

WILDLAND FIRE SUPPRESSION FUND

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Bradley T. Johnson

This act modifies provisions related to State Lands by increasing the maximum level of the Wildland Fire Suppression Fund and decreasing the cost to counties to initiate participation in the fund. This act has an immediate effective date.

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

AMENDS:

65A-8-6.1, as last amended by Chapter 319, Laws of Utah 1997

65A-8-6.2, as last amended by Chapters 10 and 319, Laws of Utah 1997

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

Section 1. Section **65A-8-6.1** is amended to read:

65A-8-6.1. Wildland Fire Suppression Fund created.

(1) There is created an expendable trust fund known as the Wildland Fire Suppression Fund.

(2) The fund shall be administered by the division to pay fire suppression and presuppression costs on eligible lands within unincorporated areas of counties.

(3) The contents of the fund shall include:

(a) payments by counties pursuant to written agreements made under Section 65A-8-6.2;

(b) interest and earnings from the investment of fund monies; and

(c) money appropriated by the Legislature.

(4) Fund monies shall be invested by the state treasurer with the earnings and interest accruing to the fund.

(5) (a) A maximum level of [~~\$5,000,000~~] \$8,000,000 is established for the fund.

(b) (i) Except as provided in Subsection (5)(b)(ii), if the amount of money in the fund equals or exceeds [~~\$5,000,000~~] \$8,000,000 on March 31, no assessments may be charged for the following year.

(ii) The waiver of assessments provided in Subsection (5)(b)(i) does not apply to any

equity payment required by Section 65A-8-6.2.

Section 2. Section **65A-8-6.2** is amended to read:

65A-8-6.2. Agreements for coverage by the Wildland Fire Suppression Fund -- Eligible lands -- County and state obligations -- Termination -- Revocation.

(1) (a) A county legislative body may annually enter into a written agreement with the state forester to provide for payment of county fire suppression costs in excess of the county's fire suppression budget out of the Wildland Fire Suppression Fund.

(b) Fire suppression costs on forest, range, and watershed lands within the unincorporated area of a county, except federal or state lands, are eligible for coverage by the Wildland Fire Suppression Fund.

(2) An agreement for payment of fire suppression costs from the Wildland Fire Suppression Fund shall provide that the county shall:

(a) pay into the fund an amount equal to:

(i) .01 times the number of acres of privately- or county-owned land in the unincorporated area of the county; and

(ii) .0001 times the taxable value of real property in the unincorporated area of the county; and

(b) budget an amount for fire suppression costs determined to be normal by the state forester in accordance with the formula specified by rule.

(3) (a) ~~[After]~~ Except as provided in Subsection (3)(d), after the first year of operation of the fund, any county that elects to initiate participation in the fund, or reestablish participation in the fund after participation was terminated, shall be required to make an equity payment, in addition to the assessment provided in Subsection (2)(a).

(b) The equity payment shall represent what the county's equity in the fund would be if the county had made assessments into the fund for each of the previous three years.

(c) The equity payment shall be determined by the state forester in accordance with division rules.

(d) The equity payment requirement is waived for any county that initiates participation in

the fund, or reestablishes participation in the fund, during the period beginning on April 1, 2001 and ending on May 31, 2001.

(4) The agreement shall provide that:

(a) the state shall pay into the fund an amount equal to the county's payment, including any equity payment required under Subsection (3); and

(b) if monies in the fund are insufficient to pay for all eligible fire suppression costs, the state shall pay for 1/2 of the county's remaining costs.

(5) The agreement shall provide for revocation of the agreement for failure to pay assessments when due.

(6) Any county that elects to withdraw from participation in the fund, or whose participation in the fund is revoked due to failure to pay its assessments when due, shall forfeit any right to any previously paid assessments by the county.

Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.