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~~text~~ shows text that was in SB0209 but was deleted in SB0209S01.

text shows text that was not in SB0209 but was inserted into SB0209S01.

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Senator Wayne A. Harper proposes the following substitute bill:

FIRE AND RESCUE TRAINING AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses fire and rescue training programs.

Highlighted Provisions:

This bill:

- ▶ requires Utah Valley University to operate a fire and rescue training program, with advice and support from the Utah Fire Prevention Board;
- ▶ repeals provisions relating to the Utah Fire Prevention Board's responsibility to establish a fire academy;
- ▶ modifies provisions relating to an account used to support operations of the State Fire Marshal Division;
- ▶ requires the Utah Fire Prevention Board to provide technical expertise, advice, and support to Utah Valley University with respect to the fire and rescue training

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program;

- ▶ requires Utah Valley University to provide the program without cost to designated individuals;
- ▶ requires Utah Valley University and the Utah Fire Prevention Board to enter into a contract to define the terms of their relationship relative to the fire and rescue training program; and
- ▶ requires Utah Valley University and the Utah Fire Prevention Board to report on the fire and rescue training program to legislative committees.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2021:

- ▶ to the ~~General Fund Restricted - Fire Academy Support Account:~~
 - ~~from the General Fund, (\$4,200,000);~~
- ▶ ~~to the Fire Marshal - Fire Fighter Training;~~ Department of Public Safety - Public Safety Programs and Operations:
 - from the General Fund Restricted - Fire Academy Support Account, (\$4,~~200~~273,000);
- ▶ to Utah Valley University - Education and General:
 - from the Education Fund, \$4,700,000;
- ▶ to the General Fund Restricted - Fire Academy Support Account:
 - from the General Fund, (\$4,200,000).

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-7-204, as last amended by Laws of Utah 2018, Chapter 152

53-7-204.2, as last amended by Laws of Utah 2011, Chapter 303

53-7-504, as enacted by Laws of Utah 2010, Chapter 376

53B-1-301, as enacted by Laws of Utah 2019, Chapter 324 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 444

ENACTS:

53B-29-101, Utah Code Annotated 1953

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53B-29-201, Utah Code Annotated 1953

53B-29-202, Utah Code Annotated 1953

53B-29-203, Utah Code Annotated 1953

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

Section 1. Section **53-7-204** is amended to read:

53-7-204. Duties of Utah Fire Prevention Board -- Unified Code Analysis Council

-- Local administrative duties.

(1) The board shall:

(a) administer the state fire code as the standard in the state;

(b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

(i) establishing standards for the prevention of fire and for the protection of life and property against fire and panic in any:

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

(B) building or structure used or intended for use as an asylum, a mental hospital, a hospital, a sanitarium, a home for the elderly, an assisted living facility, a children's home or day care center, or any building or structure used for a similar purpose; or

(C) place of assemblage where 50 or more persons may gather together in a building, structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;

(ii) establishing safety and other requirements for placement and discharge of display fireworks on the basis of:

(A) the state fire code; and

(B) relevant publications of the National Fire Protection Association;

(iii) establishing safety standards for retail storage, handling, and sale of class C common state approved explosives;

(iv) defining methods to establish proof of competence to place and discharge display fireworks, special effects fireworks, and flame effects;

(v) subject to Subsection (2), creating a uniform statewide policy regarding a state, county, special district, and local government entity's safe seizure, storage, and repurposing,

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destruction, or disposal of a firework, class A explosive, or class B explosive that:

- (A) is illegal; or
- (B) a person uses or handles in an illegal manner;
- (vi) deputizing qualified persons to act as deputy fire marshals, and to secure special services in emergencies;
- (vii) implementing Section 15A-1-403;
- (viii) setting guidelines for use of funding;
- (ix) establishing criteria for training and safety equipment grants for fire departments enrolled in firefighter certification;
- (x) establishing ongoing training standards for hazardous materials emergency response agencies; and
- (xi) establishing criteria for the fire safety inspection of a food truck;
- (c) recommend to the commissioner a state fire marshal;
- (d) develop policies under which the state fire marshal and the state fire marshal's authorized representatives will perform;
- (e) provide for the employment of field assistants and other salaried personnel as required;
- (f) prescribe the duties of the state fire marshal and the state fire marshal's authorized representatives;
- ~~[(g) establish a statewide fire prevention, fire education, and fire service training program in cooperation with the Board of Regents;]~~
- (g) provide technical expertise, advice, and support to Utah Valley University in the establishment and operation of the fire and rescue training program described in Section 53B-29-202;
- (h) establish a statewide fire statistics program for the purpose of gathering fire data from all political subdivisions of the state;
- ~~[(i) establish a fire academy in accordance with Section 53-7-204.2;]~~
- ~~[(j)]~~ (i) coordinate the efforts of all people engaged in fire suppression in the state;
- ~~[(k)]~~ (j) work aggressively with the local political subdivisions to reduce fire losses;
- ~~[(l)]~~ (k) regulate the sale and servicing of portable fire extinguishers and automatic fire suppression systems in the interest of safeguarding lives and property;

