

1 **WILDLAND FIRE WORKERS' COMPENSATION**

2 **AMENDMENTS**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jeffrey D. Stenquist**

6 Senate Sponsor: _____

7

LONG TITLE

8 **General Description:**

9 This bill creates a fund to address certain workers' compensation costs.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ enacts the Wildland Fire Response Workers' Compensation Liability Fund Act,
13 including:

- 14 • defining terms;
- 15 • creating the fund, subject to a cap;
- 16 • requiring reporting;
- 17 • creating a grant program; and
- 18 • authorizing rulemaking; and

19 ▶ makes technical and conforming amendments.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **65A-8-204**, as last amended by Laws of Utah 2017, Chapter 210



28 ENACTS:

29 [65A-16-101](#), Utah Code Annotated 1953

30 [65A-16-102](#), Utah Code Annotated 1953

31 [65A-16-201](#), Utah Code Annotated 1953

32 [65A-16-202](#), Utah Code Annotated 1953

33

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

35 Section 1. Section **65A-8-204** is amended to read:

36 **65A-8-204. Wildland Fire Suppression Fund created.**

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

39 (2) The fund shall be administered by the division to pay:

40 (a) wildfire suppression costs on eligible lands, including for an eligible entity that has
41 entered into a cooperative agreement, as described in Section [65A-8-203](#); and

42 (b) the charge imposed by the division to fund the Wildland Fire Response Workers'
43 Compensation Liability Fund created in Section [65A-16-201](#).

44 (3) The contents of the fund shall include:

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

46 (b) money appropriated by the Legislature;

47 (c) costs recovered from successful investigations;

48 (d) federal funds received by the division for wildfire management costs;

49 (e) suppression costs billed to an eligible entity that does not participate in a
50 cooperative agreement;

51 (f) suppression costs paid to the division by another state agency;

52 (g) costs recovered from settlements and civil actions related to wildfire suppression;

53 (h) restitution payments ordered by a court following a criminal adjudication;

54 (i) the balance of the fund as of July 1, 2016;

55 (j) money deposited by the Division of Finance, pursuant to Section [59-21-2](#); [~~and~~]

56 (k) money transferred by the Division of Finance, pursuant to Section [63J-1-314](#)[~~;~~]; and

57 (l) money transferred pursuant to Section [65A-16-201](#).

58 (4) Fund money shall be invested by the state treasurer with the earnings and interest

59 accruing to the fund.

60 Section 2. Section **65A-16-101** is enacted to read:

61 **CHAPTER 16. WILDLAND FIRE RESPONSE WORKERS' COMPENSATION**

62 **LIABILITY FUND ACT**

63 **Part 1. General Provisions**

64 **65A-16-101. Title.**

65 This chapter is known as the "Wildland Fire Response Workers' Compensation
66 Liability Fund Act."

67 Section 3. Section **65A-16-102** is enacted to read:

68 **65A-16-102. Definitions.**

69 As used in this chapter:

70 (1) "Catastrophic" is as defined by rule made by the division in accordance with Title
71 63G, Chapter 3, Utah Administrative Rulemaking Act.

72 (2) "Catastrophic injury" means an injury that:

73 (a) is catastrophic or results in death; and

74 (b) arises out of and in the course of a qualified firefighter responding to a wildland
75 fire.

76 (3) "Catastrophic workers' compensation claim" means a claim for workers'
77 compensation benefits under Title 34A, Chapter 2, Workers' Compensation Act, on the basis of
78 a catastrophic injury.

79 (4) "Fund" means the Wildland Fire Response Workers' Compensation Liability Fund
80 created in Section [65A-16-201](#).

81 (5) "Local government" means a county, city, town, special service district, or local
82 district.

83 (6) "Qualified wildland firefighter" is defined by rule made by the division in
84 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

85 (7) "Responding to a wildland fire" is defined by rule made by the division in
86 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

87 (8) "Workers' compensation costs" is defined by rule made by the division in
88 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

89 Section 4. Section **65A-16-201** is enacted to read:

Part 2. Fund Provisions**65A-16-201. Creation of fund.**

(1) (a) There is created an expendable special revenue fund known as the "Wildland Fire Response Workers' Compensation Liability Fund."

(b) The fund shall consist of:

(i) money deposited into the fund from a charge imposed by the division in an amount:

(A) related to the division's administration of the Wildland Fire Suppression Fund created in Section [65A-8-204](#); and

(B) agreed to by the division and the eligible entities, as defined in Section [65A-8-203](#), that enter into a cooperative agreement with the division;

(ii) money appropriated by the Legislature;

(iii) money received from the federal government for purposes of the fund;

(iv) money received from a local government for purposes of the fund;

(v) money received from a nongovernmental organization for purposes of the fund; and

(vi) interest or other earnings accrued in accordance with Subsection (1)(c)(ii).

(c) The state treasurer shall:

(i) invest the money in the fund following the procedures and requirements of Title 51, Chapter 7, State Money Management Act; and

(ii) deposit all interest or other earnings derived from each investment described in Subsection (1)(c)(i) into the fund.

(2) If at the end of the fiscal year the balance in the fund exceeds \$10,000,000, the amount in excess of \$10,000,000 shall be transferred to the Wildland Fire Suppression Fund created in Section [65A-8-204](#).

(3) The division shall report to the Natural Resources, Agriculture, and Environmental Quality appropriations subcommittee concerning the operations of the fund by no later than a November 2020 meeting of the appropriations subcommittee.

Section 5. Section **65A-16-202** is enacted to read:

65A-16-202. Grants for increases in workers' compensation costs as a result of a catastrophic injury.

(1) In accordance with this section, the division may issue a grant from the fund to compensate a local government for an increase in the local government's workers'

121 compensation costs on the basis of the local government having a catastrophic workers'
122 compensation claim.

123 (2) Consistent with this chapter, the division shall make rules, in accordance with Title
124 63G, Chapter 3, Utah Administrative Rulemaking Act, for administering the grants.

125 (3) The rules made under this section shall:

126 (a) describe the documentation necessary to establish:

127 (i) the amount of an increase in workers' compensation costs on the basis of the local
128 government having a catastrophic workers' compensation claim; and

129 (ii) the number of years the local government will experience an increase in workers'
130 compensation insurance costs on the basis of the local government having a catastrophic
131 workers' compensation claim;

132 (b) require that a local government apply for grant money on an annual basis; and

133 (c) include any other provision the division considers appropriate.