in an area is eaten.

R657-54-13. Sitting or Roosting Turkeys.

A person may not take or attempt to take any turkey sitting or roosting in a tree.

R657-54-~~13~~14. Tagging Requirements.

(1) The carcass of a turkey may be tagged before the carcass is moved from, or the hunter leaves, the site of kill.

(2) To tag a carcass, a person shall:

- (a) completely detach the tag from the license or permit;
- (b) completely remove the appropriate notches to correspond with:

- (i) the date the animal was taken;
- (ii) the sex of the animal; and

(c) attach the tag to the carcass so that the tag remains securely fastened and visible.

(3) A person may not:

- (a) remove more than one notch indicating date or sex; or
- (b) tag more than one carcass using the same tag.

(4) A person may not hunt or pursue turkey after any of the notches have been removed from the tag or the tag has been detached from the permit.

R657-54-~~14~~15. Identification of Species and Sex.

The head and beard must remain attached to the carcass of wild turkey while being transported.

R657-54-~~15~~16. Use of Dogs.

(1) Dogs may be used to locate and retrieve wild turkey during open hunting seasons.

(2) Dogs are not allowed on state wildlife management or waterfowl management areas, except during open hunting seasons or as posted by the Division.

R657-54-~~16~~17. Closed Areas.

A person may not hunt wild turkey in any area posted closed by the Division or any of the following areas:

(1) Salt Lake Airport boundaries as posted.

(2) Incorporated municipalities: Most of the incorporated areas of Alta, a portion of Davis County, Garland City, Layton, Logan, Pleasant View City, South Ogden City, West Jordan, and West Valley City are closed to the discharge of firearms. Check with the respective city officials for specific boundaries. Other municipalities may have additional firearm restrictions.

(3) Wildlife Management Areas:

(a) Waterfowl management areas are open for hunting wild turkey only during designated turkey hunting seasons, including: Bear River National Wildlife Refuge, Bicknell Bottoms, Blue Lake,

Brown's Park, Clear Lake, Desert Lake, Farmington Bay, Harold S. Crane, Howard Slough, Locomotive Springs, Mills Meadows, Ogden Bay, Ouray National Wildlife Refuge, Powell Slough, Public Shooting Grounds, Salt Creek, Stewart Lake, and Timpie Springs.

(b) Fish Springs National Wildlife Refuge is closed to wild turkey hunting.

(c) Goshen Warm Springs is closed to wild turkey hunting.

(4) Military installations, including Camp Williams, are closed to hunting and trespassing unless otherwise authorized.

R657-54-~~17~~18. Possession of Live Protected Wildlife.

It is unlawful for any person to hold in captivity at any time any protected wildlife, except as provided by Title 23, Wildlife Resources Code or any rules and regulations of the Wildlife Board. Protected wildlife that is wounded must be immediately killed and shall be included in the hunter's bag limit.

R657-54-~~18~~19. Spotlighting.

(1) Except as provided in Section 23-13-17:

(a) a person may not use or cast the rays of any spotlight, headlight or other artificial light to locate protected wildlife while having in possession a firearm or other weapon or device that could be used to take or injure protected wildlife; and

(b) the use of a spotlight or other artificial light in a field, woodland or forest where protected wildlife are generally found is prima facie evidence of attempting to locate protected wildlife.

(2) The provisions of this section do not apply to:

(a) the use of the headlights of a motor vehicle or other artificial light in a usual manner where there is no attempt or intent to locate protected wildlife; or

(b) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take wildlife.

R657-54-~~19~~20. Exporting Wild Turkey from Utah.

A person may export wild turkey or their parts from Utah only if:

(1) the person who harvested the turkey accompanies it and possess a valid permit corresponding to the tag; or

(2) the person exporting the turkey or its parts, if it is not the person who harvested the turkey, has obtained a shipping permit from the Division.

R657-54-~~20~~21. Waste of Game.

(1) A person may not waste or permit to be wasted or spoiled any protected wildlife or their parts.

(2) A person shall not kill or cripple any wild turkey without making a reasonable effort to retrieve the turkey.

R657-54-~~21~~22. Wild Turkey Poaching Reported Reward Permits.

(1) Any person who provides information leading to another person's arrest and successful prosecution for wanton destruction of a wild turkey under Section 23-20-4, within any limited entry area may receive a permit from the Division to hunt wild turkey in the following year on the same limited entry area where the violation occurred, except as provided in Subsection (2).

(2)(a) In the event that issuance of a Poaching-Reported Reward Permit would exceed 5 percent of the total number of limited entry permits issued in the following year for the respective

area, a permit shall not be issued for that respective area. As an alternative, the Division may issue a permit as outlined in Subsection (b).

(b) A permit for a wild turkey, on an alternative limited entry area that has been allocated more than 20 permits, may be issued.

(3)(a) The Division may issue only one Poaching-Reported Reward Permit for any one wild turkey illegally taken.

(b) No more than one Poaching-Reported Reward Permit shall be issued to any one person per successful prosecution.

(c) No more than one Poaching-Reported Reward Permit shall be issued to any one person in any one calendar year.

(4)(a) Poaching-Reported Reward permits may only be issued to the person who provides the most pertinent information leading to a successful prosecution. Permits are not transferrable.

(b) If information is received from more than one person, the director of the Division shall make a determination based on the facts of the case, as to which person provided the most pertinent information leading to the successful prosecution in the case.

(c) The person providing the most pertinent information shall qualify for the Poaching-Reported Reward Permit.

(5) Any person who receives a Poaching-Reported Reward Permit must be eligible to hunt and obtain wild turkey permits as provided in all rules and regulations of the Wildlife Board and the Wildlife Resources Code.

(6) For purposes of this section, "successful prosecution" means the screening, filing of charges and subsequent adjudication for the poaching incident.

R657-54-[~~22~~]23. Season Dates, Bag and Possession Limits, and Areas Open.

Season dates, bag and possession limits, areas open, and number of permits for taking wild turkey are provided in the Turkey Proclamation of the proclamation of the Wildlife Board for taking wild turkey.

R657-54-[~~23~~]24. Youth Hunting.

(1)(a) Up to 15 percent of the limited entry permits authorized for taking Merriam's and Rio Grande turkeys are available to youth hunters.

(b) For purposes of this section "youth" means any person who is 18 years of age or younger on the posting date of the wild turkey drawing.

(2)(a) Youth hunters who wish to participate in the youth limited entry wild turkey permit drawing must submit an application in accordance with Section R657-54-3.

(b) Youth who apply for a turkey permit in accordance with Section R657-54-3, will automatically be considered in the youth permit drawing based on their birth date.

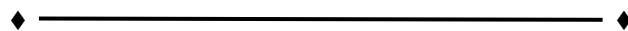
(3)(a) Bonus points shall be used when applying for youth turkey permits in accordance with Section R657-54-5.

(b) Waiting periods will be incurred in accordance with Section R657-54-4.

KEY: wildlife, wild turkey, game laws

Date of Enactment or Last Substantive Amendment: [~~December 2, 2004~~]2006

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19



**Public Safety, Peace Officer Standards
and Training
R728-408-4
Possession of Firearms**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 29121

FILED: 10/12/2006, 09:41

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to delete wording that does not apply with how firearms are stored at the facilities.

SUMMARY OF THE RULE OR CHANGE: Peace Officer Standards and Training (POST) will be deleting wording that states that the POST facility and the emergency vehicle operation facilities will provide lockers to store weapons.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 76-8-311.1(1)(c)(2)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The facilities currently do not have gun lockers in place. By changing this rule, the requirement of having gun lockers is removed. The change is made to update how operate at the facilities currently without the gun lockers. This would not affect any budgets because lockers would not have to be purchased.

❖ **LOCAL GOVERNMENTS:** The facilities currently do not have gun lockers in place. By changing this rule, the requirement of having gun lockers is removed. The change is made to update how operate at the facilities currently without the gun lockers. This would not affect any budgets because lockers would not have to be purchased.

❖ **OTHER PERSONS:** The facilities currently do not have gun lockers in place. By changing this rule, the requirement of having gun lockers is removed. The change is made to update how operate at the facilities currently without the gun lockers. This would not affect any budgets because lockers would not have to be purchased.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The facilities currently do not have gun lockers in place. By changing this rule, the requirement of having gun lockers is removed. The change is made to update how operate at the facilities currently without the gun lockers. This would not affect any budgets because lockers would not have to be purchased.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on businesses because of this rule amendment. Scott Duncan, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PUBLIC SAFETY
PEACE OFFICER STANDARDS AND TRAINING
4525 S 2700 W
SALT LAKE CITY UT 84119, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Steve Winward at the above address, by phone at 801-965-4373, by FAX at 801-965-4910, or by Internet E-mail at swinward@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/15/2006

AUTHORIZED BY: Rich Townsend, Director

**R728. Public Safety, Peace Officer Standards and Training.
R728-408. POST Academy and the Emergency Vehicle Operations Range are Secure Facilities.
R728-408-4. Possession of Firearms.**

No firearms may be brought into the POST Academy and Emergency Vehicle Operations Range. [~~Lockers shall be provided at the main office of the POST Academy and the Instructors Office at the Emergency Vehicle Operations Range. Any person carrying a firearm must surrender the firearm and secure it in a POST provided locker upon entering the POST Academy and Emergency Vehicle Operations Range.~~]

KEY: firearms, emergency vehicle operations range, secure facilities, law enforcement officers
Date of Enactment or Last Substantive Amendment: [~~April 10, 2002~~2006]
Authorizing, and Implemented or Interpreted Law: 76-8-311; 53-13-103; 53-13-106



**Tax Commission, Property Tax
R884-24P-24
Form for Notice of Property Valuations and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29111
FILED: 10/06/2006, 14:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 161 (2005 General Session) changed the levies that may be included in a county's aggregate certified tax rate. (DAR NOTE: S.B. 161 (2005) is found at Chapter 195, Laws of Utah 2005, and was effective 05/02/2005.)

SUMMARY OF THE RULE OR CHANGE: The proposed amendment deletes language indicating that the county assessing and collecting levy and any additional levies for property valuation and appraisal may not be included as part of the county's aggregate certified tax rate. Under S.B. 161 (2005), these levies may be included in the county's aggregate tax rate.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-2-918 through 59-2-924

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any fiscal impacts were taken into account by S.B. 161 (2005).
❖ LOCAL GOVERNMENTS: None--Any fiscal impacts were taken into account by S.B. 161 (2005).
❖ OTHER PERSONS: None--Any fiscal impacts were taken into account by S.B. 161 (2005).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--While previously the county assessing and collecting levy and any additional levy for property valuation and appraisal were required to be segregated, they may now be included in the county's aggregate certified tax rate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs to businesses with this rule. D'Arcy Dixon, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
PROPERTY TAX
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: D'Arcy Dixon, Commissioner



R884. Tax Commission, Property Tax.**R884-24P. Property Tax.****R884-24P-24. Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924.**

~~[A-](1)~~ The county auditor must notify all real property owners of property valuation and tax changes on the Notice of Property Valuation and Tax Changes form.

~~[+](a)~~ If a county desires to use a modified version of the Notice of Property Valuation and Tax Changes, a copy of the proposed modification must be submitted for approval to the Property Tax Division of the Tax Commission no later than March 1.

~~[a-](i)~~ Within 15 days of receipt, the Property Tax Division will issue a written decision, including justifications, on the use of the modified Notice of Property Valuation and Tax changes.

~~[b-](ii)~~ If a county is not satisfied with the decision, it may petition for a hearing before the Tax Commission as provided in R861-1A-22.

~~[2-](b)~~ The Notice of Property Valuation and Tax Changes, however modified, must contain the same information as the unmodified version. A property description may be included at the option of the county.

~~[B-](2)~~ The Notice of Property Valuation and Tax Changes must be completed by the county auditor in its entirety, except in the following circumstances:

~~[+](a)~~ New property is created by a new legal description; or

~~[2-](b)~~ The status of the improvements on the property has changed.

~~[3-](c)~~ In instances where partial completion is allowed, the term nonapplicable will be entered in the appropriate sections of the Notice of Property Valuation and Tax Changes.

~~[4-](d)~~ If the county auditor determines that conditions other than those outlined in this section merit deletion, the auditor may enter the term "nonapplicable" in appropriate sections of the Notice of Property Valuation and Tax Changes only after receiving approval from the Property Tax Division in the manner described in ~~[A-]Subsection (1)~~.

~~[C-](3)~~ Real estate assessed under the Farmland Assessment Act of 1969 must be reported at full market value, with the value based upon Farmland Assessment Act rates shown parenthetically.

~~[D-](4)(a)~~ All completion dates specified for the disclosure of property tax information must be strictly observed.

~~[+](b)~~ Requests for deviation from the statutory completion dates must be submitted in writing on or before June 1, and receive the approval of the Property Tax Division in the manner described in ~~[A-]Subsection (1)~~.

~~[E-](5)~~ If the proposed rate exceeds the certified rate, jurisdictions in which the fiscal year is the calendar year are required to hold public hearings even if budget hearings have already been held for that fiscal year.

~~[F-](6)~~ If the cost of public notice required under Sections 59-2-918 and 59-2-919 is greater than one percent of the property tax revenues to be received, an entity may combine its advertisement with other entities, or use direct mail notification.

~~[G-](7)~~ Calculation of the amount and percentage increase in property tax revenues required by Sections 59-2-918 and 59-2-919, shall be computed by comparing property taxes levied for the current year with property taxes collected the prior year, without adjusting for revenues attributable to new growth.

~~[H-](8)~~ If a taxing district has not completed the tax rate setting process as prescribed in Sections 59-2-919 and 59-2-920 by August 17,

the county auditor must seek approval from the Tax Commission to use the certified rate in calculating taxes levied.

~~[+](9)~~ The value of property subject to the uniform fee under Section 59-2-405 is excluded from taxable value for purposes of calculating new growth, the certified tax rate, and the proposed tax rate.

~~[+](10)~~ The value and taxes of property subject to the uniform fee under Section 59-2-405, as well as tax increment distributions and related taxable values of redevelopment agencies, are excluded when calculating the percentage of property taxes collected as provided in Section 59-2-913.

~~[K-](11)~~ The following formulas and definitions shall be used in determining new growth:

~~[+](a)~~ Actual new growth shall be computed as follows:

~~[a-](i)~~ the taxable value for the current year adjusted for redevelopment minus year-end taxable value for the previous year adjusted for redevelopment; then

~~[b-](ii)~~ plus or minus changes in value as a result of factoring; then

~~[e-](iii)~~ plus or minus changes in value as a result of reappraisal; then

~~[d-](iv)~~ plus or minus any change in value resulting from a legislative mandate or court order.