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~~(m)~~ (l) establish a certification program for persons who inspect and test automatic fire sprinkler systems;

~~(n)~~ (m) establish a certification program for persons who inspect and test fire alarm systems;

~~(o)~~ (n) establish a certification for persons who provide response services regarding hazardous materials emergencies;

~~(p)~~ (o) in accordance with Sections 15A-1-403 and 68-3-14, submit a written report to the Business and Labor Interim Committee; and

~~(q)~~ (p) jointly create the Unified Code Analysis Council with the Uniform Building Code Commission in accordance with Section 15A-1-203.

(2) (a) In the rules that the board makes under Subsection (1)(b)(v), the board shall include a provision prohibiting a state, county, special district, or local government entity from disposing of an item described in Subsection (1)(b)(v) by means of open burning, except under circumstances described in the rule.

(b) When making a rule under Subsection (1)(b)(v), the board shall:

(i) review and include applicable references to:

(A) requirements described in Title 15A, Chapter 5, State Fire Code Act; and

(B) provisions of the International Fire Code; and

(ii) consider the appropriate role of the following in relation to the rule:

(A) the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

(B) a firework wholesaler or distributor.

(3) The board may incorporate in its rules by reference, in whole or in part:

(a) the state fire code; or

(b) subject to the state fire code, a nationally recognized and readily available standard pertaining to the protection of life and property from fire, explosion, or panic.

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

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

(b) creating a local board of appeals in accordance with the state fire code; and

(c) subject to the state fire code and the other provisions of this chapter, establishing,

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modifying, or deleting fire flow and water supply requirements.

Section 2. Section **53-7-204.2** is amended to read:

53-7-204.2. Fire Prevention Support Account -- Funding.

(1) ~~[In]~~ As used in this section:

(a) "Account" means the Fire ~~[Academy]~~ Prevention Support Account created in Subsection ~~[(4)]~~ (2).

(b) "Property insurance premium" means premium paid as consideration for property insurance as defined in Section 31A-1-301.

~~[(2) The board shall:]~~

~~[(a) establish a fire academy that:]~~

~~[(i) provides instruction and training for paid, volunteer, institutional, and industrial firefighters;]~~

~~[(ii) develops new methods of firefighting and fire prevention;]~~

~~[(iii) provides training for fire and arson detection and investigation;]~~

~~[(iv) provides public education programs to promote fire safety;]~~

~~[(v) provides for certification of firefighters, pump operators, instructors, and officers; and]~~

~~[(vi) provides facilities for teaching fire-fighting skills;]~~

~~[(b) establish a cost recovery fee in accordance with Section 63J-1-504 for training commercially employed firefighters; and]~~

~~[(c) request funding for the academy.]~~

~~[(3) The board may:]~~

~~[(a) accept gifts, donations, and grants of property and services on behalf of the fire academy; and]~~

~~[(b) enter into contractual agreements necessary to facilitate establishment of the school.]~~

~~[(4)]~~ (2) (a) To provide a funding source ~~[for the academy and]~~ for the general operation of the ~~[State Fire Marshal Division]~~ division, there is created in the General Fund a restricted account known as the Fire ~~[Academy]~~ Prevention Support Account.

(b) The following revenue shall be deposited in the account to implement this section:

(i) the percentage specified in Subsection ~~[(5)]~~ (3) of the annual tax for each year that

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is levied, assessed, and collected under Title 59, Chapter 9, Taxation of Admitted Insurers, upon property insurance premiums and as applied to fire and allied lines insurance collected by insurance companies within the state;

(ii) the percentage specified in Subsection ~~[(6)]~~ (4) of all money assessed and collected upon life insurance premiums within the state;

~~[(iii) the cost recovery fees established by the board;]~~

~~[(iv) gifts, donations, and grants of property on behalf of the fire academy;]~~

~~[(v)]~~ (iii) appropriations made by the Legislature; and

~~[(vi)]~~ (iv) money collected from civil penalties in accordance with Section 53-7-504.

~~[(5)]~~ (3) The percentage of the tax specified in Subsection ~~[(4)]~~ (2)(b)(i) to be deposited in the account each fiscal year is 25%.

~~[(6)]~~ (4) The percentage of the money specified in Subsection ~~[(4)]~~ (2)(b)(ii) to be deposited in the account each fiscal year is 5%.

Section 3. Section **53-7-504** is amended to read:

53-7-504. Offenses -- Civil penalties -- Penalty money to be deposited into the Fire Prevention Support Account.

