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**FIRE PREVENTION AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Katherine M. Bryson**

**This act modifies the Public Safety Code by adding prevention education to the duties of the state fire marshal. This act also sets a standard for the adoption of a state fire code and allows for the acceptance of electronic documents and digital signatures by the Department of Public Safety.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**53-7-103**, as renumbered and amended by Chapter 234, Laws of Utah 1993

**53-7-104**, as renumbered and amended by Chapter 234, Laws of Utah 1993

**53-7-106**, as renumbered and amended by Chapter 234, Laws of Utah 1993

**53-7-202**, as renumbered and amended by Chapter 234, Laws of Utah 1993

**53-7-203**, as last amended by Chapters 276 and 375, Laws of Utah 1997

**53-7-204**, as last amended by Chapter 192, Laws of Utah 1998

**53-7-204.2**, as last amended by Chapter 28, Laws of Utah 1995

**53-7-205**, as renumbered and amended by Chapter 234, Laws of Utah 1993

**53-7-209**, as renumbered and amended by Chapter 234, Laws of Utah 1993

**53-7-210**, as renumbered and amended by Chapter 234, Laws of Utah 1993

**53-7-304**, as last amended by Chapter 243, Laws of Utah 1996

**53-7-305**, as last amended by Chapter 86, Laws of Utah 2000

ENACTS:

**53-7-108**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53-7-103** is amended to read:

**53-7-103. State Fire Marshal Division -- Creation -- State fire marshal --**

28 **Appointment, qualifications, duties, and compensation.**

29 (1) There is created within the department the State Fire Marshal Division.

30 (2) (a) The director of the division is the state fire marshal, who shall be appointed by the  
31 commissioner upon the recommendation of the Utah Fire Prevention Board created in Section  
32 53-7-203 and with the approval of the governor.

33 (b) The state fire marshal is the executive and administrative head of the division, and shall  
34 be qualified by experience and education to enforce rules made under this chapter and perform the  
35 duties prescribed by the commissioner.

36 (3) The state fire marshal acts under the supervision and control of the commissioner and  
37 may be removed from his position at the will of the commissioner.

38 (4) The state fire marshal shall:

39 (a) enforce rules made under this chapter as provided in accordance with Section 53-7-104;

40 (b) complete the duties assigned by the commissioner;

41 (c) examine plans and specifications for school buildings, as required by Section  
42 53A-20-104;

43 (d) approve modifications or additions to plans and specifications for school building  
44 construction adopted by the State Board of Education, as required by Section 53A-20-102;

45 (e) approve criteria established by the state superintendent for building inspectors, as  
46 required by Sections 10-9-106 and 17-27-105; [~~and~~]

47 (f) promote and support injury prevention public education programs; and

48 [~~(f)~~] (g) perform all other duties provided in this chapter.

49 (5) The state fire marshal shall receive compensation as provided by Title 67, Chapter 19,  
50 Utah State Personnel Management Act.

51 Section 2. Section **53-7-104** is amended to read:

52 **53-7-104. Enforcement of rules -- Division of authority and responsibility.**

53 (1) The authority and responsibility for enforcing rules made under this chapter is divided  
54 as provided in this section.

55 (2) The fire officers of any city or county shall enforce the rules of the state fire marshal  
56 in their respective areas.

57 (3) The state fire marshal may enforce the rules in:

58 (a) areas outside of corporate cities, fire protection districts, and special districts organized

59 for fire protection purposes; and

60 (b) state-owned property, school district owned property, and privately owned property  
61 used for schools located within corporate cities and county fire protection districts, asylums,  
62 mental hospitals, hospitals, sanitariums, homes for the aged, residential health-care facilities,  
63 children's homes or institutions, or similar institutional type occupancy of any capacity.

64 (4) The state fire marshal may enforce the rules in corporate cities, counties, and fire  
65 protection districts, and special service districts organized for fire protection purposes upon  
66 ~~[written]~~ receiving a request [of] from the chief fire official or the local governing body.

