

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no: _____ Date filed: _____
State Admin Rule Filing Id: _____ Time filed: _____

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 15A	- 231
Changed to Admin. Code Ref. (R no.):	R	-	-

1. **Agency:** Commerce/Division of Occupational and Professional Licensing
Room no.:
Building: Heber M. Wells Building
Street address 1: 160 East 300 South
Street address 2:
City, state, zip: Salt Lake City UT 84111-2316
Mailing address 1: PO Box 146741
Mailing address 2:
City, state, zip: Salt Lake City UT 84114-6741
Contact person(s):
Name: Robyn Barkdull
Phone: 801-530-6727
Fax: 801-530-6511
E-mail: rbarkdull@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2. **Title of rule or section (catchline):**

Administration of Building Code Training Fund and Factory Built Housing Fees Account.

3. **Type of notice:**

New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___

4. **Purpose of the rule or reason for the change:**

The Division and Uniform Building Code Commission (UBCC) Education Advisory Committee (Committee) determined it was necessary to include the following amendments: (1) to establish a requirement that the Committee evaluate whether recipients charge a uniform cost applied across all categories of attendees for any training event, class, or seminar; (2) to establish a requirement that the Committee evaluate whether any UBCC grant funded materials associated with the training event, class, or seminar advertise a price uniformity across all categories of attendees; and (3) to make technical changes.

5. **This change is a response to comments from the Administrative Rules Review Committee.**

No XXX; Yes ___

6. Summary of the rule or change:

Section R156-15A-231(4): This section specifies the considerations in determining whether to recommend approval for a proposed funding request. R156-15A-231(4)(b) will add a consideration of whether the grant applicant agrees to charge a cost for the training event, class, or seminar which is uniform across all categories of attendees. R156-15A-231(4)(f)(ii) will add a consideration of whether the grant applicant agrees that all printed advertising materials as specified in (f) will comply with (4)(b).

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ___; Yes XXX

The Division will incur minimal costs of approximately \$100 to print and distribute the rule once the proposed amendments become effective. Any costs incurred will be absorbed in the Division's current budget.

B) Local government:

Affected: No ___; Yes XXXX

The proposed amendment impacts only those government agencies which have applied for and received funding grants to teach code classes to individuals involved in the construction trade. The amendment establishes a requirement that the Committee evaluate whether recipients charge a uniform cost applied across all categories of attendees before approving a UBCC grant for any training event, class, or seminar. Due to a wide range of circumstances for governments applying for building code funding grants, the Division is not able to determine an exact cost and it may be no additional costs are involved for governments.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No XXX; Yes ___

The proposed amendment does not apply to nor impact small businesses because small businesses are not eligible for funding grants.

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

Affected: No ___; Yes XXX

The proposed amendment impacts only those schools, colleges, universities, government agencies, and professional associations or organizations involved in the construction trades which have applied for and received funding grants to teach code classes to individuals in the construction trade. The amendment establishes a requirement that the Committee evaluate whether recipients charge a uniform cost applied across all categories of attendees before approving a UBCC grant for any training event, class, or seminar. This may affect those who apply for and receive funding grants if a differentiation of member/non-member costs has been applied in the past. Due to a wide range of circumstances for other persons or entities applying for building code funding grants, the Division is not able to determine an exact cost and it may be no additional costs are involved for other persons or entities.

8. Compliance costs for affected persons:

The proposed amendment impacts only those schools, colleges, universities, government agencies, and professional associations or organizations involved in the construction trades which have applied for and received funding grants to teach code classes to individuals in the construction trade. The amendment establishes a requirement that the Committee evaluate whether recipients charge a uniform cost applied across all categories of attendees before approving a UBCC grant for any training event, class, or seminar. This may affect those who apply for and receive funding grants if a differentiation of member/non-member costs has been applied in the past. Due to a wide range of circumstances for affected persons applying for building code funding grants, the Division is not able to determine an exact cost and it may be no additional costs are involved for affected persons.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This rule change, in addition to technical changes, adds requirements that the Uniform Building Code Commission Education Advisory Committee must evaluate whether funding requestors charge conference or training attendees for attendance or printed materials. No fiscal impact to businesses is anticipated.

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Giani, Executive Director

10 This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV):

Subsection 58-1-106(1)(a)

Subsection 58-1-202(1)(a)

Subsection 15A-1-204(6)

Section 15A-1-205

11 This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; *if none, leave blank*):

First Incorporation

Second Incorporation

Official Title of Materials Incorporated (from title page)

Publisher

Date Issued

Issue, or version

ISBN Number (optional)

ISSN Number (optional)

Cost of Incorporated Reference

Action: Adds, updates, or removes

(If this rule incorporates more than two items by reference, please attach additional pages)

12 The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): 09/14/2016

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

On (mm/dd/yyyy):

At (hh:mm AM/PM):

At (place):

08/16/2016

1:30 PM

160 East 300 South, Conference Room 402
(4th floor), Salt Lake City, Utah

13 This rule change may become effective on (mm/dd/yyyy): 09/21/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

14 Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:

contractors

building codes

building inspection

licensing

15 Attach an RTF document containing the text of this rule change
(filename):

R156-15A.pro

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

AGENCY AUTHORIZATION

**Agency head or
designee, and title:**

Mark B. Steinagel, Director

Date 07/19/2016
(mm/dd/yyyy)