~~[2-](b)~~ Net annexation value is the taxable value for the current year adjusted for redevelopment of all properties annexed into an entity during the previous calendar year minus the taxable value for the previous year adjusted for redevelopment for all properties annexed out of the entity during the previous calendar year.

~~[3-](c)~~ New growth is equal to zero for an entity with:

~~[a-](i)~~ an actual new growth value less than zero; and

~~[b-](ii)~~ a net annexation value greater than or equal to zero.

~~[4-](d)~~ New growth is equal to actual new growth for:

~~[a-](i)~~ an entity with an actual new growth value greater than or equal to zero; or

~~[b-](ii)~~ an entity with:

~~[+](A)~~ an actual new growth value less than zero; and

~~[2-](B)~~ the actual new growth value is greater than or equal to the net annexation value.

~~[5-](e)~~ New growth is equal to the net annexation value for an entity with:

~~[a-](i)~~ a net annexation value less than zero; and

~~[b-](ii)~~ the actual new growth value is less than the net annexation value.

~~[6-](f)~~ Adjusted new growth equals new growth multiplied by the mean collection rate for the previous five years.

~~[L-1-](12)(a)~~ For purposes of determining the certified tax rate, ad valorem property tax revenues budgeted by a taxing entity for the prior year are calculated by:

~~[a-](i)~~ increasing or decreasing the adjustable taxable value from the prior year Report 697 by the average of the percentage net change in the value of taxable property for the equalization period for the three calendar years immediately preceding the current calendar year; and

~~[b-](ii)~~ multiplying the result obtained in ~~[L-1-a-]Subsection (12)(a)(i)~~ by:

~~[+](A)~~ the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year; and

~~[2-](B)~~ the prior year approved tax rate.

~~[2-](b)~~ If a taxing entity levied the prior year approved tax rate, the budgeted revenues determined under ~~[L-1-]Subsection (12)(a)~~ are reflected in the budgeted revenue column of the prior year Report 693.

~~M.1.(13)~~ Entities required to set levies for more than one fund must compute an aggregate certified rate. The aggregate certified rate is the sum of the certified rates for individual funds for which separate levies are required by law. The aggregate certified rate computation applies where:

~~(a)~~ the valuation bases for the funds are contained within identical geographic boundaries; and

~~(b)~~ the funds are under the levy and budget setting authority of the same governmental entity.

~~2. Exceptions to M.1. are the county assessing and collecting levy, as described in Section 59-2-906.1(3), and the additional levies for property valuation and reappraisal, as described in Section 59-2-906.3.~~

~~a) These levies may not be included as part of a county's aggregate certified rate. Instead, they must be segregated into a separate aggregate certified rate.~~

~~b) The separate aggregate certified rate representing these levies is subject to the proposed tax increase requirements of Sections 59-2-918 and 59-2-919.~~

~~N.(14)~~ For purposes of determining the certified tax rate of a municipality incorporated on or after July 1, 1996, the levy imposed for municipal-type services or general county purposes shall be the certified tax rate for municipal-type services or general county purposes, as applicable.

~~O.(15)~~ No new entity, including a new city, may have a certified tax rate or levy a tax for any particular year unless that entity existed on the first day of that calendar year.

KEY: taxation, personal property, property tax, appraisals
Date of Enactment or Last Substantive Amendment: [September 21], 2006

Notice of Continuation: April 5, 2002

Authorizing, and Implemented or Interpreted Law: 59-2-918 through 59-2-924



Tax Commission, Property Tax **R884-24P-33** 2007 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 29134
 FILED: 10/16/2006, 16:02

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 59-1-210(3) authorizes the State Tax Commission to promulgate rules that aid county officials in the performance of duties relating to the assessment and equalization of property within the county.

SUMMARY OF THE RULE OR CHANGE: This is an amendment to the class 23 personal property valuation schedule located in Section R884-24P-33. The class 23 valuation schedule is

entitled "Aircraft Subject to the Aircraft Uniform Fee and Not Listed in the Aircraft Bluebook Price Digest".

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-301

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The amount of savings or cost to state government is undetermined. Tax revenue is distributed to local governments for assessing and collecting. The amount of increase of 2007 tax revenue cannot be determined, even if there were no changes in the percent good tables, because taxpayer acquisitions and deletions of property during 2007 is unknown. The proposed personal property schedule for class 23 has been increased to more accurately reflect the current fair market value of kit-built aircraft, experimental aircraft, gliders, and other aircraft requiring FAA registration but not listed in the Aircraft Bluebook Price Digest. This proposed change will have a minuscule impact on revenue due to the very small number of aircraft subject to this particular schedule.

❖ **LOCAL GOVERNMENTS:** The amount of saving or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased personal property value. It is anticipated there will be a minuscule increase in 2007 tax revenue; however, the amount of increase cannot be determined because taxpayer acquisitions and deletions of property during 2007 is unknown. Also, this proposed change will have a minuscule impact on revenue due to the very small number of aircraft subject to this particular schedule.

❖ **OTHER PERSONS:** The amount of savings or cost to individuals and business is undetermined. Affected persons pay taxes based on increased or decreased personal property value and this particular schedule affects a very small number of individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Individuals owning the type of aircraft not listed in the Aircraft Bluebook Price Digest and aircraft property tax practitioners will be required to be aware of the increased percent good figures. However, this is no different than previous years; therefore, the compliance cost in completing the assessment process will not change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It is anticipated this particular rule and applicable schedules affects a small number of individuals and businesses. Affected persons will pay taxes based upon an increased or decreased personal property value. D'Arcy Dixon, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

TAX COMMISSION
 PROPERTY TAX
 210 N 1950 W
 SALT LAKE CITY UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Cheryl Lee at the above address, by phone at 801-297-3900,
 by FAX at 801-297-3919, or by Internet E-mail at
 cleec@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY
 SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER
 THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: D'Arcy Dixon, Commissioner

Tax Commission, Property Tax
R884-24P-53
 2006 Valuation Guides for Valuation of
 Land Subject to the Farmland
 Assessment Act Pursuant to Utah Code
 Ann. Section 59-2-515

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 29129
 FILED: 10/16/2006, 13:44

R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-33. 2007 Personal Property Valuation Guides and
Schedules Pursuant to Utah Code Ann. Section 59-2-301.

.....

- (u) Class 23 - Aircraft Subject to the Aircraft Uniform Fee and Not Listed in the Aircraft Bluebook Price Digest.
 - (i) Examples of property in this class include:
 - (A) kit-built aircraft;
 - (B) experimental aircraft;
 - (C) gliders;
 - (D) hot air balloons; and
 - (E) any other aircraft requiring FAA registration.
 - (ii) Aircraft subject to the aircraft uniform fee, but not listed in the Aircraft Bluebook Price Digest, are valued by applying the percent good factor against the acquisition cost of the aircraft.
 - (iii) Aircraft requiring Federal Aviation Agency registration and kept in Utah must be registered with the Motor Vehicle Division of the Tax Commission.

TABLE 23

Year of Acquisition	Percent Good of Acquisition Cost
06	[75%]90%
05	[71%]80%
04	[67%]70%
03	[63%]60%
02	[59%]50%
01 and prior	[55%]40%
00	51%
99	47%
98	43%
97	39%
96	35%
95 and prior	31%

.....

KEY: taxation, personal property, property tax, appraisal
Date of Enactment or Last Substantive Amendment: [September 21], 2006
Notice of Continuation: April 5, 2002
Authorizing, and Implemented or Interpreted Law: 59-2-301



RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-515 authorizes the State Tax Commission to promulgate rules regarding the Property Tax Act, Part 5, "Farmland Assessment Act". Section 59-2-514 authorizes the State Tax Commission to receive valuation recommendations from the State Farmland Advisory Committee for implementation as outlined in Section R884-24P-53.

SUMMARY OF THE RULE OR CHANGE: This amendment annually updates the agricultural productive values to be applied by county assessors to land qualifying for valuation and assessment under the Farmland Assessment Act (FAA). The values are recommended to the Commission by the State Farmland Evaluation Advisory Committee, which meets under the authority of Section 59-2-514.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-515

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting and for the Uniform School Fund based on increased or decreased real and personal property valuation, including property assessed under the FAA (greenbelt). Property valuation (taxable value) changes have been recommended by class and by county. This year, 257 class/county valuations will increase, 6 will decrease and 74 will remain unchanged. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for FAA assessment during 2007, and a listing of property no longer qualifying and removed from greenbelt during 2006. However, it is estimated that the overall change is minimal due to this amendment.

❖ **LOCAL GOVERNMENTS:** The amount of saving or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased property valuation, including property on greenbelt. Property valuation changes have been recommended by class and by county. This year, 257 class/county valuations will increase, 6 will decrease and 74 will remain unchanged. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 2006, and a listing of

property no longer qualifying and removed from greenbelt during 2006. However, it is estimated that the overall change is minimal due to this amendment. County assessor offices statewide will be required to input the new value indicators into their computer systems to be applied against the acreage for individual properties. This input process is easily accomplished on an annual basis and represents no significant cost in time or money to the assessors' offices.

❖ OTHER PERSONS: Each property owner with property eligible for assessment under the FAA may see a change in value, depending on property class and situs county as 257 such value indicators will increase, 6 will decrease and 74 will not change. The effect on the property owner will be valuation increase, decrease or no change depending on the mix of property types and situs. No aggregate compliance cost can be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 2006, and a listing of property no longer qualifying and removed from greenbelt during 2006. In addition, the compliance cost will further be altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each property owner with property eligible for assessment under the FAA may see a change in value, depending on property class and situs county as 257 such value indicators will increase, 6 will decrease and 74 will not change. The effect on the property owner will be valuation increase, decrease or no change depending on the mix of property types and situs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact to businesses will vary depending on the county and property classification. D'Arcy Dixon, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

TAX COMMISSION
PROPERTY TAX
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-53. [2006]2007 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.

A. Each year the Property Tax Division shall update and publish schedules to determine the taxable value for land subject to the Farmland Assessment Act on a per acre basis.

1. The schedules shall be based on the productivity of the various types of agricultural land as determined through crop budgets and net rents.

2. Proposed schedules shall be transmitted by the Property Tax Division to county assessors for comment before adoption.

3. County assessors may not deviate from the schedules.

4. Not all types of agricultural land exist in every county. If no taxable value is shown for a particular county in one of the tables, that classification of agricultural land does not exist in that county.

B. All property defined as farmland pursuant to Section 59-2-501 shall be assessed on a per acre basis as follows:

1. Irrigated farmland shall be assessed under the following classifications.

a) Irrigated I. The following counties shall assess Irrigated I property based upon the per acre values listed below:

TABLE 1
Irrigated I

1) Box Elder	[800] <u>820</u>
2) Cache	[675] <u>690</u>
3) Carbon	[535] <u>540</u>
4) Davis	[840] <u>850</u>
5) Emery	[515] <u>520</u>
6) Iron	[795] <u>815</u>
7) Kane	[455] <u>460</u>
8) Millard	[790] <u>810</u>
9) Salt Lake	[690] <u>700</u>
10) Utah	[725] <u>745</u>
11) Washington	650
12) Weber	[770] <u>800</u>

b) Irrigated II. The following counties shall assess Irrigated II property based upon the per acre values listed below:

TABLE 2
Irrigated II

1) Box Elder	[700] <u>720</u>
2) Cache	[575] <u>590</u>
3) Carbon	[435] <u>440</u>
4) Davis	[740] <u>750</u>
5) Duchesne	[475] <u>490</u>
6) Emery	[415] <u>420</u>
7) Grand	[405] <u>410</u>
8) Iron	[695] <u>715</u>
9) Juab	[435] <u>450</u>
10) Kane	[355] <u>360</u>
11) Millard	[690] <u>710</u>
12) Salt Lake	[590] <u>600</u>
13) Sanpete	[540] <u>550</u>
14) Sevier	[565] <u>580</u>
15) Summit	470
16) Tooele	[440] <u>460</u>
17) Utah	[625] <u>645</u>
18) Wasatch	500
19) Washington	550
20) Weber	[670] <u>700</u>

c) Irrigated III. The following counties shall assess Irrigated III property based upon the per acre values listed below:

TABLE 3
Irrigated III

1) Beaver	[540] 560
2) Box Elder	[550] 570
3) Cache	[425] 440
4) Carbon	[285] 290
5) Davis	[560] 600
6) Duchesne	[325] 340
7) Emery	[265] 270
8) Garfield	[200] 210
9) Grand	[255] 260
10) Iron	[545] 565
11) Juab	[285] 300
12) Kane	[205] 210
13) Millard	[540] 560
14) Morgan	[380] 390
15) Piute	[345] 350
16) Rich	200
17) Salt Lake	[440] 450
18) San Juan	[185] 180
19) Sanpete	[390] 400
20) Sevier	[415] 430
21) Summit	320
22) Tooele	[290] 310
23) Uintah	[370] 375
24) Utah	[475] 495
25) Wasatch	350
26) Washington	400
27) Wayne	340
28) Weber	[520] 550

d) Irrigated IV. The following counties shall assess Irrigated IV property based upon the per acre values listed below:

TABLE 4
Irrigated IV

1) Beaver	[440] 460
2) Box Elder	[450] 470
3) Cache	[325] 340
4) Carbon	[185] 190
5) Daggett	[215] 210
6) Davis	[460] 500
7) Duchesne	[225] 240
8) Emery	[165] 170
9) Garfield	[100] 110
10) Grand	[155] 160
11) Iron	[445] 465
12) Juab	[185] 200
13) Kane	[105] 110
14) Millard	[440] 460
15) Morgan	[280] 290
16) Piute	[245] 250
17) Rich	100
18) Salt Lake	[340] 350
19) San Juan	[85] 80
20) Sanpete	[290] 300
21) Sevier	[315] 330
22) Summit	220
23) Tooele	[190] 210
24) Uintah	[270] 275
25) Utah	[375] 395
26) Wasatch	250
27) Washington	300
28) Wayne	240
29) Weber	[420] 450

2. Fruit orchards shall be assessed per acre based upon the following schedule:

TABLE 5
Fruit Orchards

1) Beaver	[620] 630
2) Box Elder	[665] 685
3) Cache	[620] 630
4) Carbon	[620] 630
5) Davis	[665] 685
6) Duchesne	[620] 630
7) Emery	[620] 630
8) Garfield	[620] 630
9) Grand	[620] 630
10) Iron	[620] 630
11) Juab	[620] 630
12) Kane	[620] 630
13) Millard	[620] 630
14) Morgan	[620] 630
15) Piute	[620] 630
16) Salt Lake	[620] 630
17) San Juan	[620] 630
18) Sanpete	[620] 630
19) Sevier	[620] 630
20) Summit	[620] 630
21) Tooele	[620] 630
22) Uintah	[620] 630
23) Utah	[660] 690
24) Wasatch	[620] 630
25) Washington	750
26) Wayne	[610] 630
27) Weber	[665] 685