67 Section 3. Section **53-7-106** is amended to read:

68 **53-7-106. Adoption of fire code.**

69 (1) ~~[Subject to Section 53-7-204, the Uniform Fire Code, as promulgated by the~~  
70 ~~International Fire Code Institute;]~~ A fire code promulgated by a nationally recognized code  
71 authority and adopted by the Utah Fire Prevention Board pursuant to Section 53-7-204 is the state  
72 fire code, to which cities, counties, fire protection districts, and the state shall adhere in  
73 safeguarding life and property from the hazards of fire and explosion.

74 (2) (a) The legislative body of a political subdivision may make ordinances that are more  
75 restrictive in its fire code requirements than the state fire code, in order to meet the public safety  
76 needs of the political subdivision.

77 (b) The legislative body of a political subdivision shall provide to the Utah Fire Prevention  
78 Board one copy of each ordinance enacted under Subsection (2)(a).

79 (c) The state fire marshal shall keep an indexed copy of the ordinances.

80 (d) Copies of the ordinances are available from the state fire marshal on request.

81 Section 4. Section **53-7-108** is enacted to read:

82 **53-7-108. Electronic writing.**

83 (1) Any writing required or permitted by this chapter may be filed or prepared in an  
84 electronic medium and by electronic transmission subject to the ability of the recipient to accept  
85 and process the electronic writing.

86 (2) Any writing required by this chapter to be signed that is in an electronic medium shall  
87 be signed by digital signature in accordance with Title 46, Chapter 3, Utah Digital Signature Act.

88 Section 5. Section **53-7-202** is amended to read:

89 **53-7-202. Definitions.**

90 As used in this part:

91 (1) "Agricultural and wildlife fireworks" means a class C dangerous explosive that:

92 (a) uses sound or light when deployed; and

93 (b) is designated to prevent crop damage or unwanted animals from entering a specified  
94 area.

95 (2) "Board" means the Utah Fire Prevention Board created in Section 53-7-203.

96 (3) "Class A explosive" means a class A explosive as defined by the U.S. Department of  
97 Transportation in Part 173, Title 49, Code of Federal Regulations.

98 (4) "Class B explosive" means a class B explosive as defined by the U.S. Department of  
99 Transportation in Part 173, Title 49, Code of Federal Regulations.

100 (5) "Class C explosive" means a class C explosive as defined by the U.S. Department of  
101 Transportation in Part 173, Title 49, Code of Federal Regulations.

102 (6) (a) "Class C common state approved explosive" means a class C explosive that is:

103 (i) a cardboard or heavy paper cylindrical tube or cone that:

104 (A) produces a shower of color and sparks that reach a maximum height of 15 feet;

105 (B) may whistle or pop; and

106 (C) is not designed to explode or leave the ground;

107 (ii) a pyrotechnic wheel device that:

108 (A) may be attached to a post or tree; and

109 (B) contains up to six "driver" units or tubes;

110 (iii) any device that:

111 (A) spins, jumps, or emits popping sounds when placed on the ground;

112 (B) does not exceed a height of 15 feet when discharged; and

113 (C) does not travel laterally more than ten feet on a smooth surface when discharged;

114 (iv) a morning glory, suzuki, or flutter sparkler; and

115 (v) a single tube day type parachute that does not carry any flare or flame upon descent.

116 (b) "Class C common state approved explosive" does not mean:

117 (i) class C dangerous explosives; or

118 (ii) exempt explosives.

119 (7) (a) "Class C dangerous explosive" means a class C explosive that is:

120 (i) a firecracker, cannon cracker, salute, cherry bomb, or other similar explosive;

121 (ii) a skyrocket or any device other than a model rocket that uses combustible or explosive  
122 material and rises more than 15 feet when discharged;

123 (iii) a roman candle or other device that discharges balls of fire over 15 feet in height;

124 (iv) a tube or cone aerial firework that propels comets, shells, salutes, flash shells, or  
125 similar devices more than 15 feet into the air; and

126 (v) a chaser, whistler, or other device that darts or travels more than ten feet laterally on  
127 a smooth surface or exceeds 15 feet in height when discharged.

