

1 **WILDLAND FIRE AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Casey Snider**

5 Senate Sponsor: Evan J. Vickers

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses state management of wildland fires.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ authorizes use of the Sovereign Lands Management Account for salary increases;
- 13 ▶ requires the division to develop and maintain a wildfire risk assessment mapping
- 14 tool;
- 15 ▶ requires reporting;
- 16 ▶ addresses the Wildland Fire Suppression Fund including granting rulemaking
- 17 authority;
- 18 ▶ addresses employment of fire wardens;
- 19 ▶ provides for a study of wildland fire related pay plans; and
- 20 ▶ make technical changes.

21 **Money Appropriated in this Bill:**

22 This bill appropriates in fiscal year 2022:

- 23 ▶ to Department of Natural Resources -- Division of Forestry, Fire, and State Lands,
- 24 as an ongoing appropriation:
 - 25 • From Sovereign Lands Management Account, \$200,000;
- 26 ▶ to Department of Natural Resources -- Division of Forestry, Fire, and State Lands,
- 27 as a one-time appropriation:
 - 28 • From Sovereign Lands Management Account, One-time, \$200,000;

29 ▶ to Department of Natural Resources -- Division of Forestry, Fire, and State Lands,
30 as an ongoing appropriation:

- 31 • from Sovereign Lands Management Account, \$35,000.

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **65A-5-1**, as last amended by Laws of Utah 2018, Chapter 413

37 **65A-8-203**, as last amended by Laws of Utah 2016, Chapter 174

38 **65A-8-204**, as last amended by Laws of Utah 2019, Chapter 118

39 **65A-8-209.1**, as enacted by Laws of Utah 2016, Chapter 174

40 ENACTS:

41 **67-19-12.6**, Utah Code Annotated 1953



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

44 Section 1. Section **65A-5-1** is amended to read:

45 **65A-5-1. Sovereign Lands Management Account.**

46 (1) There is created within the General Fund a restricted account known as the
47 "Sovereign Lands Management Account."

48 (2) The account shall consist of the following:

49 (a) [~~all~~] the revenues derived from sovereign lands;

50 (b) that portion of [~~all~~] the revenues derived from mineral leases on other lands
51 managed by the division necessary to recover management costs;

52 (c) any fees deposited by the division; and

53 (d) amounts deposited into the account in accordance with Section **59-23-4**.

54 (3) [~~AH~~] The expenditures of the division relating directly to the management of state
55 lands shall be funded by appropriation by the Legislature from the Sovereign Lands

56 Management Account or other sources.

57 (4) The Legislature may appropriate [~~funds~~] money in the account to reimburse one or
58 more state government entities for money spent on the operation of national parks, national
59 monuments, national forests, and national recreation areas in the state during a fiscal
60 emergency, as defined in Section 79-4-1102.

61 (5) The division shall use the amount deposited into the account under Subsection
62 (2)(d) for the Great Salt Lake as described in Section 65A-10-8 as directed by the Great Salt
63 Lake Advisory Council created in Section 73-30-201.

64 (6) After the expenditures under Subsections (3) through (5), the division shall use
65 money appropriated from the Sovereign Lands Management Account to provide for salary
66 increases to state personnel employed by the division to perform wildland fire management
67 with the division prioritizing salary increases for county fire wardens and assistant wardens.

68 Section 2. Section 65A-8-203 is amended to read:

69 **65A-8-203. Cooperative fire protection agreements with counties, cities, towns, or**
70 **special service districts.**

71 (1) As used in this section:

72 (a) "Eligible entity" means:

73 (i) a county, a municipality, or a special service district, local district, or service area
74 with:

75 (A) wildland fire suppression responsibility as described in Section 11-7-1; and

76 (B) wildland fire suppression cost responsibility and taxing authority for a specific
77 geographic jurisdiction; or

78 (ii) upon approval by the director, a political subdivision established by a county,
79 municipality, special service district, local district, or service area that is responsible for:

80 (A) providing wildland fire suppression services; and

81 (B) paying for the cost of wildland fire suppression services.

82 (b) "Fire service provider" means a public or private entity that fulfills the duties of

83 Subsection 11-7-1(1).

84 (2) (a) The governing body of any eligible entity may enter into a cooperative
85 agreement with the division to receive financial and wildfire management cooperation and
86 assistance from the division, as described in this [~~Title 65A, Chapter 8, Part 2, Fire Control~~]
87 part.