3. Meadow IV property shall be assessed per acre based upon the following schedule:

TABLE 6
Meadow IV

1) Beaver	[230] 250
2) Box Elder	[235] 250
3) Cache	[255] 265
4) Carbon	[125] 130
5) Daggett	[170] 165
6) Davis	[260] 270
7) Duchesne	[155] 165
8) Emery	[125] 130
9) Garfield	[95] 100
10) Grand	[120] 125
11) Iron	[225] 250
12) Juab	[145] 150
13) Kane	[100] 115
14) Millard	[190] 200
15) Morgan	[175] 180
16) Piute	[160] 175
17) Rich	105
18) Salt Lake	225
19) Sanpete	[190] 195
20) Sevier	[200] 205
21) Summit	[195] 200
22) Tooele	[175] 185
23) Uintah	[180] 190
24) Utah	[230] 240
25) Wasatch	210
26) Washington	[215] 220
27) Wayne	[160] 170
28) Weber	[285] 300

4. Dry land shall be classified as one of the following two categories and shall be assessed on a per acre basis as follows:

a) Dry III. The following counties shall assess Dry III property based upon the per acre values listed below:

TABLE 7
Dry III

1) Beaver	[40] 45
2) Box Elder	[50] 65
3) Cache	[55] 70
4) Carbon	[40] 45
5) Davis	[40] 45
6) Duchesne	[40] 45
7) Garfield	[40] 45
8) Grand	[40] 45
9) Iron	[40] 50
10) Juab	[40] 45
11) Kane	[40] 45
12) Millard	[40] 45
13) Morgan	[40] 45
14) Rich	[40] 45
15) Salt Lake	[40] 50
16) San Juan	[40] 45
17) Sanpete	[40] 45
18) Summit	[40] 45
19) Tooele	[40] 45
20) Uintah	[40] 45
21) Utah	[40] 45
22) Wasatch	45
[22] 23) Washington	[40] 45
[22] 24) Weber	[40] 55

b) Dry IV. The following counties shall assess Dry IV property based upon the per acre values listed below:

TABLE 8
Dry IV

1) Beaver	[5] 10
2) Box Elder	[45] 30
3) Cache	[20] 35
4) Carbon	[5] 10
5) Davis	[5] 10
6) Duchesne	[5] 10
7) Garfield	[5] 10
8) Grand	[5] 10
9) Iron	[5] 15
10) Juab	[5] 10
11) Kane	[5] 10
12) Millard	[5] 10
13) Morgan	[5] 10
14) Rich	[5] 10
15) Salt Lake	[5] 15
16) San Juan	[5] 10
17) Sanpete	[5] 10
18) Summit	[5] 10
19) Tooele	[5] 10
20) Uintah	[5] 10
21) Utah	[5] 10
22) Wasatch	10
[22] 23) Washington	[5] 10
[22] 24) Weber	[5] 20

5. Grazing land shall be classified as one of the following four categories and shall be assessed on a per acre basis as follows:

a) Graze 1. The following counties shall assess Graze I property based upon the per acre values listed below:

TABLE 9
GR I

1) Beaver	[60] 80
2) Box Elder	[60] 67
3) Cache	[65] 72
4) Carbon	[57] 59
5) Daggett	[68] 63
6) Davis	[63] 64
7) Duchesne	[67] 69
8) Emery	[65] 73

9) Garfield	[72] 81
10) Grand	[70] 78
11) Iron	[60] 71
12) Juab	[60] 70
13) Kane	[70] 90
14) Millard	[70] 85
15) Morgan	[54] 56
16) Piute	[72] 83
17) Rich	[65] 68
18) Salt Lake	[72] 73
19) San Juan	[70] 75
20) Sanpete	[60] 70
21) Sevier	[70] 73
22) Summit	[60] 74
23) Tooele	[72] 75
24) Uintah	[65] 72
25) Utah	[56] 58
26) Wasatch	[53] 54
27) Washington	[56] 63
28) Wayne	[70] 92
29) Weber	[63] 70

b) Graze II. The following counties shall assess Graze II property based upon the per acre values listed below:

TABLE 10
GR II

1) Beaver	[19] 23
2) Box Elder	[18] 20
3) Cache	[19] 22
4) Carbon	[17] 18
5) Daggett	[20] 19
6) Davis	[19] 20
7) Duchesne	[20] 21
8) Emery	[19] 22
9) Garfield	[22] 25
10) Grand	[21] 23
11) Iron	[18] 21
12) Juab	[20] 21
13) Kane	[24] 28
14) Millard	[23] 26
15) Morgan	[16] 17
16) Piute	[22] 26
17) Rich	[20] 22
18) Salt Lake	[21] 22
19) San Juan	[21] 23
20) Sanpete	[21] 21
21) Sevier	[21] 22
22) Summit	[19] 21
23) Tooele	[22] 23
24) Uintah	[19] 22
25) Utah	[17] 19
26) Wasatch	[16] 17
27) Washington	[17] 21
28) Wayne	[23] 28
29) Weber	[19] 21

c) Graze III. The following counties shall assess Graze III property based upon the per acre values below:

TABLE 11
GR III

1) Beaver	[13] 16
2) Box Elder	[12] 13
3) Cache	[13] 14
4) Carbon	[11] 12
5) Daggett	[13] 12
6) Davis	[12] 13
7) Duchesne	[13] 14
8) Emery	[13] 14
9) Garfield	[14] 16
10) Grand	[14] 15
11) Iron	[12] 14

12) Juab	[19] 14
13) Kane	[15] 18
14) Millard	[15] 17
15) Morgan	[19] 11
16) Piute	[14] 17
17) Rich	[19] 14
18) Salt Lake	14
19) San Juan	[14] 15
20) Sanpete	[19] 14
21) Sevier	14
22) Summit	[12] 14
23) Tooele	[14] 15
24) Uintah	[19] 14
25) Utah	[11] 12
26) Wasatch	[19] 11
27) Washington	[11] 13
28) Wayne	[15] 18
29) Weber	[12] 14

Tax Commission, Property Tax
R884-24P-64
Determination and Application of
Taxable Value for Purposes of the
Property Tax Exemptions for Disabled
Veterans and the Blind Pursuant to
Utah Code Ann. Sections 59-2-1104
and 59-2-1106

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 29110
 FILED: 10/06/2006, 14:18

d) Graze IV. The following counties shall assess Graze IV property based upon the per acre values listed below:

TABLE 12
 GR IV

1) Beaver	[5] 6
2) Box Elder	5
3) Cache	5
4) Carbon	5
5) Daggett	6
6) Davis	5
7) Duchesne	5
8) Emery	5
9) Garfield	[5] 6
10) Grand	5
11) Iron	[5] 6
12) Juab	5
13) Kane	6
14) Millard	6
15) Morgan	5
16) Piute	[5] 6
17) Rich	5
18) Salt Lake	5
19) San Juan	5
20) Sanpete	5
21) Sevier	5
22) Summit	5
23) Tooele	5
24) Uintah	5
25) Utah	5
26) Wasatch	5
27) Washington	5
28) Wayne	6
29) Weber	5

6. Land classified as nonproductive shall be assessed as follows on a per acre basis:

TABLE 13
 Nonproductive Land

a) Nonproductive Land	
1) All Counties	5

KEY: taxation, personal property, property tax, appraisals
Date of Enactment or Last Substantive Amendment: [September 21], 2006
Notice of Continuation: April 5, 2002
Authorizing, and Implemented or Interpreted Law: 59 2 515



RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 23 (2005 General Session) eliminated the need for the Tax Commission to keep valuation tables in place for boats and off-highway vehicles, since those items are no longer taxed based on value, but on age and, in the case of boats, age and length. (DAR NOTE: S.B. 23 (2005) is found at Chapter 244, Laws of Utah 2005, and was effective 01/01/2006.)

SUMMARY OF THE RULE OR CHANGE: The proposed amendment provides a method to calculate value of boats and off-highway vehicles that are no longer subject to a valuation based personal property tax.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-2-1104 and 59-2-1106

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--Any fiscal impact was taken into account in S.B. 23 (2005).
- ❖ LOCAL GOVERNMENTS: None--Any fiscal impact was taken into account in S.B. 23 (2005).
- ❖ OTHER PERSONS: None--Any fiscal impact was taken into account in S.B. 23 (2005).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--An individual's property tax exemption for the disabled or blind has always been based on the value of the individual's tangible personal property.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs to businesses with this rule. D'Arcy Dixon, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

TAX COMMISSION
 PROPERTY TAX
 210 N 1950 W
 SALT LAKE CITY UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R884. Tax Commission, Property Tax.**R884-24P. Property Tax.****R884-24P-64. Determination and Application of Taxable Value for Purposes of the Property Tax Exemptions for Disabled Veterans and the Blind Pursuant to Utah Code Ann. Sections 59-2-1104 and 59-2-1106.**

[A.—]For purposes of Sections 59-2-1104 and 59-2-1106, the taxable value of [vehicles]tangible personal property subject to [the Section 59-2-405.1]a uniform fee under Sections 59-2-405.1 or 59-2-405.2 shall be calculated by dividing the [Section 59-2-405.1]uniform fee the [vehicle]tangible personal property is subject to by .015.

KEY: taxation, personal property, property tax, appraisals
Date of Enactment or Last Substantive Amendment:
~~September 21~~, 2006

Notice of Continuation: April 5, 2002

Authorizing, and Implemented or Interpreted Law: 59-2-1104; 59-2-1106



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 public 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.

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

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends December 1, 2006. At its option, the agency may hold public hearings.

From the end of the waiting period through March 1, 2007, the agency may notify the Division 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 this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Capitol Preservation Board (State),
Administration
R131-2
Capitol Hill Facility Use

NOTICE OF CHANGE IN PROPOSED RULE

DAR File No.: 28935
Filed: 10/16/2006, 15:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for this change is to clarify the conditions for public access and use of the Capitol Hill Complex.

SUMMARY OF THE RULE OR CHANGE: This change clarifies compliance with laws, indemnification to the state, and public notices and postings. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed repeal and reenactment that was published in the September 1, 2006, issue of the Utah State Bulletin, on page 3. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed repeal and reenactment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63C-9-301

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There is no difference in cost or savings between the original proposed rule and the change in the proposed rule. Therefore, there are no anticipated costs or savings to the state budget.
- ❖ LOCAL GOVERNMENTS: There is no difference in cost or savings between the original proposed rule and the change in the proposed rule. Therefore, there are no anticipated costs or savings to local government.
- ❖ OTHER PERSONS: There is no difference in cost or savings between the original proposed rule and the change in the proposed rule so there are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no difference in cost or savings between the original proposed rule and the change in the proposed rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The action of the Capitol Preservation Board does not affect businesses. David Hart, AIA, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

CAPITOL PRESERVATION BOARD (STATE)
ADMINISTRATION
Room E110 EAST BUILDING
420 N STATE ST
SALT LAKE CITY UT 84114-2110, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sarah Whitney or David H. Hart at the above address, by phone at 801-538-3074 or 801-538-3074, by FAX at 801-538-3221 or 801-538-3221, or by Internet E-mail at swhitney@utah.gov or dhart@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: David H. Hart, AIA, Executive Director

**R131. Capitol Preservation Board (State), Administration.
R131-2. Capitol Hill Complex Facility Use.**

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R131-2-3. Definitions.

As used in this rule R131-2:

- (1) "Board" means the State Capitol Preservation Board created by Section 63C-9-201.
- (2) "Capitol Hill Complex" means all grounds, monuments, parking areas, buildings, including the Capitol, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard. Capitol Hill Complex also includes:
 - (a) the White Community Memorial Chapel and the Council Hall Travel Information Center building and their grounds and parking areas;
 - (b) the Daughters of the Utah Pioneers museum and buildings, grounds and parking areas, and other state-owned property included within the area bounded by Columbus Street, North Main Street, and Apricot Avenue;
 - (c) state owned property included within the area bounded by Columbus Street, Wall Street, and 400 North Street; and
 - (d) state owned property included within the area bounded by Columbus Street, West Capitol Street, and 500 North Street, and any other facilities and grounds owned by the state of Utah that are located within the immediate vicinity.
- (3) "Capitol Hill Facilities" means all buildings on the Capitol Hill Complex, including the Capitol, exterior steps, entrances, streets, parking areas and other paved areas of the Capitol Hill Complex.

(4) "Capitol Hill Grounds" means landscaped and unpaved public areas of the Capitol Hill Complex. Maintenance and utility structures and areas are not considered Capitol Hill Grounds for the purpose of any public use.

(5) "Commercial Activities" means events that sponsored or conducted for the promotion of commercial products or services, and include advertising, private parties, private company or organization meetings, and any other non-public organization event. Commercial activities do not include private, community service, state sponsored, or free speech activities.

(6) "Community Service Activities" means events sponsored by governmental, quasi-governmental and charitable organizations, city and county government departments and agencies, public schools, and charitable organizations held to support or recognize the public or charitable functions of such sponsoring group. To the extent the event is sponsored by a private charitable organization, the organization must have an Internal Revenue Code Section 501(c)(3) active status and the event must be related to such status.

(7) "Event" or "Events" are commercial, community service, private, and state sponsored activities involving ~~five~~one or more persons. Events may include banquets, receptions, award ceremonies, weddings, colloquia, concerts, dances, and seminars. A free speech activity is not an event for purposes of rule R131-2 and R131-10. The term "activity" or "activities" may be substituted in this rule for the term "event" or "events."

(8) "Executive Director" means the executive director appointed by the Board under Section 63C-9-102, or a designee supervised by the executive director.

(9) "Facility Use Application" ("Application") means a form approved by the executive director used to apply to reserve Capitol Hill Facilities or Capitol Hill Grounds for an event.

(10) "Facility Use Permit" ("Permit") means a written permit issued by the executive director authorizing the use of an area of the Capitol Hill Complex for an event in accordance with this rule.

(11) "Free Speech Activity" is as defined in rule R131-11.

(12) "Private Activity" means an event sponsored by private individuals, businesses or organizations that is not a commercial or community service activity.

(13) "Solicitation" is as defined in rule R131-10.