128 (b) A "Class C dangerous explosive" does not mean:

129 (i) class C common state approved explosives; or

130 (ii) exempt explosives.

131 (8) "Display fireworks" means an aerial shell, salute, flash shell, comet, sky battle, mine,  
132 and any similar class C explosive or class B explosive.

133 (9) (a) "Display operator" means the person who purchases and is responsible for setting  
134 up and discharging display fireworks.

135 (b) "Display operator" does not mean a fire department.

136 (10) "Exempt explosive" means a model rocket, toy pistol cap, emergency signal flare,  
137 snake or glow worm, party popper, trick noisemaker, match, and wire sparkler under 12 inches in  
138 length.

139 (11) (a) "Fireworks" means:

140 (i) class C explosives;

141 (ii) class C dangerous explosives; and

142 (iii) class C common state approved explosives.

143 (b) "Fireworks" does not mean:

144 (i) exempt explosives;

145 (ii) class A explosives; and

146 (iii) class B explosives.

147 (12) "Importer" means a person who brings class B or class C explosives into Utah for the  
148 general purpose of resale within the state or exportation to other states.

149 (13) (a) "Pyrotechnic" means any composition or device manufactured or used to produce  
150 a visible or audible effect by combustion, deflagration, or detonation.

151 (b) "Pyrotechnic" does not mean exempt explosives.

152 (14) "Retail seller" means a person who sells class C common state approved explosives  
153 to the public during the period authorized under Section 53-7-225.

154 (15) "State fire code" means a nationally recognized fire code adopted by the Utah Fire  
155 Prevention Board pursuant to Section 53-7-204.

156 [~~(15)~~] (16) "Trick noisemaker" includes a:

157 (a) tube or sphere containing pyrotechnic composition that produces a white or colored  
158 smoke as its primary effect when ignited; and

159 (b) device that produces a small report intended to surprise the user, including a:

160 (i) "booby trap," which is a small tube with a string protruding from both ends that ignites  
161 the friction sensitive composition in the tube when the string is pulled;

162 (ii) "snapper," which is a small paper-wrapped device containing a minute quantity of  
163 explosive composition coated on bits of sand that explodes producing a small report;

164 (iii) "trick match," which is a kitchen or book match coated with a small quantity of  
165 explosive or pyrotechnic composition that produces a small shower of sparks when ignited;

166 (iv) "cigarette load," which is a small wooden peg coated with a small quantity of  
167 explosive composition that produces a small report when the cigarette is ignited; and

168 (v) "auto burglar alarm," which is a tube that:

169 (A) contains pyrotechnic composition that produces a loud whistle and smoke when  
170 ignited;

171 (B) may contain a small quantity of explosive to produce a small explosive noise; and

172 (C) is ignited by a squib.

173 [~~(16)~~] (17) "Unclassified fireworks" means any of the following:

174 (a) a pyrotechnic device that is used, given away, or offered for sale, that has not been  
175 tested, approved, and classified by the U.S. Department of Transportation;

176 (b) an approved device that has been altered or redesigned since obtaining approval by the  
177 U.S. Department of Transportation;

178 (c) a pyrotechnic device that is being tested by a manufacturer, importer, or wholesaler  
179 before receiving approval by the U.S. Department of Transportation.

180 [~~(17)~~] (18) "Wholesaler" means any of the following:

181 (a) a person who sells class C common state approved explosives to a retailer;

182 (b) a person who sells class B explosives or class C dangerous explosives for display use.

183 Section 6. Section **53-7-203** is amended to read:

184 **53-7-203. Utah Fire Prevention Board -- Creation -- Members -- Terms -- Selection**  
185 **of chair and officers -- Quorum -- Meetings -- Compensation -- Division's duty to implement**  
186 **board rules.**

187 (1) There is created within the division the Utah Fire Prevention Board.

188 (2) The board shall be nonpartisan and be composed of ten members appointed by the  
189 governor as follows:

190 (a) a city or county official;

191 (b) a licensed architect;

192 (c) a licensed engineer;

193 (d) a member of the Utah State Firemen's Association;

194 (e) the state forester;

195 (f) the commissioner of the Labor Commission or the commissioner's designee;

196 (g) a member of the Utah State Fire Chiefs Association;

197 (h) a member of the Utah Fire Marshal's Association;

198 (i) a building inspector; and

199 (j) a citizen appointed at large.