(1) (a) A person may not sell, offer for sale, or distribute a novelty lighter in this state.

(b) A person may not import a novelty lighter into this state for the purpose of selling or distributing the novelty lighter within this state.

(c) A person may not possess a novelty lighter in inventory for the purpose of selling or distributing the novelty lighter within this state.

(2) (a) The state fire marshal may assess a civil penalty against a person who violates Subsection (1) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(b) The civil penalty for a violation of Subsection (1) may not exceed:

(i) \$10,000 for the importation of novelty lighters;

(ii) \$1,000 if the person acts as a wholesaler of novelty lighters or distributes novelty lighters by means other than distribution directly to consumers; and

(iii) \$500 if the person is:

(A) a retail seller of novelty lighters; or

(B) a person distributing novelty lighters, other than as a manufacturer, importer, or wholesaler.

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(3) If a person continues to violate this section after the state fire marshal gives the person written notice of a violation, each day that the violation continues after written notice is given is a separate offense subject to a civil penalty.

(4) (a) For purposes of imposing civil penalties, it is prima facie evidence that a lighter is a novelty lighter if the lighter is listed by the state fire marshal as a novelty lighter under Section 53-7-503, or is of a class or type of lighter listed by the state fire marshal as a novelty lighter.

(b) Listing by the state fire marshal is not a requirement for a determination that a lighter is a novelty lighter.

(5) All money collected from civil penalties under this section shall be deposited [in] into the Fire [Academy] Prevention Support Account created in Section 53-7-204.2.

(6) A person may seek judicial review of a final agency action under this part as provided in Title 63G, Chapter 4, Administrative Procedures Act.

Section 4. Section **53B-1-301** is amended to read:

53B-1-301. Reports to and actions of the Higher Education Appropriations Subcommittee.

(1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are due to the Higher Education Appropriations Subcommittee:

(a) the reports described in Sections 34A-2-202.5, 53B-17-804, and 59-9-102.5 by the Rocky Mountain Center for Occupational and Environmental Health;

(b) the report described in Section 53B-7-101 by the board on recommended appropriations for higher education institutions, including the report described in Section 53B-8-104 by the board on the effects of offering nonresident partial tuition scholarships;

(c) the report described in Section 53B-7-704 by the Department of Workforce Services and the Governor's Office of Economic Development on targeted jobs;

(d) the reports described in Section 53B-7-705 by the board and the Utah System of Technical Colleges Board of Trustees, respectively, on performance;

(e) the report described in Section 53B-8-201 by the board on the Regents' Scholarship Program;

(f) the report described in Section 53B-8-303 by the State Board of Regents regarding Access Utah promise scholarships;

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(g) the report described in Section 53B-8d-104 by the Division of Child and Family Services on tuition waivers for wards of the state;

(h) the report described in Section 53B-12-107 by the Utah Higher Education Assistance Authority;

(i) the report described in Section 53B-13a-104 by the board on the Success Stipend Program;

(j) the report described in Section 53B-17-201 by the University of Utah regarding the Miners' Hospital for Disabled Miners;

(k) the report described in Section 53B-26-103 by the Governor's Office of Economic Development on high demand technical jobs projected to support economic growth;

(l) the report described in Section 53B-26-202 by the Medical Education Council on projected demand for nursing professionals; and

(m) the report described in Section 53E-10-308 by the State Board of Education and State Board of Regents on student participation in the concurrent enrollment program.

(2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Higher Education Appropriations Subcommittee:

(a) upon request, the information described in Section 53B-8a-111 submitted by the Utah Educational Savings Plan;

(b) as described in Section 53B-26-103, a proposal by an eligible partnership related to workforce needs for technical jobs projected to support economic growth;

(c) a proposal described in Section 53B-26-202 by an eligible program to respond to projected demand for nursing professionals; ~~and~~

(d) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board on the fire and rescue training program described in Section 53B-29-202; and

~~[(d)]~~ (e) the reports described in Section 63C-19-202 by the Higher Education Strategic Planning Commission on the commission's progress.

(3) In accordance with applicable provisions, the Higher Education Appropriations Subcommittee shall complete the following:

(a) as required by Section 53B-7-703, the review of performance funding described in Section 53B-7-703;

(b) the review described in Section 53B-7-705 of the implementation of performance

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funding;

(c) an appropriation recommendation described in Section 53B-26-103 to fund a proposal responding to workforce needs of a strategic industry cluster;

(d) an appropriation recommendation described in Section 53B-26-202 to fund a proposal responding to projected demand for nursing professionals; and

(e) review of the report described in Section 63B-10-301 by the University of Utah on the status of a bond and bond payments specified in Section 63B-10-301.