(14) "State" means the state of Utah and any of its agencies, departments, divisions, officers, legislators, members of the judiciary, persons serving on state boards or commissions, and employees of the above entities and persons.

(15) "State Sponsored Activity" means any event sponsored by the state that is related to state business.

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R131-2-6. General Requirements for Use of the Capitol Hill Complex.

(1) General Requirements.

(a) These are the requirements for use of the Capitol Hill Complex. This rule R131-2-6 shall apply to free speech activities, all other activities, groups and individuals using the Capitol Hill Complex.

(b) Except for state holidays, the Capitol building will be open to the general public Monday through ~~Friday~~Saturday from ~~6~~8:00 a.m. to 8:00 p.m. ~~[- Saturday from 8:00 a.m. to 8:00 p.m.]~~ and on Sunday from 8:00 a.m. to 6:00 p.m. Free speech activities may be conducted beyond the times identified in this subsection, as specified in rule R131-11. Unless otherwise authorized, Capitol Hill

Facilities and Capitol Hill Grounds, including the Capitol Rotunda, are available for permitted use, activities or events from 8:00 a.m. to 11:00 p.m.

(c) Activities, except free speech activities, may be specifically denied during legislative sessions.

(d) No event may disrupt or interfere with any legislative session, legislative meeting, or the conduct of any state or governmental business~~[-], meeting or proceeding on the Capitol Hill Complex. No person shall unlawfully intimidate or interfere with persons seeking to enter or exit any facility, or use of the Capitol Hill Complex.~~

(e) Levels of audible sound generated by any individual or group, indoors or on the plaza between the House and Senate Buildings, whether amplified or not, shall not exceed 85 decibels~~[-] or a more restrictive limit established by applicable laws or ordinances. All outdoor events shall not exceed noise limits established by applicable laws or ordinances.~~

(f) Fire exits, staircases, doorways, roads, sidewalks, hallways and pathways shall not be blocked, and the efficient flow of pedestrian traffic shall not be obstructed at any time.

(g) Alteration and damage to the Capitol Hill Grounds including grass, plants, shrubs, trees, paving or concrete is prohibited.

(h) No object or substance of any kind shall be placed on or in the Capitol Plaza fountain. Standing on or in the fountain is prohibited.

(i) All costs to repair any damage or replace any destruction, regardless of the amount or cost of restoration or refurbishing, shall be at the expense of the person(s) responsible for such damage or destruction.

(j) The consumption, distribution, or open storage of alcoholic beverages is prohibited.

(k) Service animals are permitted, but the presence of other animals is allowed only with advance written permission of the executive director. Owners/caretakers are responsible for the safety to the animal, persons, grounds and facilities.

(l) Camping is prohibited on the Capitol Hill Complex.

(m) Littering is prohibited.

(n) Commercial solicitation~~Solicitation~~ as defined in rule R131-10 is prohibited except as provided in rule R131-10.

(2) Decorations.

(a) All cords must be taped down with 3M~~(trademark)~~ #471 tape or equivalent as determined by the executive director.

(b) There shall be no posting or affixing of placards, banners, or signs to any part of any building or on the grounds. All signs or placards used at the Capitol Hill Complex shall be hand held. Signs or posters may not be on sticks or poles.

(c) No adhesive material, wire, nails, or fasteners of any kind may be used on the buildings or grounds.

(d) Nothing may be used as a decoration, or be used in the process of decorating, that marks or damages structure(s).

(e) All decorations and supporting structures shall be temporary.

(f) Any writing or use of ink, paint or sprays applied to any area of any building is prohibited.

(g) Users may not decorate the outside of any facility or any portion of the grounds.

(h) Signs, posters, decorations, displays, or other media shall be in compliance with the state law regarding Pornographic and Harmful Materials and Performance, Section 76-10-1201 et seq.

(i) Leaving any item(s) against the exterior or interior walls, pillars, busts, statues, portraits or staircases of the Capitol building is prohibited.

(j) Balloons are not allowed inside the Capitol building.

(3) Set up/Clean up.

(a) All deliveries and loading/unloading of materials shall be limited to routes and elevators as specified by the executive director.

(b) All decorations, displays and exhibits shall be taken down by the designated end time of the event in a manner that is least disruptive to state business.

(c) Users shall leave all facilities and grounds in its original condition and appearance.

(4) Parking.

(a) Parking is limited. All posted parking restrictions on the Capitol Hill Complex, including reserved parking stalls, shall be observed.

(b) Parking for large vehicles or trailers shall require the prior approval of the executive director, which approval may be withheld if the large vehicle or trailer may interfere with the access or use of the Capitol Hill Complex.

(c) Except as expressly allowed by the executive director, overnight parking is prohibited.

(5) Compliance with Laws.

(a) Users shall conform to all applicable and constitutional laws and requirements, including health, safety, fire, building and other codes and similar requirements. Occupancy limits as posted in or applicable to any public area will dictate, unless otherwise limited for public safety, the number of persons who can assemble in the public areas. Under no circumstance will occupancy limits be exceeded. State Capitol security personnel shall use reasonable efforts to ensure compliance with occupancy, safety, and health requirements.

(b) Safety requirements as used in this rule include safety and security requirements made known to the executive director by the Utah Department of Public Safety or the federal government for the safety and security of special events and/or persons on the Capitol Hill Complex.

~~[(a)](c)~~ "No Smoking" statutes, rules and policies, including the Utah Indoor Clean Air Act, Title 26, Chapter 38, Utah Code shall be observed.

~~[(b)](d)~~ Open flames, flammable fluids, candles, and explosives are prohibited.

~~[(c)](e)~~ All persons must obey all applicable firearm laws, rules, and regulations.

~~[(d)](f)~~ All activities, events or uses must comply with applicable fire codes and maximum occupancy restrictions.

~~—](6)~~ Security and Supervision.

(a) At least two uniformed security personnel shall be required for every 400 participants of an event (except free speech activities). Costs for such personnel shall be included as a part of the base fees paid by the sponsor (permit holder), unless a waiver is granted.

(b) At least one representative of the applicant identified in the application and permit shall be present during the entire activity;

(c) The activity sponsor (permit holder) is responsible for restricting the area of use by participants to the specified room and rest room areas of the reserved facilities.

(d) The activity sponsor (permit holder) shall control entrances to allow only authorized persons to enter any permitted facility or grounds.

(7) Photography, Portraits and Video/Filming.

(a) Any photography, videotaping or filming, shall require advance notice to, and permission from the executive director for scheduling, if it is to be performed by a professional or is commercial in nature.

(b) This subsection (7) shall not apply to tourists and does not apply to the extent it is the exercise of a free speech activity.

(8) Liability.

(a) The state, Board, executive director and their designees, employees and agents shall not be deemed in default of any issued permit, or liable for any damages if the performance of any or all of their obligations under the permit are delayed or become impossible because of any act of God, terrorism, war, riot or civil disobedience, epidemic, strike, lock-out or labor dispute, fire, or any other cause beyond their reasonable control.

(b) Except as required by law, the state shall not be responsible for any property damage or loss, nor any personal injury sustained during, or as a result of, any use, activity or event.

(c) Users/applicants shall be responsible for any personal injury, vandalism, damage, loss, or other destruction of property caused by the user or an attendee at the applicant's event.

(9) Indemnification. Individuals and organizations using the Capitol Hill Complex do so at their own risk and shall indemnify and hold harmless the state from and against any and all suits, damages, claims or other liabilities due to personal injury or death, and from damage to or loss of property arising out of or resulting from the conduct of such use or activities on the Capitol Hill Complex.

~~[(9)](10)~~ Food Services, Catering.

(a) Food services on the Capitol Hill Complex shall be provided by the Board's on-site food service provider. No other food service will be allowed within the facilities or on the grounds, except that the Utah Senate and Utah House of Representatives may obtain off-site food services for special events during legislative sessions. Any sale of food items shall be with advance written permission of the executive director only.

(b) Fees associated with food services shall be the responsibility of the user.

(11) Public Notices, Employee Postings, Required Use of Bulletin Boards.

(a) Notices of Capitol Hill Complex meetings, information or announcements related to state or other governmental business shall be posted at executive director approved locations. If any posting is to be done by a person not officed in the Capitol Hill Complex, the executive director shall be notified prior to the posting for approval of the location(s) and duration of the posting. Such persons are also responsible to remove the notices after the related meeting or activity within 24-48 hours.

(b) Posting of handbills, leaflets, circulars, advertising or other printed materials by state employees officed in the Capitol Hill Complex shall be on executive director approved bulleting boards.

~~[(10)](12)~~ Enforcement of Rules.

(a) If any person or group is found to be in violation of any of the applicable laws and rules, a law enforcement officer or state capital security officer may issue a warning to cease and desist from any non-complying acts. If the law enforcement or security officer observes a non-compliant act after a warning, the officer may take disciplinary action including citations, fines, cancellations of event or activity, or removal from the Capitol Hill Complex.

~~[(44)](13)~~ Exemptions and Waivers.

(a) The executive director may waive the requirements of any provision of R131-2-6 upon being presented with compelling reasons that the waiver will substantially benefit the public of the state of Utah and that the facilities, grounds and persons will be appropriately protected. Conditions may be placed on any approved waiver to assure the appropriate protection of facilities, grounds and person. An appeal of a denial of a request for such waiver may be filed and processed similarly to the denial of a Facility Use Application as described in R131-2-5.

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KEY: public buildings, facilities use
Date of Enactment or Last Substantive Amendment: 2006
Notice of Continuation: February 16, 2005
Authorizing, and Implemented or Interpreted Law: 63C-9-101 et seq.



**Capitol Preservation Board (State),
 Administration
 R131-10
 Solicitations**

NOTICE OF CHANGE IN PROPOSED RULE
 DAR File No.: 28934
 Filed: 10/16/2006, 15:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for this change is to clarify the Board's policy regarding commercial solicitation activities at the Capitol Hill Complex.

SUMMARY OF THE RULE OR CHANGE: This changes the rule from "solicitations" to "commercial solicitations" and clarifies what commercial solicitations are and that free speech solicitation is allowed. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the September 1, 2006, issue of the Utah State Bulletin, on page 10. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63C-9-301

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There is no difference in cost or savings between the original proposed rule and the change in the proposed rule. Therefore, there are no anticipated costs or savings to the state budget.
- ❖ **LOCAL GOVERNMENTS:** There is no difference in cost or savings between the original proposed rule and the change in

the proposed rule. Therefore, there are no anticipated costs or savings to local government.

- ❖ **OTHER PERSONS:** There is no difference in cost or savings between the original proposed rule and the change in the proposed rule. Therefore, there are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no difference in cost or savings between the original proposed rule and the change in the proposed rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The action of the Capitol Preservation Board does not affect businesses. David Hart, AIA, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

**CAPITOL PRESERVATION BOARD (STATE)
 ADMINISTRATION
 Room E110 EAST BUILDING
 420 N STATE ST
 SALT LAKE CITY UT 84114-2110, or
 at the Division of Administrative Rules.**

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Sarah Whitney or David H. Hart at the above address, by phone at 801-538-3074 or 801-538-3074, by FAX at 801-538-3221 or 801-538-3221, or by Internet E-mail at swhitney@utah.gov or dhart@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: David H. Hart, AIA, Executive Director

**R131. Capitol Preservation Board (State), Administration.
 R131-10. Commercial Solicitations.**

R131-10-1. Purpose and Authority; Free Speech Solicitation Allowed.

(1) The purpose of this rule is to define and implement Board policy regarding commercial solicitation activities at the Utah State Capitol Hill Complex. ~~[In general, commercial solicitation is not allowed; except as defined by this rule and as may be permitted by the management of the Capitol Hill Complex for functions that maintain public purposes, or that comport with interests of the state.]~~

~~(2) In general, commercial solicitation is prohibited.~~

(3) Nothing in this rule shall be interpreted as to infringe upon anyone's constitutional right of freedom of expression and freedom of association in the Utah State Capitol Hill Complex.

(4) This rule is promulgated pursuant to Section 63C-9-301, Utah Code.

~~**R131-10-2. Authority.**~~

~~(1) This rule is promulgated pursuant to Section 63C-9-301, Utah Code, which directs the Board, except as provided in~~

~~Subsection 63C-9-301(2), to exercise complete jurisdiction over the Capitol Hill Complex.]~~

R131-10-[3]2. Definitions.

(1) The definitions of rule R131-2-3 shall apply.

~~[(2) The following definitions shall also apply:~~

~~—(a) "Capitol Hill Complex Facility Use" means as defined in rule R131-2 et seq.~~

~~—(b)](2) "Commercial Solicitation(s)" means any commercial activity conducted for the purpose of advertising, promoting, fund-raising, buying or selling any product or service, encouraging membership in any group, association or organization, or the marketing of commercial activities by distributing handbills, leaflets, circulars, advertising or dispersing printed materials for commercial purposes.~~

~~—(a) "Commercial Solicitation" for the purpose of this rule does not include free speech activities as defined in rule R131-11, Utah Administrative Code.~~

~~—(b) "Commercial Solicitation" for the purpose of this rule does not include filming or photographic activities, but such activities shall be subject to rule R131-2 et seq.~~

~~—(c) "Commercial Solicitation" for the purpose of this rule does not include solicitation by the state or federal government; solicitation related to the business of the state, solicitation related to the procurement responsibilities of the state, solicitation allowed as a matter of right under applicable federal or state law; or solicitation made pursuant to a contract or lease with the state.~~

[R131-10-4. Solicitation Permit Not Required.

