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**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



28 following year.

29 (ii) The waiver of assessments provided in Subsection (5)(b)(i) does not apply to any  
30 equity payment required by Section 65A-8-6.2.

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

32 **65A-8-6.2. Agreements for coverage by the Wildland Fire Suppression Fund --**  
33 **Eligible lands -- County and state obligations -- Termination -- Revocation.**

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

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

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

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

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

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

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

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

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

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

57 (d) The equity payment requirement is waived for any county that initiates participation  
58 in the fund, or reestablishes participation in the fund, during the period beginning on April 1, 2001

59 and ending on May 31, 2001.

60 (4) The agreement shall provide that:

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

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

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

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

70 Section 3. **Effective date.**

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

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**Legislative Review Note**  
**as of 2-5-01 2:10 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**