200 (3) (a) Except as required by Subsection (3)(b), as terms of current board members expire,  
201 the governor shall appoint each new member or reappointed member to a four-year term.

202 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time  
203 of appointment or reappointment, adjust the length of terms to ensure that the terms of board  
204 members are staggered so that approximately half of the board is appointed every two years.

205 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
206 appointed for the unexpired term.

207 (5) A member whose term has expired may continue to serve until a replacement is  
208 appointed pursuant to Subsection (3).

209 [~~5~~] (6) The board shall select from its members a chair and other officers as the board  
210 finds necessary.

211 [~~6~~] (7) A majority of the members of the board is a quorum.

212 [~~7~~] (8) The board shall hold regular semiannual meetings for the transaction of its  
213 business at a time and place to be fixed by the board and shall hold other meetings as necessary

214 for proper transaction of business.

215 [(8)] (9) (a) (i) Members who are not government employees shall receive no  
216 compensation or benefits for their services, but may receive per diem and expenses incurred in the  
217 performance of the member’s official duties at the rates established by the Division of Finance  
218 under Sections 63A-3-106 and 63A-3-107.

219 (ii) Members may decline to receive per diem and expenses for their service.

220 (b) (i) State government officer and employee members who do not receive salary, per  
221 diem, or expenses from their agency for their service may receive per diem and expenses incurred  
222 in the performance of their official duties from the board at the rates established by the Division  
223 of Finance under Sections 63A-3-106 and 63A-3-107.

224 (ii) State government officer and employee members may decline to receive per diem and  
225 expenses for their service.

226 (c) (i) Local government members who do not receive salary, per diem, or expenses from  
227 the entity that they represent for their service may receive per diem and expenses incurred in the  
228 performance of their official duties at the rates established by the Division of Finance under  
229 Sections 63A-3-106 and 63A-3-107.

230 (ii) Local government members may decline to receive per diem and expenses for their  
231 service.

232 [(9)] (10) The division shall implement the rules of the board and perform all other duties  
233 delegated by the board.

234 Section 7. Section **53-7-204** is amended to read:

235 **53-7-204. Duties of Utah Fire Prevention Board -- Local administrative duties.**

236 (1) The board shall:

237 (a) make rules:

238 (i) adopting a nationally recognized fire code and the specific edition of [the Uniform Fire  
239 Code] that fire code as the state fire code to be used as the standard;

240 (ii) establishing minimum standards for the prevention of fire and for the protection of life  
241 and property against fire and panic in any:

242 (A) publicly owned building, including all public and private schools, colleges, and  
243 university buildings;

244 (B) building or structure used or intended for use as an asylum, a mental hospital, a



245 hospital, a sanitarium, a home for the aged, an assisted living facility, a children's home or  
246 [~~institution~~] day care center, or any similar institutional type occupancy of any capacity; and  
247 (C) place of assemblage where 50 or more persons may gather together in a building,  
248 structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;  
249 (iii) establishing safety and other requirements for placement and discharge of display  
250 fireworks based upon:  
251 (A) the specific edition of the [~~Uniform Fire Code~~] nationally recognized fire code selected  
252 by the board under Subsection (1)(a)(i); and  
253 (B) relevant publications of the National Fire Protection Association;  
254 (iv) establishing minimum safety standards for retail storage, handling, and sale of class  
255 C common state approved explosives;  
256 (v) defining methods to establish proof of competence to place and discharge display  
257 fireworks;  
258 (vi) for deputizing qualified persons to act as deputy fire marshals, and to secure special  
259 services in emergencies;  
260 (vii) implementing Sections 53-7-106 and 53-7-205;  
261 (viii) setting guidelines for use of funding; and  
262 (ix) establishing criteria for training and safety equipment grants for fire departments  
263 enrolled in firefighter certification;  
264 (b) recommend to the commissioner a state fire marshal;  
265 (c) develop policies under which the state fire marshal and his authorized representatives  
266 will perform;  
267 (d) provide for the employment of field assistants and other salaried personnel as required;  
268 (e) prescribe the duties of the state fire marshal and his authorized representatives;  
269 (f) establish a statewide fire prevention, fire education, and fire service training program  
270 in cooperation with the Board of Regents;  
271 (g) establish a statewide fire statistics program for the purpose of gathering fire data from  
272 all political subdivisions of the state;  
273 (h) establish a fire academy in accordance with Section 53-7-204.2;  
274 (i) coordinate the efforts of all people engaged in fire suppression in the state;  
275 (j) work aggressively with the local political subdivisions to reduce fire losses; and