~~—(1) The following forms of solicitation are allowed on the Capitol Hill Complex in accordance with the requirements of rule R131-2, Utah Administrative Code. Solicitors described in R131-10-4 do not need to obtain a Facility Use Permit, but when posting notices, they shall only use bulletin boards which are approved by the Executive Director:~~

~~—(a) Notices of on Capitol Hill Complex meetings, information or announcements related to state or other governmental business. Notices shall be posted at locations within the buildings on the Capitol Hill Complex which have been approved by the Executive Director. If any posting is to be done by a person not officed in the Capitol Hill Complex, the Executive Director shall be notified prior to the posting for approval of the location(s) and duration of the posting. Such persons are also responsible to remove the notices after the related meeting or activity within 24-48 hours.~~

~~—(b) Posting of handbills, leaflets, circulars, advertising or other printed materials by state employees officed in the Capitol Hill Complex on designated bulletin boards approved by the Executive Director.~~

~~—(c) Persons authorized to conduct governmental activities of the state including those soliciting pursuant to a contract with the state.~~

~~—(d) Notices of activities conducted by elected officials of the state, the judiciary, the Governor's Office, the State Auditor's Office, the State Treasurer's Office, and the Attorney General's Office.~~

~~—(e) Activities of lobbyists who are registered under state law.~~

~~—(f) Information responding to a solicitation that has been requested by the state or if customarily associated with the conduct of official state business.~~

~~—(g) Solicitation activities conducted in conjunction with on-Capitol Hill Complex state employees or on-Capitol Hill Complex~~

~~agency fund-raising events as allowed under applicable law and personnel policies.~~

~~—(h) Solicitations which are allowed on the Capitol Hill Complex as a matter of right under applicable constitutional provisions or applicable law.~~

~~R131-10-5. Solicitations Requiring Permit.~~

~~—(1) The following solicitations may be permitted on the Capitol Hill Complex in accordance with the requirements of R131-2. Persons conducting these activities are required to obtain a Facility Use Permit under rule R131-2, and such permit shall be obtained in advance of the solicitation activity:~~

~~—(a) Solicitation activities in conjunction with an activity that requires a Facility Use Permit under rule R131-2.~~

~~—(b) Solicitation activities conducted by an entity which has previously obtained a Section 501(c)(3) Internal Revenue Code tax-exempt designation.]~~

R131-10-3. Commercial Solicitation Allowed under a Facility Use Permit.

—(1) Commercial solicitation, not prohibited by R131-10-4, may be allowed in conjunction with the issuance of a facility use permit under rule R131-2 and such commercial solicitation must comply with the facility use rules of R131-2 et seq.

—(2) All materials allowed shall be displayed only on bulletin boards or in areas that have been approved in advance by the executive director.

—(3) The issuance of a facility use permit shall not be construed as state endorsement of the solicitor's product, service, charity or event.

—(4) Soliciting activities are subject to all littering laws and regulations.

R131-10-[6]4. Prohibited Commercial Solicitation.

(1) The following commercial solicitation activities are prohibited on the Capitol Hill Complex and no facility use permit shall be issued for such:

(a) Door-to-door commercial solicitation[s] of items, services or donations, [unless any of such is related to the conduct of state business.]

[(b) Solicitations involving the exchange of currency on the Capitol Hill Complex except as allowed regarding state business, or pursuant to a contract or other written agreement.

—(c)](b) Commercial solicitation[Solicitation] to persons in vehicles or by leaving any commercial solicitation materials on vehicles or parking lots.

[(d)](c) Any sale of food or beverage products except by an entity under contract with the Board. Any sale of other products may only occur as allowed under a contract with the Board or as an integral part of Board/governmental business on the Capitol Hill Complex.

[R131-10-7. General Requirements.

—(1) All materials allowed shall be displayed only on bulletin boards or in areas that have been approved in advance by the Executive Director.

—(2) With the exception of bulletin boards used in accordance with (1) above, no state-owned materials, supplies, services or equipment may be used in conjunction with a solicitation activity, except for a state function, or joint state and private entity function authorized by an agency of the state and involving state-related

business or state sponsored purposes. This provision may be waived by the Executive Director when it is in the interest of the state and complies with applicable law.

~~— (3) Handouts, flyers, leaflets or other such solicitation materials that are not related to state business may not be distributed during a solicitation activity except at the request of the recipient.~~

~~— (4) There shall be no solicitation activity that involves an exchange of cash during an event or activity in the Capitol Hill Complex, unless it is related to state business or is authorized by the Executive Director.~~

~~— (5) Unless expressly stated otherwise in writing by a state elected official or director of a state agency:~~

~~— (a) The state does not guarantee the accuracy of any representation or warrant that any statement made by the solicitation permit holder is truthful;~~

~~— (b) The state makes no representation as to the worthiness, legal standing or validity of any organization on whose behalf a solicitation is made; and~~

~~— (c) The issuance of a Facility Use Permit shall not be construed as state endorsement of the solicitor's product, service, charity or event.~~

~~— (6) Unless the person responsible for the solicitation has an express written state endorsement of their solicitation, the person shall not state or act in any manner that would cause a reasonable person to believe that the solicitation is endorsed by the state. If a reasonable person could logically conclude that such appearance is created, the solicitation must include a disclaimer that the solicitation is not endorsed by the state.~~

~~— (7) Unless the person responsible for the solicitation has an express written state endorsement of their solicitation, any advertisements that use pictures of, or depictions of any part of the Capitol Hill Complex that may lead people to reasonably believe that the state endorses the solicitation, must include a disclaimer that the state does not endorse the solicitation.~~

~~— (8) Soliciting activities are subject to all littering laws and regulations.~~

~~— (9) Separate soliciting activities undertaken by those under contract with the state or pursuant to a Facility Use Permit, including entities such as gift shops, food services, and special event photographers, shall be conducted in accordance with the specific contract or Facility Use Permit.]~~

KEY: commercial solicitations, leafleting, posting notices
Date of Enactment or Last Substantive Amendment: 2006
Authorizing, and Implemented or Interpreted Law: 63C-9-301

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**Capitol Preservation Board (State),
 Administration
 R131-11
 Free Speech Activities**

NOTICE OF CHANGE IN PROPOSED RULE
 DAR File No.: 28933
 Filed: 10/16/2006, 15:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for this change is to clarify the public use and areas of the Capitol Hill Complex for free speech activities.

SUMMARY OF THE RULE OR CHANGE: This change clarifies the time, place, and manner of free speech activities; the preservation, promotion, and encouragement of free speech and freedom of assembly; and an expedited appeals process.

(DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the September 1, 2006, issue of the Utah State Bulletin, on page 12. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63C-9-301

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no difference in cost or savings between the original proposed rule and the change in the proposed rule. Therefore, there are no anticipated costs or savings to the state budget.

❖ **LOCAL GOVERNMENTS:** There is no difference in cost or savings between the original proposed rule and the change in the proposed rule. Therefore, there are no anticipated costs or savings to local government.

❖ **OTHER PERSONS:** There is no difference in cost or savings between the original proposed rule and the change in the proposed rule. Therefore, there are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no difference in cost or savings between the original proposed rule and the change in the proposed rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The action of the Capitol Preservation Board does not affect businesses. David Hart, AIA, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

CAPITOL PRESERVATION BOARD (STATE)
 ADMINISTRATION
 Room E110 EAST BUILDING
 420 N STATE ST
 SALT LAKE CITY UT 84114-2110, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sarah Whitney or David H. Hart at the above address, by phone at 801-538-3074 or 801-538-3074, by FAX at 801-538-3221 or 801-538-3221, or by Internet E-mail at swhitney@utah.gov or dhart@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2006

AUTHORIZED BY: David H. Hart, AIA, Executive Director

R131. Capitol Preservation Board (State), Administration.

R131-11. Preservation of Free Speech Activities.

R131-11-1. Purpose.

(1) The purpose of this rule is to:

(a) ~~[provide for the public use of the Capitol Hill Complex for free speech activities;]~~ promote and encourage free speech on the Capitol Hill Complex;

~~(b) preserve the right of every person to exercise free speech and freedom of assembly as protected by the constitutions of the state of Utah and the United States, within the Capitol Hill Complex subject to lawful time, place and manner rules regarding free speech activities necessary to protect the public health, safety and welfare, including safety and security considerations, the rights of others to exercise free speech and freedom of assembly, and minimizing the disruption to governmental business;~~

~~(b)(c) facilitate public assembly and communication between people at the Capitol Hill Complex;~~

~~(b)(d) designate areas under the Capitol Preservation Board's (Board) control, including those areas delegated from the Legislative Management Committee of the Capitol Hill Complex [open to the public] for free speech activities as specified in this rule that are necessary to protect the public health, safety and welfare, including safety and security considerations, the rights of others to exercise free speech and freedom of assembly, and minimizing the disruption to governmental business; and~~

~~(b)(e) establish guidelines to promote and encourage [accommodate] free speech activities and public assembly on the Capitol Hill Complex.~~

(2) This rule is intended to further the following governmental interests:

(a) to promote and encourage ~~[accommodate and establish guidelines for]~~ free speech activities on the Capitol Hill Complex;

~~(b) to provide for lawful time, place and manner rules regarding free speech activities necessary to protect the public health, safety and welfare;~~

~~(c) to provide safety and security of the person(s);~~

~~(b)(d) to minimize disruption to or interruption of the conduct of state business;~~

~~(b)(e) to maintain unobstructed and efficient flow of pedestrian and vehicular traffic between and within the Capitol Hill Complex [;] in order to provide safety and security of persons, emergency vehicle access, and assure accessibility to public services;~~

~~(f) to provide all persons their guaranteed right of free speech and freedom of assembly without harm or interruption;~~

~~(b)(g) to [control] inform persons of their responsibilities regarding littering, damage to, and vandalism of the Capitol Hill Complex [and control noise and other disruptive impacts on the performance of state business]; and~~

~~(b)(h) to ensure the health, safety, and welfare of all persons visiting or using the Capitol Hill Complex.~~

R131-11-2. Authority.

(1) This rule is adopted pursuant to the authority granted to the Board under Section 63C-9-301. The executive director may adopt policies and procedures to implement this rule.

R131-11-3. Definitions.

The definitions of rule R131-2-3 shall apply to this rule R131-11. In addition, the following definitions shall apply for purposes of this rule:

~~(1) "Free Speech" and "Freedom of Assembly" means the exercise of free speech and freedom of assembly as protected by the constitutions of the state of Utah and the United States. [(1) "Free Speech Activity" means an event held by a person or group in the exercise of protected freedom of speech, freedom of assembly, or other First Amendment protections at the Capitol Hill Complex, including demonstrations, rallies, leafleting, press conferences, speeches, debates, vigils, parades, and marches. The terms "solicitation" and "events" as defined in R131-2-3 are not free speech activities.]~~

~~(2) "Free Speech Activity" or "Free Speech Activities" means the use of an area of the Capitol Hill Complex for a demonstration, rally, leafleting, press conference, vigil, march or parade that is available for such activity under this rule, by one or more persons for constitutionally protected free speech or assembly.~~

~~(a) "Advanced Planned Free Speech Activity" means a free speech activity that can be reasonably scheduled in advance of its occurrence, such that the executive director may lawfully require compliance with certain requirements as specified in this rule.~~

~~(b) "Short-Notice Free Speech Activity" means a free speech activity that arises out of, or is related to events or other public issued which cannot be reasonably anticipated far enough in advance of the occurrence to reasonably allow compliance with the requirements for an advanced planned free speech activity.~~

~~(3) "Demonstration" means the assembly of a group of individuals that join together to express a point of view openly.~~

~~(4) "Rally" means to hold an open gathering of a group of individuals of similar purpose to join together to express a point of view openly.~~

~~[(2)](5) "Leafleting" means the continuous unsolicited distribution of leaflets, buttons, handbills, pamphlets, flyers or any other written or similar materials indiscriminately to pedestrians [;] or passers by. [or on vehicles.]~~

~~(6) "Press Conference" is an organized formal assembly called by an individual or group to announce or express a point of view to the public utilizing the press and other media.~~

~~(7) "Vigil" means an assembly of an individual or individuals who come together to demonstrate their solidarity by an occasion or devotional watching or observance.~~

~~(8) "March" or "Parade" means the organized assembly of individuals who are celebrating or expressing a point of view while moving from one location to another.~~

~~(9) "Public Areas" are all areas on the Capitol Hill Complex which are open to the public. [~~

~~(3) "Public Free Speech Areas" means those locations of the Capitol Hill Complex which are open to the public for free speech activities. Public free speech areas are:~~

~~(a) the Capitol Hill Grounds;~~

~~(b) the south grand staircase, south, east and west terraces of the Capitol;~~

~~(c) the east and west entrances to the Capitol;~~

~~(d) the Capitol Rotunda;~~

~~—(e) those areas of the main public foyers of the House and Senate buildings delineated on "Map A" on file with the office of the Board dated September 1, 2006 and incorporated herein by reference; and~~

~~—(f) the plaza between the House and Senate buildings.~~

~~—(4) Areas of the Capitol Hill Complex not expressly designated in this rule and on "Map A" are not public free speech areas.]~~

R131-11-4. Free Speech and Freedom of Assembly; In General.

~~(1) Unless specifically regulated by this rule as to time, place or manner, all free speech and freedom of assembly may occur in all areas of the Capitol Hill Complex in any lawful form or manner as guaranteed by the constitutions of the state of Utah and the United States.~~

R131-11-[4]5. Time, Place, and Manner of Free Speech Activities.

~~(1) General. The time, place, and manner of free speech activities may be limited for public health, safety, welfare and security reasons and to further the interests stated in R131-11-1.~~

~~(a) Free speech activities on the Capitol Hill Complex may only be conducted in the public free speech areas. (1) Free Speech and Assembly Promoted and Encouraged. Free speech and freedom of assembly, as protected by the constitutions of the state of Utah and United States, is promoted and encouraged throughout the Capitol Hill Complex. Free speech activities, as specifically defined in this rule, are subject to lawful time, place and manner rules regarding free speech activities necessary to protect the public health, safety and welfare, including safety and security considerations, the rights of others to exercise free speech and freedom of assembly, and minimizing the disruption to governmental business.~~

~~(b)(2) Subject to Capitol Hill Complex Facility Use Rule, Exception. Free speech activities shall be subject to [the general requirements of] R131-2-6, except that, in the case of conflict, the provisions of this rule R131-11 shall control.~~

~~(c) In general, public assembly and free speech activities shall conform to all applicable laws and requirements, including health, safety, fire, building and other codes or limitations.~~

~~(d) Occupancy limits as posted in or applicable to public free speech areas will dictate, unless otherwise limited for public safety, the number of persons who can assemble in the public free speech areas. Under no circumstance will occupancy limits be exceeded. State Capitol security personnel shall use reasonable efforts to ensure compliance with occupancy, safety, and health requirements.~~

~~(e) Safety requirements as used in this rule R131-11-4(1) include safety and security requirements made known to the executive director by the Utah Department of Public Safety or the federal government for the safety and security of special events and/or persons on the Capitol Hill Complex.]~~

~~(2)(3) Time[and Place].~~

~~(a) Free speech activities held outdoors may take place [at the public free speech areas of the Capitol Hill Grounds between the hours of 7:00 a.m. and 11:00 p.m. daily.] 24 hours a day subject to duration requirements specified in this rule.~~

~~(i) In addition to times listed in subsection (2)(a) above, free speech activities may be held on the Capitol Hill Grounds concurrent with after hour government action, such as stay of execution or commutation proceedings and legislative meetings. Such after hour free speech activities must end at the conclusion of the concurrent government proceeding.]~~

(b) Free speech activities held indoors may take place ~~[in the public free speech areas]~~ during the hours such public ~~[free speech]~~ areas are open to the public, generally between 8:00 a.m. to ~~[6:00]8:00~~ p.m., during after hour legislative sessions, and during committee and agency meetings until such sessions or meetings are adjourned.