88 (b) A cooperative agreement shall last for a term of no more than five years and be
89 renewable if the eligible entity continues to meet the requirements of this chapter.

90 (3) (a) An eligible entity may not receive financial cooperation or financial assistance
91 under Subsection (2)(a) until a cooperative agreement is executed by the eligible entity and the
92 division.

93 (b) The state shall assume an eligible entity's cost of suppressing catastrophic wildfire
94 as defined in the cooperative agreement if the eligible entity has entered into, and is in full
95 compliance with, a cooperative agreement with the division, as described in this section.

96 (c) A county or municipality that is not covered by a cooperative agreement with the
97 division, as described in this section, shall be responsible for wildland fire costs within the
98 county or municipality's jurisdiction, as described in Section 65A-8-203.2.

99 (4) In order to enter into a cooperative agreement with the division, the eligible entity
100 shall:

101 (a) if the eligible entity is a county, adopt and enforce on unincorporated land a
102 wildland fire ordinance based upon minimum standards established by the division or Uniform
103 Building Code Commission;

104 (b) require that the fire department or equivalent fire service provider under contract
105 with, or delegated by, the eligible entity on unincorporated land meet minimum standards for
106 wildland fire training, certification, and suppression equipment based upon nationally accepted
107 standards as specified by the division;

108 (c) invest in prevention, preparedness, and mitigation efforts, as agreed to with the
109 division, that will reduce the eligible entity's risk of catastrophic wildfire;

110 (d) file with the division an annual accounting of wildfire prevention, preparedness,
111 mitigation actions, and associated costs;

112 (e) return the financial statement described in Subsection (6), signed by the chief
113 executive of the eligible entity, to the division on or before the date set by the division; and

114 (f) if the eligible entity is a county, have a designated fire warden as described in
115 Section [65A-8-209.1](#).

116 (5) (a) The state forester may execute a cooperative agreement with the eligible entity.

117 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
118 Administrative Rulemaking Act, governing the:

119 (i) cooperative agreements described in this section;

120 (ii) manner in which an eligible entity shall provide proof of compliance with
121 Subsection (4);

122 (iii) manner by which the division may revoke a cooperative agreement if an eligible
123 entity ceases to meet the requirements described in this section;

124 (iv) accounting system for determining suppression costs;

125 (v) manner in which the division shall determine the eligible entity's participation
126 commitment; and

127 (vi) manner in which an eligible entity may appeal a division determination.

128 (6) (a) The division shall send a financial statement to each eligible entity participating
129 in a cooperative agreement that details the eligible entity's participation commitment for the
130 coming fiscal year, including the prevention, preparedness, and mitigation actions agreed to
131 under Subsection (4)(c).

132 (b) Each eligible entity participating in a cooperative agreement shall:

133 (i) have the chief executive of the eligible entity sign the financial statement, or the
134 legislative body of the eligible entity approve the financial statement by resolution, confirming
135 the eligible entity's participation for the upcoming year; and

136 (ii) return the financial statement to the division, on or before a date set by the division.

137 (c) A financial statement shall be effective for one calendar year, beginning on the date
138 set by the division, as described in Subsection (6)(b).

139 (7) (a) An eligible entity may revoke a cooperative agreement before the end of the
140 cooperative agreement's term by:

141 (i) informing the division, in writing, of the eligible entity's intention to revoke the
142 cooperative agreement; or

143 (ii) failing to sign and return its annual financial statement, as described in Subsection
144 (6)(b), unless the director grants an extension.

145 (b) An eligible entity may not revoke a cooperative agreement before the end of the
146 term of a signed annual financial statement, as described in Subsection (6)(c).

147 (8) The division shall develop and maintain a wildfire risk assessment mapping tool
148 that is online and publicly accessible.

149 (9) By no later than the 2021 November interim meeting of the Natural Resources,
150 Agriculture, and Environment Interim Committee, the division shall report on the eligible
151 entities' adherence to and implementation of their participation commitment under this chapter.

152 Section 3. Section **65A-8-204** is amended to read:

153 **65A-8-204. Wildland Fire Suppression Fund created.**

154 (1) There is created an expendable special revenue fund known as the "Wildland Fire
155 Suppression Fund."