276 (k) regulate the sale and servicing of portable fire extinguishers and automatic fire  
277 suppression systems in the interest of safeguarding lives and property.

278 (2) The board may incorporate in its rules by reference, in whole or in part, nationally  
279 recognized and readily available standards and codes pertaining to the protection of life and  
280 property from fire, explosion, or panic.

281 (3) (a) The board may only make amendments to the [~~Uniform Fire Code~~] state fire code  
282 adopted under Subsection (1)(a)(i) in accordance with Section 53-7-205.

283 (b) The amendments may be applicable to the entire state or within a city, county, or fire  
284 protection district.

285 (4) The following functions shall be administered locally by a city, county, or fire  
286 protection district:

287 (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and  
288 19-2-114;

289 (b) creating a local board of appeals in accordance with [~~Section 2.303 of the Uniform Fire~~  
290 ~~Code~~] the state fire code; and

291 (c) establishing, modifying, or deleting fire flow and water supply requirements.

292 Section 8. Section **53-7-204.2** is amended to read:

293 **53-7-204.2. Fire Academy -- Establishment -- Fire Academy Support Fund --**

294 **Funding.**

295 (1) In this section:

296 (a) "Account" means the Fire Academy Support Account created in Subsection (4).

297 (b) "Property insurance premium" has the same meaning as provided in Section  
298 31A-1-301.

299 (2) The board shall:

300 (a) establish a fire academy that:

301 (i) provides instruction and training for paid, volunteer, institutional, and industrial  
302 firefighters;

303 (ii) develops new methods of firefighting and fire prevention;

304 (iii) provides training for fire and arson detection and investigation;

305 (iv) provides public education programs to promote fire safety;

306 (v) provides for certification of firefighters, pump operators, instructors, and officers; and

- 307 (vi) provides facilities for teaching fire-fighting skills;
- 308 (b) establish a cost recovery fee in accordance with Section 63-38-3.2 for training  
309 commercially employed firefighters; and
- 310 (c) request funding for the academy.
- 311 (3) The board may:
- 312 (a) accept gifts, donations, and grants of property and services on behalf of the fire  
313 academy; and
- 314 (b) enter into contractual agreements necessary to facilitate establishment of the school.
- 315 (4) (a) To provide a funding source for the academy, there is created in the General Fund  
316 a restricted account known as the Fire Academy Support Account.
- 317 (b) The following revenue shall be deposited in the account to implement this section:
- 318 (i) the percentage specified in Subsection (5) of the annual tax for each year that is levied,  
319 assessed, and collected under Title 59, Chapter 9, Taxation of Admitted Insurers, upon property  
320 insurance premiums and as applied to fire and allied lines insurance collected by insurance  
321 companies within the state;
- 322 (ii) the percentage specified in Subsection (6) of all money assessed and collected upon  
323 life insurance premiums within the state;
- 324 (iii) the cost recovery fees established by the board;
- 325 (iv) gifts, donations, and grants of property on behalf of the fire academy; and
- 326 (v) appropriations made by the Legislature.
- 327 (5) The percentage of the tax specified in Subsection (4)(b)(i) to be deposited in the  
328 account ~~[in]~~ each fiscal year~~[-]~~ is 25%.
- 329 ~~[(a) 1993-94 is 6.25%;]~~
- 330 ~~[(b) 1994-95 is 12.5%;]~~
- 331 ~~[(c) 1995-96 is 18.75%; and]~~
- 332 ~~[(d) 1996-97 and subsequent fiscal years is 25%.]~~
- 333 (6) The percentage of the money specified in Subsection (4)(b)(ii) to be deposited in the  
334 account ~~[in]~~ each fiscal year~~[-]~~ is 5%.
- 335 ~~[(a) 1993-94 is 1.25%;]~~
- 336 ~~[(b) 1994-95 is 2.5%;]~~
- 337 ~~[(c) 1995-96 is 3.75%; and]~~