(c) In order to accommodate as many groups as may make requests to conduct free speech activities on a given day, a free speech activity in a ~~[given]specified~~ public ~~[free speech]area~~ may be limited to two hours when necessary to accommodate another pre-scheduled group in the same public free speech area. The time of a free speech activity in a specified public area may be shortened to two hours in duration if necessary to accommodate another group in the same public area that has qualified for a short notice free speech activity.

~~—(i) The number of groups or participants on the plaza may be limited when necessary to comply with occupancy limits, fire, safety, and health codes, and applicable security requirements;~~

~~](4) Place.~~

(a) Health, safety and welfare restricted areas that may not be reserved for a free speech activity are the vehicular traveled portions of roads, roadways or parking lots, areas directly in front of or adjacent to parking garages' entrances or exits, paths of egress or access to emergency stairs and emergency egress hallways, areas under construction which are hazardous to non-construction workers, and those specific portions of the Capitol Hill Complex that contain storage, utilities and technology servicing the Capitol Hill Complex or other areas, which either must be available for prompt repair, are not open for public use or represent a danger to members of the public.

(b) In order to protect the public health, safety and welfare and allow for public accessibility to and the conduct of state business, a demonstration, rally, and vigil that does not use any candles, is allowed in the following locations:

(i) Capitol Hill grounds - However, candles with a wax collection container may be used for a vigil;

(ii) south grand staircase of the Capitol;

(iii) south, east and west terraces of the Capitol;

(iv) the Capitol rotunda;

(v) the plaza between the House and Senate Buildings - However, candles with a wax collection container may be used on the lawn and gravel areas only.

(vi) the main public foyer of the Senate Building;

(vii) the State Office Building auditorium; and

(viii) the main public foyer of the House Building.

(c) In order to protect the public health, safety and welfare and allow for public accessibility to and the conduct of state business, a demonstration, rally, and vigil where candles are used, parade and march are allowed in the following locations:

(i) Capitol Hill grounds;

(ii) the plaza between the House and Senate Buildings - However, the plaza shall only be used for the beginning or the end of a parade or march, and candles will not be permitted on the plaza except on the lawn and gravel areas and with a wax collection container.

(d) Notwithstanding any other provision of this rule, there is no registration requirement for free speech leafleting. In order to protect the public, health, safety and welfare and allow for public accessibility to and the conduct of state business, free speech activity leafleting, as defined in this rule, is allowed on the Capitol Hill Complex in the areas open to the public, without interference from

capitol security, provided that it is done in a nonaggressive manner and does not prevent other individuals from passing along sidewalks and through doorways. The state is allowed to enforce any and all applicable statutes and ordinances regarding blocking public sidewalks, blocking hallways, disorderly conduct, blocking entrances to public buildings, garage entries, assault, battery and the like consistent with the requirements of the constitutions of the state of Utah and the United States. Leafleting is not allowed by placing leaflets on vehicles on the Capitol Hill Complex.

~~[(3)](5)~~ Manner.

~~[(a)](a)~~ General Requirements. The provisions of rule R131-2-6 which apply to all persons using the Capitol Hill Complex including state officers, legislators, and employees, also apply to persons and groups participating in free speech activities, except that, in the case of conflict, the provisions of this rule R131-11 shall control.

~~[(b)](a)~~ Registration and Scheduling.

~~(i)~~ All free speech activities shall comply with the following requirements, except that leafleting shall not be subject to any registration requirements. ~~[(i)](i)~~ Public free speech areas may be scheduled for free speech activities up to 14 calendar days.]

~~(ii)~~ An advanced planned free speech activity shall register as soon as reasonably possible, but not less than seven (7) days in advance of the free speech activity by registering with the executive director's office or online at <http://www.utahstatecapitol.utah.gov>.

~~[(ii)](iii)~~ Persons registering will provide the following information: the name of the sponsoring organization; the name and contact information of a contact person or agent; the type of free speech activity; the date, time and duration of the free speech activity; the public ~~[free speech]~~ area requested for use; the number of anticipated participants; and a list of equipment and services to be used in connection with the free speech activity. Registration shall be on a form prepared by the executive director.

~~[(iii)](iv)~~ If a person or group fails to register due to ~~[the spontaneous nature of the free speech activity]~~ a short-notice free speech activity, they may still conduct the free speech activity provided it does not create a problem of public safety or interfere with the time and location of a previously scheduled free speech activity in the same public ~~[free speech]~~ area and meets all the other requirements of this rule. In the case of such problem of public safety or interference, the executive director will coordinate with the applicant in reasonable efforts to find an alternative reasonable time or location.

~~[(e)](b)~~ Priority.

(i) The scheduling assignment of public ~~[free speech]~~ areas shall be made on a first-come, first-serve basis.

(ii) In the case of scheduling conflicts, first priority in the use of the public ~~[free speech]~~ areas shall be given to government business and/or state sponsored activities where the authorized governmental official is reserving the public area for an expressed governmental or state need. Free speech activities shall be given priority over community service, commercial and private activities. ~~[In case of a scheduling conflict, the executive director shall provide alternative times and locations for the proposed activity to the extent reasonably feasible.]~~ In the case of such problem of public safety or interference, the executive director will coordinate with the applicant in reasonable efforts to find an alternative reasonable time or location.

(iii) No group or individual will be denied access to or use of a public ~~[free speech]~~ area unless the proposed free speech activity violates this rule, applicable law, conflicts with a scheduled state

sponsored activity, or conflicts with the time and location of a previously scheduled free speech activity.

~~[(d)](d)~~ Leafleting.

~~(i)~~ Leafleting is allowed in public free speech areas.

~~(ii)~~ Leafleting is not allowed by placing leaflets on vehicles.

~~(e)~~ Noise. All indoor free speech activities and those held on the plaza must maintain noise levels not exceeding 85 decibels or a more restrictive limit established by applicable laws or ordinances.

~~(f)~~ Law Enforcement. All free speech activities shall comply with applicable state and federal laws and regulations and with applicable Salt Lake City ordinances. Law enforcement and State Capitol security personnel may intercede to enforce said laws, to prevent injury to persons and property, and to further the interests stated in rule R131-11-1. ~~[(c)](c)~~ Consistent with the protections of the Utah and United States constitutions in order to preserve the free speech rights of others, outbursts or similar actions which disrupts or is likely to disrupt any government meeting or proceeding, is prohibited.

~~[R131-11-5. Indemnification.~~

~~(1)~~ Individuals and organizations using the Capitol Hill Complex do so at their own risk and shall indemnify and hold harmless the state from and against any and all suits, damages, claims or other liabilities due to personal injury or death, and from damage to or loss of property arising out of or resulting from the conduct of free speech activities on the Capitol Hill Complex.

R131-11-6. Expedited Appeals - Free Speech Activities.

(1) Claims eligible for expedited appeal. The following determinations of claims regarding a free speech activity may be appealed as provided below:

(a) A determination by the executive director that a proposed event or activity is a commercially related special event and not exempted as a free speech activity;

(b) A claim by an applicant that the executive director's denial, or condition of approval, of a proposed route, time or location for a free speech activity constitutes a violation of this rule or an unlawful time, place or manner restriction; or

(c) Any other claim by an applicant that any action by the state regarding the proposed free speech activity impermissibly burdens constitutionally protected rights of the applicant, sponsor, participants or spectators.

(2) Process for Expedited Appeal:

(a) The Board acknowledges an obligation to process appeals regarding a free speech activity promptly so as to not unreasonably inhibit or unlawfully burden constitutionally protected activities. Any time limit stated below may be lengthened if agreed to by the appellant and the executive director.

(i) As soon as reasonably possible, but no later than two working days after receipt of a completed registration, the executive director shall issue a determination, which may include lawful conditions, or notice of denial of the registration application.

(b) The executive director may deny the requested activity if:

(i) the requested activity does not comply with the applicable rules;

(ii) the registrant attempts to register a free speech activity, but the executive director determines that it is a commercial activity;

(iii) the event would disrupt, conflict or interfere with a state sponsored activity, a time or place reserved for another free speech activity, the operation of state business, and such determination is in accordance with applicable constitutional provisions; and/or

(iv) the event poses a safety or security risk to persons or property and such determination is in accordance with applicable constitutional provisions.

(c) The executive director may place conditions on the approval that alleviates such concerns and such conditions are in accordance with this rule and applicable constitutional provisions.

(d)(i) If the applicant disagrees with a denial of the request or conditions placed on the approval, the applicant may appeal the executive director's determination by delivering the written appeal and reasons for the disagreement to the executive director.

(ii) Within three working days after the executive director receives the written appeal, the executive director may modify or affirm the determination.

(iii) If the matter is still unresolved after the issuance of the executive director's reconsideration determination, the applicant may appeal the matter, in writing, within ten calendar days to the Board's Budget Development and Board Operations Subcommittee Chair who will determine the process of the appeal and provides for a determination within five working days.

(e) If the applicant for a free speech activity needs a more expeditious process of an appeal, upon written request of the applicant, the Attorney General or designee may advise the executive director, the Board's Budget Development and Board Operations Subcommittee Chair or the Board's Chair or designee of the need to make an immediate consideration of the appeal.

R131-11-7. Expedited Review of Free Speech Concern.

(1) If any person claims to be inhibited from the exercise of constitutionally protected free speech by a public officer, officer or other person on the Capitol Hill Complex, such person is advised to promptly notify the executive director. The executive director will then take reasonable steps in an attempt to resolve the matter.

KEY: free speech activities, leafleting

Date of Enactment or Last Substantive Amendment: 2006

Authorizing, and Implemented or Interpreted Law: 63C-9-301



End of the Notices of Changes in Proposed 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 responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Community and Culture, Administration

R182-1

Government Records Access And Management Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29127
FILED: 10/16/2006, 10:09

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-2-204(2)(d) gives authority to the Department of Community and Culture as a government agency to create specific requirements regarding the Government Records Access and Management Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department has not received any comments to support or oppose this rule during the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be maintained for programmatic continuity. Through the Government Records Access and Management Act (GRAMA), the general public can request records from the Department of Community and Culture. The rule provides a process for the Department of Community and Culture to grant requests subject to State GRAMA legislation. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

COMMUNITY AND CULTURE
ADMINISTRATION
Room 500

324 S STATE ST
SALT LAKE CITY UT 84111-2388, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

M. Jill Mecham at the above address, by phone at 801-538-8700, by FAX at 801-538-8888, or by Internet E-mail at mjmecham@utah.gov

AUTHORIZED BY: Palmer DePaulis, Executive Director

EFFECTIVE: 10/16/2006



Environmental Quality, Radiation Control

R313-19

Requirements of General Applicability to Licensing of Radioactive Material

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29102
FILED: 10/05/2006, 10:06

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 19-1-106 establishes the Radiation Control Board. The Radiation Control Board is authorized to make rules under Section 19-3-104 that are necessary for controlling exposure to sources of radiation that constitute a significant health hazard. Section 19-3-108 allows the Executive Secretary, as authorized by the Board, to issue licenses, review and approve plans, enforce rules, impound radioactive material, and authorize employees or representatives of the department to enter at reasonable times and upon reasonable notice in and upon public or private property for the purpose of inspecting and investigating conditions and records concerning radiation sources.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since the last five-year review period.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to prescribe general requirements governing the licensing of radioactive material, give notice of possible enforcement actions to those persons that knowingly provide false information relating to or regarding radioactive material license or application, and address specific conditions where a person is exempt from certain rules. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

David Hogge at the above address, by phone at 801-536-4250, by FAX at 801-533-4097, or by Internet E-mail at dhogge@utah.gov

AUTHORIZED BY: Dane Finerfrock, Director

EFFECTIVE: 10/05/2006

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Environmental Quality, Radiation Control **R313-22** Specific Licenses

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29104
FILED: 10/05/2006, 10:56

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 19-3-104 authorizes the Utah Radiation Control Board to make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard; to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from

the federal government; and as necessary regarding the possession, use, transfer, or delivery of sources and byproduct material and the disposal of byproduct material to establish requirements for a) the licensing, operation, decontamination, and decommissioning, including financial assurances, and b) the reclamation of sites, structures, and equipment used in conjunction with the activities described above. Section 19-3-108 allows the Executive Secretary, as authorized by the Board, to issue licenses, review and approve plans, enforce rules, impound radioactive material and authorize employees or representatives of the department to enter at reasonable times and upon reasonable notice in and upon public or private property for the purpose of inspecting and investigating conditions and records concerning radiation sources.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received during the 30-day public comment period for a substantive rulemaking action with an effective date of December 12, 2003. A nonsubstantive action (therefore, no comments) was completed for this rule with an effective date of December 12, 2003. No comments were received during the 30-day public comment period for a substantive rulemaking action with an effective date of May 13, 2005. There is a current rulemaking action that will be going out for a 30-day public comment period beginning September 1, 2006. The Nuclear Regulatory Commission (NRC) received an early copy of the proposed rule changes. The NRC asked the Division how the changes to 10 CFR 40 and 10 CFR 70 were covered in the proposed rule changes. The Division reviewed the changes in 10 CFR 40 and 10 CFR 70, and made additions to the proposed rule changes prior to putting them out for public comment.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule authorizes the Division to issue specific licenses to individuals, companies, and institutions in Utah who use radioactive material. The rule also contains requirements for decommissioning and financial assurance, broad scope licensees, and manufacturing and distribution licensees. Without this rule, the Division could not regulate most uses of radioactive material in the State. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Philip Griffin at the above address, by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@utah.gov

AUTHORIZED BY: Dane Finerfrock, Director

EFFECTIVE: 10/05/2006

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**Environmental Quality, Radiation
Control
R313-25**
**License Requirements for Land
Disposal of Radioactive Waste -
General Provisions**