Section 5. Section **53B-29-101** is enacted to read:

CHAPTER 29. UTAH VALLEY UNIVERSITY

Part 1. General Provisions

53B-29-101. Title.

This chapter is known as "Utah Valley University."

Section 6. Section **53B-29-201** is enacted to read:

Part 2. Fire and Rescue Training Program

53B-29-201. Definitions.

As used in this part:

(1) "Fire and rescue training program" means the program described in Section 53B-29-202.

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

Section 7. Section **53B-29-202** is enacted to read:

53B-29-202. Fire prevention, education, and training program.

(1) With technical advice and support from the fire board, Utah Valley University shall operate a statewide fire and rescue service training program that:

(a) provides instruction, training, and testing for:

(i) Utah Valley University students; and

(ii) firefighters and emergency rescue personnel throughout the state, whether paid or volunteer;

(b) explores new methods of firefighting, fire training, and fire prevention;

(c) provides training for fire and arson detection and investigation;

(d) provides training to students, firefighters, and emergency rescue personnel on how to conduct public education programs to promote fire safety;

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(e) provides for certification of firefighters, pump operators, instructors, officers, and rescue personnel; and

(f) provides facilities and props for teaching firefighting and emergency rescue skills.

(2) Utah Valley University shall ensure that the curriculum, training, and facilities offered in the fire and rescue training program are sufficient to allow individuals who successfully complete the program to receive applicable certification as a firefighter or emergency rescue professional.

(3) Utah Valley University and the fire board shall consult together regarding:

(a) the development and content of the curriculum and training of the fire and rescue training program;

(b) the identification of individuals who will be permitted to participate in the fire and rescue program without cost; and

(c) the establishment of certification standards and requirements.

(4) Utah Valley University shall allow individuals designated by the fire board to participate in and complete the fire and rescue training program without cost and to receive applicable certification.

(5) Utah Valley University and the fire board shall by contract establish terms to:

(a) define the scope and content of the fire and rescue training program;

(b) identify the fire and rescue personnel throughout the state who will be permitted to participate in the fire and rescue training program without cost; and

(c) define other aspects of the relationship between Utah Valley University and the fire board relating to the fire and rescue training program that are mutually beneficial.

Section 8. Section **53B-29-203** is enacted to read:

53B-29-203. Reporting requirement.

In 2023, no later than October 31, 2023, Utah Valley University and the fire board shall report to the Education Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the Higher Education Appropriations Subcommittee of the Legislature about:

(1) the operation of the fire and rescue training program, including successes and challenges associated with the operation of the fire and rescue training program; and

(2) the positive aspects of and any concerns relating to the relationship between Utah Valley University and the fire board with respect to the fire and rescue training program.

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Section 9. ~~{Appropriation}~~ **Appropriations.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2020 and ending June 30, 2021. These are additions to amounts previously appropriated for fiscal year 2021.

Section 9a. Operating and Capital Budgets.

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Department of Public Safety - Public Safety Programs and Operations

From General Fund Restricted - Fire Academy

Support Account (\$4,273,000)

Schedule of Programs:

Fire Fighter Training (\$4,273,000)

ITEM 2

To Utah Valley University - Education and General

From Education Fund \$4,700,000

Schedule of Programs:

Education and General \$4,700,000

The Legislature intends that Utah Valley University use the money appropriated in this bill to fund the fire and rescue training program described in Section 53B-29-202.

Section 9b. Restricted Fund and Account Transfers.

The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds or accounts to which the money is transferred must be authorized by an appropriation.

~~{Department of Public Safety~~

~~{ITEM {1~~

~~From General Fund~~ ~~(\$4,200,000)~~

~~—————Schedule of Programs:~~

~~—————General Fund Restricted - Fire Academy~~

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~~Support Account~~ ~~(\$4,200,000)~~

~~Section 9a. Operating and Capital Budgets:~~

~~The following sums of money are appropriated for the fiscal year beginning July 1, 2020 and ending June 30, 2021. These are additions to amounts previously appropriated for fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah:~~

~~ITEM 2~~

~~From~~ ~~3~~

~~To General Fund Restricted - Fire Academy Support Account~~

~~From General Fund~~ ~~(\$4,200,000)~~

~~{Schedule of Programs:~~

~~Fire Marshal - Fire Fighter Training~~ ~~(\$4,200,000)~~

~~Utah Valley University~~

~~ITEM 3~~

~~To Utah Valley University - Education and General~~

~~From Education Fund~~ ~~\$4,700,000~~

~~{ Schedule of Programs:~~

~~{Education and General~~ ~~\$4,700,000~~

~~The Legislature intends that Utah Valley University use the money appropriated in this bill to fund the fire and rescue training program described in Section 53B-29-202:~~

~~{ General Fund Restricted - Fire Academy~~

~~Support Account~~ ~~(\$4,200,000)~~