338 [~~(d) 1996-97 and subsequent fiscal years is 5%.~~]

339 Section 9. Section **53-7-205** is amended to read:

340 **53-7-205. State fire code amendments -- Board duties and responsibilities.**

341 (1) The board shall receive from a city, county, or fire protection district requests for  
342 amendments to the [~~Uniform Fire Code~~] state fire code.

343 (2) The division or the board on its own initiative may make recommendations to the  
344 division for amendments to the [~~Uniform Fire Code~~] state fire code.

345 (3) (a) Within 45 days after receipt of a request or recommendation concerning an  
346 amendment, the board shall direct the division to convene an informal hearing concerning the  
347 amendment.

348 (b) The hearing shall be conducted in accordance with the rules of the board.

349 (c) The board shall decide to accept, modify, or reject the amendment.

350 (4) Within 15 days following the completion of the hearing, the board shall direct the  
351 division to [~~notify~~] send written notification, in a form prescribed by the board, to the city, county,  
352 or fire protection district of its decision [~~in writing~~].

353 (5) The board shall make rules incorporating the amendments accepted or modified under  
354 Subsection (3).

355 Section 10. Section **53-7-209** is amended to read:

356 **53-7-209. Inspection of buildings by officials.**

357 (1) A fire chief or officer may enter any building or premises not used as a private dwelling  
358 at any reasonable hour to inspect the building or premises and enforce the rules made under this  
359 part, including the [~~Uniform Fire Code~~] state fire code adopted under Section 53-7-204.

360 (2) The owner, lessee, manager, or operator of any building or premises not used as a  
361 private dwelling shall permit inspections under this section.

362 Section 11. Section **53-7-210** is amended to read:

363 **53-7-210. Fire investigations by local officers -- Notification to division.**

364 (1) The chief fire officer of any city, town, or county fire department, or of any fire district  
365 or special service district organized for fire protection purposes, or his authorized representative  
366 shall investigate the cause, origin, and circumstances of each fire occurring in his jurisdiction when  
367 property has been destroyed or damaged.

368 (2) The fire officer shall:

- 369 (a) begin the investigation immediately after the occurrence of the fire; and  
370 (b) attempt to determine, among other things, whether the fire was the result of  
371 carelessness or of design.

372 (3) If the fire officer making this investigation determines that the fire appears to be [of]  
373 suspicious [~~or incendiary~~], or of unknown origin [he shall immediately], the officer may notify the  
374 division to request assistance.

375 Section 12. Section **53-7-304** is amended to read:

376 **53-7-304. Liquefied Petroleum Gas Board -- Creation -- Composition -- Appointment**  
377 **-- Terms of officers -- Meetings -- Compensation.**

378 (1) (a) There is created within the division the Liquefied Petroleum Gas Board.

379 (b) The board is composed of seven members:

380 (i) two Utah fire chiefs or marshals;

381 (ii) two members of the general public; and

382 (iii) three members who are representatives of the LPG industry.

383 (2) The fire chiefs or marshals and the members of the general public shall be appointed  
384 by the governor, on a nonpartisan basis.

385 (3) Members of the board who are representatives of the LPG industry shall have been  
386 legal residents of the state for at least one year immediately preceding the date of appointment and  
387 have been actively engaged in the LPG industry for a period of at least five years.

388 (4) The LPG industry representatives shall be appointed by the governor from a list of at  
389 least five but no more than the 12 nominees receiving the largest number of votes according to  
390 written ballots executed by representatives of the licensees under Subsection (7).