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

DAR FILE No.: 29105
FILED: 10/05/2006, 10:57

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 19-3-104 authorizes the Utah Radiation Control Board to make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard; to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government; and as necessary regarding the possession, use, transfer, or delivery of sources and byproduct material and the disposal of byproduct material to establish requirements for a) the licensing, operation, decontamination, and decommissioning, including financial assurances, and b) the reclamation of sites, structures, and equipment used in conjunction with the activities described above. Also, the Board may by rule establish criteria for siting commercial low-level radioactive waste treatment or disposal facilities, subject to the prohibition imposed by Section 19-3-103.7; and the Board shall by rule establish financial assurance requirements for closure and postclosure care of radioactive waste land disposal facilities, taking into account existing financial assurance requirements. Section 19-3-108 allows the Executive Secretary, as authorized by the Board, to issue licenses, review and approve plans, enforce rules, impound radioactive material and authorize employees or representatives of the department to enter at reasonable times and upon reasonable notice in and upon public or private property for the purpose of inspecting and investigating conditions and records concerning radiation sources.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One nonsubstantive rulemaking action occurred during this period with an effective date of May 1, 2004. (No comments taken.) No other rulemaking actions were done since the last five-year review, and no comments regarding this rule were received separate from a rulemaking action.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the procedures, criteria, and terms and conditions upon which the Department issues licenses for the land disposal of radioactive wastes received from other persons. The Division currently licenses one company that operates a radioactive waste land disposal facility in Utah. The land disposal of radioactive waste is an item of serious interest to both the Legislature and the Governor. This rule is needed to properly license the existing facility and any future land waste disposal facilities receiving radioactive material. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Philip Griffin at the above address, by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@utah.gov

AUTHORIZED BY: Dane Finerfrock, Director

EFFECTIVE: 10/05/2006

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**Environmental Quality, Radiation
Control
R313-28**
Use of X-Rays in the Healing Arts

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

DAR FILE No.: 29106
FILED: 10/05/2006, 10:58

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 19-3-104 authorizes the Utah Radiation Control Board to make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard; to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government; and to establish requirements and procedures for mammography facilities, and certification procedures and qualifications for persons who survey mammography equipment and oversee quality assurance practices at mammography facilities. Section 19-3-108 allows

the Executive Secretary, as authorized by the Board, to issue licenses, review and approve plans, enforce rules, impound radioactive material and authorize employees or representatives of the department to enter at reasonable times and upon reasonable notice in and upon public or private property for the purpose of inspecting and investigating conditions and records concerning radiation sources.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: A rulemaking action, with an effective date of December 14, 2001, had a 30-day public comment period from November 1, 2001, to December 3, 2001. No comments were received for this rulemaking action.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: There are thousands of x-ray machines in use and hundreds of thousands of radiographs taken by health practitioners in Utah each year. This rule governs the use of x-ray machines in the state. For the most part, there are no Federal regulations that govern the use of x-ray machines after they are installed in health care facilities. (The federal government has regulations governing the use of mammography equipment.) This rule is needed to ensure that the x-ray equipment is functioning properly, and the use of this equipment is done in a safe manner. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Philip Griffin at the above address, by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@utah.gov

AUTHORIZED BY: Dane Finerfrock, Director

EFFECTIVE: 10/05/2006



Environmental Quality, Radiation
Control
R313-32
Medical Use of Radioactive Material

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

DAR FILE NO.: 29103
FILED: 10/05/2006, 10:07

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 19-1-106 establishes the Radiation Control Board. The Radiation Control Board is authorized to make rules under Section 19-3-104 that are necessary for controlling exposure to sources of radiation that constitute a significant health hazard. Section 19-3-108 allows the Executive Secretary, as authorized by the Board, to issue licenses, review and approve plans, enforce rules, impound radioactive material and authorize employees or representatives of the department to enter at reasonable times and upon reasonable notice in and upon public or private property for the purpose of inspecting and investigating conditions and records concerning radiation sources.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This rule incorporates 10 CFR Part 35 by reference, which has undergone major revisions over the last three years, and this rule was last updated in May of 2006 to reflect the most recent changes. No comments have been received during the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule must be continued as it prescribes requirements and provisions for the medical use of radioactive material. These requirements and provisions provide for the protection of public health and safety.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
David Hogge at the above address, by phone at 801-536-4250, by FAX at 801-533-4097, or by Internet E-mail at dhogge@utah.gov

AUTHORIZED BY: Dane Finerfrock, Director

EFFECTIVE: 10/05/2006



Environmental Quality, Radiation
Control
R313-36
Special Requirements for Industrial
Radiographic Operations

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

DAR FILE No.: 29107
FILED: 10/05/2006, 10:59

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 19-3-104 authorizes the Utah Radiation Control Board to make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard; to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government; and as necessary regarding the possession, use, transfer, or delivery of sources and byproduct material and the disposal of byproduct material to establish requirements for a) the licensing, operation, decontamination, and decommissioning, including financial assurances, and b) the reclamation of sites, structures, and equipment used in conjunction with the activities described above. Section 19-3-108 allows the Executive Secretary, as authorized by the Board, to issue licenses, review and approve plans, enforce rules, impound radioactive material and authorize employees or representatives of the department to enter at reasonable times and upon reasonable notice in and upon public or private property for the purpose of inspecting and investigating conditions and records concerning radiation sources.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No rulemaking actions were done since the last five-year review. No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule prescribes the requirements for the issuance of licenses and establishes radiation safety requirements for persons utilizing sources of radiation for industrial radiography. Individuals working with radioactive sources to perform industrial radiography typically receive higher exposures than other professions using radioactive material due to the strength of the sources and the close proximity of the sources to the radiographers. This rule is needed to provide for the safe use of these radioactive sources to prevent unnecessary exposures to the workers, public, and the environment. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Philip Griffin at the above address, by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@utah.gov

AUTHORIZED BY: Dane Finerfrock, Director

EFFECTIVE: 10/05/2006

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**Environmental Quality, Radiation
Control
R313-70
Payments, Categories and Types of
Fees**

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

DAR FILE No.: 29108
FILED: 10/05/2006, 10:59

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-3-104(6) states that all sources of ionizing radiation, including ionizing radiation producing machines, shall be registered or licensed by the department. Also, the department shall assess fees for registration, licensing, and inspection of radiation sources under this section; and shall comply with the requirements of Section 63-38-3.2 in assessing fees for licensure and registration.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no rulemaking actions since the last five-year review. No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule allows the Division to assess fees for licensing, registering, and inspecting persons with radioactive materials or radiation producing machines. Fees are also assessed for other services performed by the Division. This rule is necessary to allow the Division to assess and receive the fees dictated by the Legislature. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W

SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Philip Griffin at the above address, by phone at 801-536-4261,
by FAX at 801-533-4097, or by Internet E-mail at
pgriffin@utah.gov

AUTHORIZED BY: Dane Finerfrock, Director

EFFECTIVE: 10/05/2006



Health, Administration
R380-200
Patient Safety Sentinel Event Reporting

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

DAR FILE NO.: 29116
FILED: 10/10/2006, 13:57

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 26-1-30(2)(a), (b), (d), (e), and (g) authorize the Department of Health to undertake activities to protect the health and wellness of the people of the state, to prevent illness, and to provide for the detection, reporting, prevention, and control of health hazards, to collect information on causes of injury, sickness and death, and to establish programs for the promotion of public health. This rule requires the reporting of hospital-based injuries in an effort to improve systems to eliminate the causes of hospital-based injuries. Section 26-3-8 allows the Department of Health to withhold personally identifiable information from disclosure. This rule provides that the Department of Health exercises its discretion to withhold certain information reported under this rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Concern over patient safety in medical care continues to grow with the identification of the National Quality Forum (NQF) and the Centers for Medicare and Medicaid Services (CMS) never events, hospital-acquired infections, and medication errors. This rule is necessary to focus the industry on statewide interventions, to provide state wide surveillance, and to assure statewide accountability. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HEALTH
ADMINISTRATION
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Iona Thraen at the above address, by phone at 801-538-6471,
by FAX at 801-538-7053, or by Internet E-mail at
ithraen@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 10/10/2006



Health, Administration
R380-210
**Health Care Facility Patient Safety
Program**

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

DAR FILE NO.: 29117
FILED: 10/10/2006, 14:00

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 26-1-30(2)(a), (b), (d), (e), and (g) and Section 26-3-8 delegate powers to the Department of Health to undertake activities to improve the health of the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Concern over patient safety in medical care continues to grow with the Centers for Medicare and Medicaid Services Pay for performance, the Center for Disease Control focus on hospital acquired infections, and medication errors. This rule is necessary to focus the industry on statewide interventions, to provide state wide surveillance, and to assure statewide accountability. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HEALTH
ADMINISTRATION
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Iona Thraen at the above address, by phone at 801-538-6471, by FAX at 801-538-7053, or by Internet E-mail at ithraen@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 10/10/2006

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Labor Commission, Antidiscrimination
and Labor, Antidiscrimination
R606-1
Antidiscrimination

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

DAR FILE No.: 29125
FILED: 10/13/2006, 11:58

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 34A-5-104 gives the Labor Commission authority to establish rules to administer and enforce the Utah Antidiscrimination Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received during or since the last five-year review of this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Labor Commission continues to have jurisdiction over claims of discrimination in the workplace. This rule establishes the methods for filing and investigating such claims. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

LABOR COMMISSION
ANTIDISCRIMINATION AND LABOR,
ANTIDISCRIMINATION
HEBER M WELLS BLDG

160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Heather Morrison at the above address, by phone at 801-530-6921, by FAX at 801-530-7601, or by Internet E-mail at hmorrison@utah.gov

AUTHORIZED BY: Sherrie Hayashi, Commissioner

EFFECTIVE: 10/13/2006

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Labor Commission, Antidiscrimination
and Labor, Antidiscrimination

R606-2

Pre-Employment Inquiry Guide

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

DAR FILE No.: 29126
FILED: 10/13/2006, 11:59

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 34A-5-104 gives the Labor Commission authority to establish rules to administer and enforce the Utah Antidiscrimination Act. To assist employers in avoiding discrimination, the Labor Commission has established a guide for pre-employment actions and inquiries.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received during or since the last five-year review of this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Labor Commission continues to have jurisdiction over discrimination in the workplace. This rule establishes a guide for employers and employees in pre-employment situations, to help them avoid discriminatory acts. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

LABOR COMMISSION
ANTIDISCRIMINATION AND LABOR,
ANTIDISCRIMINATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Heather Morrison at the above address, by phone at 801-530-6921, by FAX at 801-530-7601, or by Internet E-mail at hmorrison@utah.gov

AUTHORIZED BY: Sherrie Hayashi, Commissioner

EFFECTIVE: 10/13/2006



Natural Resources, Geological Survey

R638-1

Acceptance and Maintenance of Confidential Information

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29123
FILED: 10/13/2006, 11:51

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-73-6(2) enables the Utah Geological Survey (UGS) to have access to confidential information which it otherwise could not acquire, or which is beyond the financial capability of the Survey to acquire. This geologic information is given to or purchased by the Survey with the stipulation from the information source that the information be held confidential.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The UGS has received no written comments on this rule since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The UGS will continue this rule, as the agency continues to receive confidential geologic information (for example, from private energy-exploration companies) that is useful to studies performed by the UGS. The information sources still require that we keep this information confidential. Discontinuation of the rule would not allow the UGS to collect and maintain these data for the benefit of the UGS and State of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
GEOLOGICAL SURVEY
Room 3110
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kimm Harty at the above address, by phone at 801-537-3313, by FAX at 801-537-3400, or by Internet E-mail at kimmharty@utah.gov

AUTHORIZED BY: Rick Allis, Director

EFFECTIVE: 10/13/2006



Public Safety, Peace Officer Standards and Training

R728-408

POST Academy and the Emergency Vehicle Operations Range are Secure Facilities

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29119
FILED: 10/11/2006, 14:48

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The authority for this rule is under Subsection 76-8-311.1(1)(c)(2). The academy and emergency vehicle range are secured facilities. Peace Officer Standards and Training (POST) has the authority to regulate firearms in these facilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments supporting or opposing this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: These law enforcement facilities are for training future law enforcement officers. These officers are not armed during their training. For the security of these officers and other civilian office staff, these facilities need to remain secured. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PUBLIC SAFETY
PEACE OFFICER STANDARDS AND TRAINING
4525 S 2700 W
SALT LAKE CITY UT 84119, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Steve Winward at the above address, by phone at 801-965-4373, by FAX at 801-965-4910, or by Internet E-mail at swinward@utah.gov

AUTHORIZED BY: Rich Townsend, Director

EFFECTIVE: 10/11/2006



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

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. Statute permits an agency to make a rule effective "on any date specified by the agency that is no fewer than seven calendar days after the close of the public comment period . . . , nor more than 120 days after the publication date." Subsection 63-46a-4(9).

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Commerce

Occupational and Professional Licensing

No. 28923 (AMD): R156-39a. Alternative Dispute Resolution Providers Certification Act Rules.
Published: September 1, 2006
Effective: October 11, 2006

No. 28916 (AMD): R156-55c. Construction Trades Licensing Act Plumber Licensing Rules.
Published: September 1, 2006
Effective: October 11, 2006

No. 28924 (AMD): R156-70a. Physician Assistant Practice Act Rules.
Published: September 1, 2006
Effective: October 11, 2006

No. 28913 (AMD): R156-72. Acupuncture Licensing Act Rules.
Published: September 1, 2006
Effective: October 11, 2006

Real Estate

No. 28903 (AMD): R162-205-1. Residential Mortgage Unprofessional Conduct.
Published: August 15, 2006
Effective: October 11, 2006

Environmental Quality

Radiation Control

No. 28929 (AMD): R313-12-3. Definitions.
Published: September 1, 2006
Effective: October 20, 2006

No. 28930 (AMD): R313-14. Violations and Escalated Enforcement.
Published: September 1, 2006
Effective: October 20, 2006

No. 28931 (AMD): R313-16. General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines.
Published: September 1, 2006
Effective: October 20, 2006

No. 28922 (AMD): R313-22. Specific Licenses.
Published: September 1, 2006
Effective: October 20, 2006

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 28911 (AMD): R414-200-3. Services Available.
Published: September 1, 2006
Effective: October 11, 2006

Technology Services

Administration

No. 28917 (NEW): R895-5. Acquisition of Information Technology.
Published: September 1, 2006
Effective: October 11, 2006

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2006, including notices of effective date received through October 16, 2006, the effective dates of which are no later than November 1, 2006. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