156 (2) The fund shall be administered by the division to pay wildfire suppression costs on
157 eligible lands, as wildfire suppression costs are defined by the division by rule made in
158 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including for an
159 eligible entity that has entered into a cooperative agreement, as described in Section
160 65A-8-203.

161 (3) Subject to Section **65A-8-213**, the contents of the fund shall include:

162 (a) interest and earnings from the investment of fund money;

163 (b) money appropriated by the Legislature;

- 164 (c) costs recovered from successful investigations;
 - 165 (d) federal funds received by the division for wildfire management costs;
 - 166 (e) suppression costs billed to an eligible entity that does not participate in a
167 cooperative agreement;
 - 168 (f) suppression costs paid to the division by another state agency;
 - 169 (g) costs recovered from settlements and civil actions related to wildfire suppression;
 - 170 (h) restitution payments ordered by a court following a criminal adjudication;
 - 171 (i) the balance of the fund as of July 1, 2016;
 - 172 (j) money deposited by the Division of Finance, pursuant to Section 59-21-2; and
 - 173 (k) money transferred by the Division of Finance, pursuant to Section 63J-1-314.
- 174 (4) Fund money shall be invested by the state treasurer with the earnings and interest
175 accruing to the fund.

176 Section 4. Section 65A-8-209.1 is amended to read:

177 **65A-8-209.1. County fire warden.**

178 (1) (a) ~~[Each]~~ A county that participates in a cooperative agreement with the division,
179 as described in Section 65A-8-203, shall be represented by a county fire warden ~~[at a minimum~~
180 ~~during the closed fire season, as described in Section 65A-8-211;]~~ who is employed by the
181 division as a county fire warden full-time and year round, except as provided in Subsections
182 (1)(b) and (c).

183 (b) A county of the fifth class that, as of January 1, 2016, is cost-sharing a county fire
184 warden with an adjacent county may continue to do so with the approval of the state forester.

185 (c) A county of the sixth class may cost-share a county fire warden with an adjacent
186 county, with the approval of the state forester.

187 (2) The salary and benefits paid to a county fire warden shall be:

188 (a) divided by the division and the county; or

189 (b) paid partly by the division with the remainder shared by agreement between ~~[all]~~
190 the counties the county fire warden represents.

191 (3) (a) The division shall employ [~~all~~] the county fire wardens.

192 (b) An individual who is employed by a county as a county fire warden on or before
193 January 1, 2016, is not subject to the requirement to be employed by the division.

194 Section 5. Section **67-19-12.6** is enacted to read:

195 **67-19-12.6. Study of wildland fire related pay plans.**

196 By no later than June 30, 2021, the department shall complete a comprehensive
197 comparison of federal, state, and municipal wildland fire agencies or departments to
198 recommend whether salary ranges should be adjusted for state employed wildland firefighters.

199 Section 6. **Appropriation.**

200 The following sums of money are appropriated for the fiscal year beginning July 1,
201 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for
202 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
203 Act, the Legislature appropriates the following sums of money from the funds or accounts
204 indicated for the use and support of the government of the state of Utah.

205 ITEM 1

206 To Department of Natural Resources -- Division of Forestry, Fire, and State Lands
207 From Sovereign Lands Management Account \$200,000
208 Schedule of Programs:
209 Program Delivery \$200,000

210 The Legislature intends that the appropriations under this item be used to provide for
211 salary increases under Subsection [65A-5-1\(6\)](#).

212 ITEM 2

213 To Department of Natural Resources -- Division of Forestry, Fire, and State Lands
214 From Sovereign Lands Management Account, one-time \$200,000
215 Schedule of Programs:
216 Program Management \$200,000

217 The Legislature intends that the appropriations under this item be used to develop a

218 wildfire risk assessment mapping tool that is online and publicly accessible under Subsection
219 [65A-8-203\(8\)](#).

220 ITEM 3

221 To Department of Natural Resources -- Division of Forestry, Fire, and State Lands

222 From Sovereign Lands Management Account \$35,000

223 Schedule of Programs:

224 Program Management \$35,000

225 The Legislature intends that the appropriations under this item be used to maintain a
226 wildfire risk assessment mapping tool that is online and publicly accessible under Subsection
227 [65A-8-203\(8\)](#).