391 (5) (a) Except as required by Subsection (5)(b), as terms of current board members expire,  
392 the governor shall appoint each new member or reappointed member to a four-year term.

393 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time  
394 of appointment or reappointment, adjust the length of terms to ensure that the terms of board  
395 members are staggered so that approximately half of the board is appointed every two years.

396 (c) Members serve from the date of appointment until a replacement is appointed.

397 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
398 appointed for the unexpired term.

399 (7) (a) The balloting of licensees shall be conducted by the division.

400 (b) For the appointments, the division shall forward to each licensee by registered or  
401 certified United States mail an official ballot for each staffed plant or facility held under Section  
402 53-7-309, with instructions for executing the ballot and returning it to the division.

403 (8) (a) The board shall elect its own chair and vice chair at its first regular meeting each  
404 calendar year.

405 (b) All meetings of the board shall be held on a prescribed date, at least quarterly, and at  
406 any time a majority of the board members [~~makes~~] sends a request [~~in writing~~] to the board chair.

407 (c) [~~Any five members constitute~~] A majority of the members of the board is a quorum for  
408 the transaction of business.

409 (9) (a) (i) Members who are not government employees shall receive no compensation or  
410 benefits for their services, but may receive per diem and expenses incurred in the performance of  
411 the member's official duties at the rates established by the Division of Finance under Sections  
412 63A-3-106 and 63A-3-107.

413 (ii) Members may decline to receive per diem and expenses for their service.

414 (b) (i) State government officer and employee members who do not receive salary, per  
415 diem, or expenses from their agency for their service may receive per diem and expenses incurred  
416 in the performance of their official duties from the board at the rates established by the Division  
417 of Finance under Sections 63A-3-106 and 63A-3-107.

418 (ii) State government officer and employee members may decline to receive per diem and  
419 expenses for their service.

420 Section 13. Section **53-7-305** is amended to read:

421 **53-7-305. Board rulemaking -- Notice.**

422 (1) (a) The board shall make rules as reasonably necessary for the protection of the health,  
423 welfare, and safety of the public and persons using LPG.

424 (b) The rules shall be in substantial conformity with the generally accepted standards of  
425 safety concerning LPG, and shall include the following conditions:

426 (i) the rules relating to safety in the storage, distribution, dispensing, transporting, and use  
427 of LPG in this state and in the manufacture, fabrication, assembly, sale, installation, and use of  
428 LPG systems, containers, apparatus, or appliances shall be reasonable; and

429 (ii) the rules shall conform as nearly as possible to the standards of the National Fire  
430 Protection Association, relating to the design, construction, installation, and use of systems,

431 containers, apparatus, appliances, and pertinent equipment for the storage, transportation,  
432 dispensation, and use of LPG.

433 (2) The board may make rules:

434 (a) setting minimum general standards covering the design, construction, location,  
435 installation, and operation of equipment for storing, handling, transporting by tank truck or tank  
436 trailer, or using LPG;

437 (b) specifying the odorization of the gases and the degree of odorization;

438 (c) governing LPG distributors and installers and the installation of LPG systems,  
439 carburetion systems, and fueling systems; and

440 (d) prescribing maximum container removal rates.

441 (3) (a) When a proposed rule is filed, the board shall give at least ten days' notice to all  
442 license applicants and licensees under this chapter by sending a notice of the proposed new,  
443 revised, or amended rule together with a notice of hearing to the licensee's current address on file  
444 with the board.

445 (b) Any person affected by rulemaking under this part may submit [~~written~~] comment, in  
446 a format prescribed by the board, on the rule.

447 (c) A certificate citing the adoption and the effective date of a rule shall be signed by the  
448 members comprising a majority of the board.

449 (d) Within ten days after the adoption of the rule, the board shall send to each license  
450 applicant or licensee, at his current address on file, a notice of the adoption of the rule, including  
451 its effective date.

452 (e) A facsimile of any member's signature may be used under this section if authorized by  
453 the member.

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**Legislative Review Note**  
**as of 8-14-00 3:11 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**