DAR NOTE: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. These difficulties with the index are related to a new software package used by the Division to create the Bulletin and related publications; we hope to have them resolved as soon as possible. Bulletin issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801 538-3218), Mike Broschinsky (801 538-3003), or Kenneth A. Hansen (801 538-3777).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
<u>Administrative Rules</u>					
R15-4	Administrative Rulemaking Procedures	28586	EMR	04/15/2006	2006-8/57
<u>Facilities Construction and Management</u>					
R23-1	Procurement of Construction	28608	AMD	06/01/2006	2006-9/10
R23-1	Procurement of Construction	28609	AMD	06/01/2006	2006-9/3
R23-2	Procurement of Architect-Engineer Services	28607	AMD	06/01/2006	2006-9/12
R23-25	Administrative Rules Adjudicative Proceedings	28993	5YR	09/06/2006	2006-19/126
<u>Finance</u>					
R25-2	Finance Adjudicative Proceedings	29077	5YR	09/25/2006	2006-20/79
R25-5	Payment of Per Diem to Boards	28384	AMD	01/25/2006	2005-24/2
R25-7	Travel-Related Reimbursements for State Employees	28702	AMD	07/01/2006	2006-10/2

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Fleet Operations</u>					
R27-1	Definitions	28474	5YR	01/30/2006	2006-4/33
R27-1	Definitions (5YR EXTENSION)	28279	NSC	01/30/2006	Not Printed
R27-1-2	Definitions	28368	NSC	01/01/2006	Not Printed
R27-2	Fleet Operations Adjudicative Proceedings	28475	5YR	01/30/2006	2006-4/33
R27-3	Vehicle Use Standards	28477	5YR	01/30/2006	2006-4/34
R27-3	Vehicle Use Standards (5YR EXTENSION)	28280	NSC	01/30/2006	Not Printed
R27-7	Safety and Loss Prevention of State Vehicles	28469	5YR	01/20/2006	2006-4/34
<u>Fleet Operations, Surplus Property</u>					
R28-1	State Surplus Property Disposal	28766	AMD	08/02/2006	2006-12/3
R28-2	Surplus Firearms	28496	5YR	02/07/2006	2006-5/47
<u>Information Technology Services</u>					
R29-1	Division of Information Technology Services Adjudicative Proceedings	28788	5YR	06/08/2006	2006-13/61
R29-1	Technology Services Adjudicative Proceedings	28828	NSC	06/22/2006	Not Printed
R29-2	Telecommunications Services and Requirements	28794	NSC	06/22/2006	Not Printed
<u>Purchasing and General Services</u>					
R33-1	Utah State Procurement Rules Definitions	28436	NSC	02/22/2006	Not Printed
R33-1-1	Definitions	28445	AMD	02/21/2006	2006-2/3
R33-2-101	Delegation of Authority of the Chief Procurement Officer	28437	NSC	02/22/2006	Not Printed
R33-3	Source Selection and Contract Formation	28447	AMD	02/21/2006	2006-2/5
R33-4	Specifications	28438	NSC	02/22/2006	Not Printed
R33-5	Construction and Architect-Engineer Selection	28448	NSC	02/22/2006	Not Printed
R33-7	Cost Principles	28439	NSC	02/22/2006	Not Printed
R33-8	Property Management	28440	NSC	02/22/2006	Not Printed
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures	28462	AMD	03/14/2006	2006-3/3
R35-1	State Records Committee Appeal Hearing Procedures	28776	AMD	08/09/2006	2006-13/4
<u>Risk Management</u>					
R37-1	Risk Management General Rules	28413	AMD	03/31/2006	2006-1/4
R37-4	Adjusted Utah Governmental Immunity Limitations on Judgments	28667	R&R	07/01/2006	2006-10/5
Agriculture and Food					
<u>Administration</u>					
R51-3	Government Records Access and Management Act	28552	5YR	03/16/2006	2006-8/69
R51-4	ADA Complaint Procedure	28553	5YR	03/16/2006	2006-8/69
<u>Animal Industry</u>					
R58-2	Diseases, Inspections and Quarantines	28925	5YR	08/15/2006	2006-17/65
R58-4	Use of Animal Drugs and Biologicals in the State of Utah	28926	5YR	08/15/2006	2006-17/65
R58-4-1	Authority	28972	NSC	09/22/2006	Not Printed
R58-10	Meat and Poultry Inspection	28506	AMD	04/03/2006	2006-5/2
R58-14	Holding Live Raccoons or Coyotes in Captivity	28971	5YR	08/29/2006	2006-18/46

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Marketing and Development</u>					
R65-7	Horse Racing	28970	5YR	08/29/2006	2006-18/46
R65-8	Management of the Junior Livestock Show Appropriation	28558	5YR	03/16/2006	2006-8/70
<u>Plant Industry</u>					
R68-4	Standardization, Marketing, and Phytosanitary Inspection of Fresh Fruits, Vegetables, and Other Plant and Plant Products	28504	5YR	02/10/2006	2006-5/47
R68-7	Utah Pesticide Control Act	28554	5YR	03/16/2006	2006-8/70
R68-7	Utah Pesticide Control Act	28769	AMD	07/25/2006	2006-12/6
R68-8	Utah Seed Law	28452	5YR	01/09/2006	2006-3/38
R68-18	Quarantine Pertaining to Karnal Bunt	28505	5YR	02/10/2006	2006-5/48
<u>Regulatory Services</u>					
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	28503	AMD	04/03/2006	2006-5/3
R70-330	Raw Milk for Retail	28555	5YR	03/16/2006	2006-8/71
R70-370	Butter	28556	5YR	03/16/2006	2006-8/71
R70-380	Grade A Condensed and Dry Milk Products and Condensed and Dry Whey	28557	5YR	03/16/2006	2006-8/72
R70-410	Grading and Inspection of Shell Eggs With Standard Grade and Weight Classes	28471	5YR	01/24/2006	2006-4/35
R70-410-1	Authority	28485	AMD	03/20/2006	2006-4/4
R70-920	Packaging and Labeling of Commodities	28976	5YR	08/29/2006	2006-18/47
R70-920-2	Adopted by Reference	28977	NSC	09/22/2006	Not Printed
R70-930	Method of Sale of Commodities	28974	5YR	08/29/2006	2006-18/47
R70-930-2	Adopted by Reference	28973	NSC	09/22/2006	Not Printed
R70-940	Standards and Testing of Motor Fuel	28978	5YR	08/29/2006	2006-18/48
Alcoholic Beverage Control					
<u>Administration</u>					
R81-1	Scope, Definitions, and General Provisions	28985	5YR	08/31/2006	2006-18/48
R81-1-7	Disciplinary Hearings	28708	AMD	08/25/2006	2006-11/24
R81-2	State Stores	28994	5YR	09/06/2006	2006-19/126
R81-3	Package Agencies	28997	5YR	09/06/2006	2006-19/127
R81-4A	Restaurant Liquor Licenses	28998	5YR	09/06/2006	2006-19/127
R81-5	Private Clubs	28999	5YR	09/07/2006	2006-19/128
R81-6	Special Use Permits	28946	5YR	08/23/2006	2006-18/49
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R81-8	Manufacturers (Distillery, Winery, Brewery)	28962	5YR	08/24/2006	2006-18/50
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R651-210	Change of Address	28629	5YR	04/18/2006	2006-10/92
R651-210	Change of Address	28650	NSC	05/10/2006	Not Printed
R651-211	Assigned Numbers	28630	5YR	04/18/2006	2006-10/92
R651-212	Display of Yearly Registration Decals and Month of Expiration Decals	28631	5YR	04/18/2006	2006-10/93
R651-213	Dealer Numbers and Registrations	28632	5YR	04/18/2006	2006-10/93
R651-213	Dealer Numbers and Registrations	28651	NSC	05/10/2006	Not Printed
R651-214	Temporary Registration	28633	5YR	04/18/2006	2006-10/94
R651-215	Personal Floatation Devices	28510	5YR	02/13/2006	2006-5/49
R651-216	Navigation Lights - Note: Figures 1 through 7 mentioned below are on file with the Utah Division of Parks and Recreation	28634	5YR	04/18/2006	2006-10/94

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R651-217	Fire Extinguishers	28635	5YR	04/18/2006	2006-10/95
R651-217	Fire Extinguishers	28653	NSC	05/10/2006	Not Printed
R651-218	Carburetor Backfire Flame Control	28636	5YR	04/18/2006	2006-10/95
R651-218	Carburetor Backfire Flame Control	28654	NSC	05/10/2006	Not Printed
R651-219	Additional Safety Equipment	28637	5YR	04/18/2006	2006-10/96
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R651-220	Registration and Numbering Exemptions	28655	NSC	05/10/2006	Not Printed
R651-221	Boat Livery Agreements	28639	5YR	04/18/2006	2006-10/97
R651-221	Boat Livery Agreements	28656	NSC	05/10/2006	Not Printed
R651-222	Muffling Requirements	28511	5YR	02/13/2006	2006-5/49
R651-224	Towed Devices	28512	5YR	02/13/2006	2006-5/50
R651-224	Towed Devices	28826	AMD	08/22/2006	2006-14/24
R651-226	Regattas and Races	28640	5YR	04/18/2006	2006-10/97
R651-226	Regattas and Races	28657	NSC	05/10/2006	Not Printed
R651-401	Off-Highway Vehicle and Registration Stickers	28642	5YR	04/18/2006	2006-10/98
R651-405	Off-Highway Implement of Husbandry Sticker Fee	28641	5YR	04/18/2006	2006-10/98
R651-405	Off-Highway Implement of Husbandry Sticker Fee	28658	NSC	05/10/2006	Not Printed
R651-406	Off-Highway Vehicle Registration Fees	28643	5YR	04/18/2006	2006-10/99
R651-406	Off-Highway Vehicle Registration Fees	28659	NSC	05/10/2006	Not Printed
R651-406	Off-Highway Vehicle Registration Fees	28669	AMD	08/18/2006	2006-10/74
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R651-606-10	Quiet Hours	28857	AMD	08/21/2006	2006-14/26
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R651-611	Fee Schedule	28513	5YR	02/13/2006	2006-5/50
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R652-8	Adjudicative Proceedings	28852	5YR	06/28/2006	2006-14/57
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R657-5	Taking Big Game	28718	AMD	07/11/2006	2006-11/78
R657-5-37B	Preference Point System	28881	NSC	07/27/2006	Not Printed
R657-6-21	Closed Areas	28801	AMD	08/08/2006	2006-13/28
R657-9	Taking Waterfowl, Common Snipe and Coot	28938	5YR	08/21/2006	2006-18/62
R657-9-7	Return of Swan Harvest and Hunt Information	28945	AMD	10/24/2006	2006-18/26
R657-10	Taking Cougar	28940	5YR	08/21/2006	2006-18/63
R657-10	Taking Cougar	28943	AMD	10/24/2006	2006-18/27
R657-11	Taking Furbearers	28944	AMD	10/24/2006	2006-18/29
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R657-23	Utah Hunter Education Program	28377	AMD	01/18/2006	2005-24/19
R657-24	Compensation for Mountain Lion and Bear Damage	28455	AMD	03/06/2006	2006-3/24
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R657-48	Implementation of the Wildlife Species of Concern and Habitat Designation Advisory Committee	28797	AMD	08/08/2006	2006-13/37
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ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

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	28536	R652-20-1000	AMD	07/13/2006	2006-6/14
	28853	R652-41	5YR	06/28/2006	2006-14/58
	28854	R652-80	5YR	06/28/2006	2006-14/59
	28770	R652-123	NEW	08/28/2006	2006-12/34
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	28320	R307-110-9	CPR	06/16/2006	2006-7/24
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	28820	R307-210	5YR	06/16/2006	2006-14/41
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	28814	R307-415-4	AMD	09/07/2006	2006-13/19
	28549	R307-415-7d	NSC	03/28/2006	Not Printed
	28502	R307-801	AMD	06/16/2006	2006-5/22
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	28828	R29-1	NSC	06/22/2006	Not Printed
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	28974	R70-930	5YR	08/29/2006	2006-18/47
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	28978	R70-940	5YR	08/29/2006	2006-18/48
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	28929	R313-12-3	AMD	10/20/2006	2006-17/22
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	28671	R156-3a-501	NSC	05/10/2006	Not Printed
	28830	R156-9a	5YR	06/22/2006	2006-14/37
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	28795	R365-101	NSC	06/22/2006	Not Printed
Technology Services, Administration	28744	R895-5	NEW	07/25/2006	2006-12/45
	28917	R895-5	NEW	10/11/2006	2006-17/46
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	28917	R895-5	NEW	10/11/2006	2006-17/46
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Public Service Commission, Administration	28803	R746-345	AMD	08/29/2006	2006-13/48
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	28139	R746-345	AMD	02/08/2006	2005-17/31
	28771	R746-360-4	AMD	08/01/2006	2006-12/42
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<u>telephone utility regulation</u>					
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	28139	R746-345	AMD	02/08/2006	2005-17/31
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	28753	R162-11	CPR	10/19/2006	2006-16/29
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Commerce, Occupational and Professional Licensing	28672	R156-60b	AMD	06/19/2006	2006-10/13
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Insurance, Title and Escrow Commission	28507	R592-4	NEW	07/19/2006	2006-5/38
	28507	R592-4	CPR	07/19/2006	2006-11/86
<u>title escrow filings</u>					
Insurance, Title and Escrow Commission	28508	R592-3	CPR	07/19/2006	2006-11/84
	28508	R592-3	NEW	07/19/2006	2006-5/36
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Insurance, Title and Escrow Commission	28529	R592-2-5	NSC	03/06/2006	Not Printed
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Transportation, Motor Carrier	29080	R909-19	5YR	09/25/2006	2006-20/83
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	28915	R930-3-0	AMD	10/18/2006	2006-17/49
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Human Services, Substance Abuse and Mental Health	28841	R523-24	EMR	07/01/2006	2006-14/33
	28842	R523-24	NEW	08/22/2006	2006-14/15
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	28802	R313-19-34	AMD	08/11/2006	2006-13/20
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	28358	R907-68	NEW	01/04/2006	2005-23/61
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	28531	R926-8-3	AMD	06/22/2006	2006-6/16
	28538	R926-9	NEW	04/20/2006	2006-6/17
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	28358	R907-68	NEW	01/04/2006	2005-23/61
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Transportation, Program Development	28775	R926-2	R&R	07/28/2006	2006-12/47
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	28763	R994-401-203	AMD	07/26/2006	2006-12/79
	28861	R994-403-202	AMD	08/22/2006	2006-14/31
	28764	R994-406	AMD	07/26/2006	2006-12/80
	28480	R994-406-302	NSC	02/22/2006	Not Printed
	28877	R994-406-401	NSC	07/27/2006	Not Printed
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Public Safety, Driver License	28787	R708-32-4	AMD	08/08/2006	2006-13/43
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	28473	R270-1-4	NSC	02/22/2006	Not Printed
	28984	R270-1-24	AMD	10/23/2006	2006-18/11
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	28801	R657-6-21	AMD	08/08/2006	2006-13/28
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