

FIRE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses fires.

Highlighted Provisions:

This bill:

- ▶ requires certain fires be exempted from certain regulation;
- ▶ prohibits a governmental agency from prohibiting fires being started when the United States National Weather Service clearing index for the area where the fire is to occur is above a certain level; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-2-114, as last amended by Laws of Utah 2015, Chapter 154

RENUMBERS AND AMENDS:

19-2a-105, (Renumbered from 19-2-107.6, as enacted by Laws of Utah 2019, Chapter 51)



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

29 Section 1. Section **19-2-114** is amended to read:

30 **19-2-114. Activities not in violation of chapter or rules.**

31 (1) As used in this section:

32 (a) "Land manager" means a person who administers, directs, oversees, or controls the
33 use of public land, including the application of fire to the land.

34 (b) "Pile burn" means a fire or fires that a land manager ignites for fuel mitigation
35 designed to keep wildland healthy and prevent dangerous wildfires by burning leaves, pine
36 needles, downed trees, standing trees, thick vegetation, or similar other organic material.

37 (c) "Prescribed fire" means a fire that a land manager ignites to meet a specific public
38 safety objective.

39 (d) "Wildland" means an area in which development is essentially nonexistent other
40 than the existence of a pipeline, power line, road, railroad, or other transportation or
41 conveyance facility or one or more structures that are widely scattered.

42 (2) The following are not a violation of this chapter or of a rule made under [it] this
43 chapter:

44 ~~[(1)]~~ (a) burning incident to horticultural or agricultural operations of:

45 ~~[(a)]~~ (i) prunings from trees, bushes, and plants; or

46 ~~[(b)]~~ (ii) dead or diseased trees, bushes, and plants, including stubble;

47 ~~[(2)]~~ (b) burning of weed growth along ditch banks incident to clearing these ditches
48 for irrigation purposes;

49 ~~[(3)]~~ (c) controlled heating of orchards or other crops to lessen the chances of their
50 being frozen so long as the emissions from this heating do not violate minimum standards set
51 by the board; ~~[and]~~

52 (d) a prescribed fire;

53 (e) a pile burn; and

54 ~~[(4)]~~ (f) the controlled burning of not more than two structures per year by an
55 organized and operating fire department for the purpose of training fire service personnel
56 ~~[when the United States Weather Service clearing index for the area where the burn is to occur~~
57 ~~is above 500].~~

58 Section 2. Section **19-2a-105**, which is renumbered from Section 19-2-107.6 is

59 renumbered and amended to read:

60 ~~[19-2-107.6].~~ 19-2a-105. Prescribed fires, pile burns, and nonfull
61 suppression events.

62 (1) As used in this section:

63 ~~(a)~~ (a) "Board" means the Air Quality Board.

64 ~~[(a)]~~ (b) "Burn plan" means the plan required for each fire application ignited by a land
65 manager.

66 ~~[(b)]~~ (c) "Burn window" means the period of time during which the prescribed fire is
67 scheduled for ignition.

68 (d) "Division" means the Division of Air Quality created in Section [19-1-105](#).

69 ~~[(e)]~~ (e) "Land manager" means a person who administers, directs, oversees, or
70 controls the use of public land, including the application of fire to the land.

71 ~~[(d)]~~ (f) "Large prescribed fire" means a prescribed fire that ~~[a land manager ignites to~~
72 ~~meet a specific objective, including]~~ has a resource benefit that covers 20 acres or more per
73 burn.

74 ~~[(e)]~~ (g) "Large prescribed pile fire" means a fire that a land manager ignites to meet a
75 specific objective, including a resource benefit, that exceeds 30,000 cubic feet per day.

76 ~~[(f)]~~ (h) "Nonfull suppression event" means a naturally ignited wildland fire for which
77 a land manager secures less than full suppression to accomplish a specific prestated resource
78 management objective in a predefined geographic area.

79 (i) "Pile burn" means the same as that term is defined in Section [19-2-114](#).

80 (j) "Prescribed fire" means the same as that term is defined in Section [19-2-114](#).

81 ~~[(g)]~~ (k) "Wildland" means an area in which development is essentially nonexistent
82 other than the existence of a pipeline, power line, road, railroad, or other transportation or
83 conveyance facility or one or more structures that are widely scattered.

84 (2) (a) The division may not permit a land manager to conduct a large prescribed fire or
85 large prescribed pile fire if the land manager does not comply with the rules made by the board
86 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

87 (b) In the rules made by the board under this Subsection (2), the board shall require the
88 land manager to:

89 (i) describe the use of a state, county, or municipal resource in the large prescribed fire

90 or large prescribed pile fire;

91 (ii) provide the division the burn plan for a large prescribed fire or large prescribed pile
92 fire by no later than one week before the day of the burn window; and

93 (iii) notify the division of a nonfull suppression event once a fire becomes a nonfull
94 suppression event.

95 (c) In the rules made by the board under this Subsection (2), the board may not prohibit
96 a land manager from igniting a fire on the basis that the United States National Weather
97 Service clearing index for the area in which the prescribed fire or pile burn is to occur is above
98 a certain level.

99 (3) A state or local government entity other than the board with jurisdiction over a fire
100 may not prohibit a land manager from igniting a fire on the basis that the United States
101 National Weather Service clearing index for the area in which the prescribed fire or pile burn is
102 to occur is above a certain level.