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FOREST RESERVE FUND AMENDMENTS

2009 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Michael E. Noel

LONG TITLE

General Description:

This bill amends provisions related to the Forest Reserve Fund.

Highlighted Provisions:

This bill:

▶ provides procedures for the state treasurer to use in apportioning Title III forest reserve funds to fire-related special service districts for special projects;

▶ clarifies that the services provided by a fire-related special service district may include emergency search and rescue, Firewise Communities programs, and the development of community wildfire protection plans; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

17D-1-201, as last amended by Laws of Utah 2009, Chapter 8

51-9-602, as last amended by Laws of Utah 2009, Chapter 8

51-9-603, as last amended by Laws of Utah 2009, Chapter 8



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

29 Section 1. Section **17D-1-201** is amended to read:

30 **17D-1-201. Services that a special service district may be created to provide.**

31 As provided in this part, a county or municipality may create a special service district to
32 provide any combination of the following services:

33 (1) water;

34 (2) sewerage;

35 (3) drainage;

36 (4) flood control;

37 (5) garbage collection and disposal;

38 (6) health care;

39 (7) transportation, including the receipt of federal secure rural school funds under

40 Section 51-9-603 for the purposes of constructing, improving, repairing, or maintaining public
41 roads;

42 (8) recreation;

43 (9) fire protection [~~and, if fire protection service is provided,~~], including:

44 (a) emergency medical [~~or~~] services, ambulance [~~or both~~]; services, and search and
45 rescue services, if fire protection service is also provided;

46 (b) Firewise Communities programs and the development of community wildfire
47 protection plans; and

48 (c) the receipt of federal secure rural school funds as provided under Section 51-9-603
49 for the purposes of carrying out Firewise Communities programs, developing community
50 wildfire protection plans, and performing emergency services, including firefighting on federal
51 land and other services authorized under this Subsection (9);

52 (10) providing, operating, and maintaining correctional and rehabilitative facilities and
53 programs for municipal, state, and other detainees and prisoners;

54 (11) street lighting;

55 (12) consolidated 911 and emergency dispatch;

56 (13) animal shelter and control;

57 (14) receiving federal mineral lease funds under Title 59, Chapter 21, Mineral Lease

58 Funds, and expending those funds to provide construction and maintenance of public facilities,

59 traditional governmental services, and planning, as a means for mitigating impacts from
60 extractive mineral industries; and

61 (15) in a county of the first class, extended police protection.

62 Section 2. Section **51-9-602** is amended to read:

63 **51-9-602. Creation of fund -- County Road and School Fund from Forest**
64 **Reserves.**

65 There is established a fund known as the "County Road and School Fund from Forest
66 Reserves," comprised of:

67 (1) monies which shall come into the hands of the state treasurer from the United
68 States under the Act of May 23, 1908, 16 U.S.C. Sec. 500 et seq. and all acts amendatory
69 thereof and supplementary thereto; and

70 (2) monies paid under the act described in Subsection (1) that:

71 (a) have come into the hands of the state treasurer; and

72 (b) (i) the state treasurer [~~has not yet~~] had not apportioned to counties [~~at the time the~~
73 ~~2009 amendment to this section becomes effective.~~] as of February 24, 2009; or

74 (ii) were apportioned to a county by the state treasurer, but were returned by the county
75 to the state treasurer on or before June 1, 2009.

76 Section 3. Section **51-9-603** is amended to read:

77 **51-9-603. Apportionment by the county legislative body.**

78 The state treasurer shall, within a reasonable time after receipt of the monies:

79 (1) apportion monies that the United States determines shall be allocated to each
80 county for special projects[; and] for deposit in one or more of the following, as directed by the
81 legislative body of the county:

82 (a) the county's general fund; or

83 (b) one or more special service districts, provided that each special service district
84 receiving monies:

85 (i) is established by the county under Title 17D, Chapter 1, Special Service District
86 Act; and

87 (ii) has as part of its functions the purpose of:

88 (A) carrying out the Firewise Communities program;

89 (B) developing community wildfire protection plans; or

90 (C) performing emergency services on federal land such as search and rescue or
91 firefighting; and

92 (2) apportion the remaining net amount of the monies to each county that is entitled to
93 receive funds as follows:

94 (a) 50% to the school districts of the county, according to the number of school
95 children residing in each district that are over the age of six and under the age of 18; and

96 (b) 50% to the following, as directed by the county legislative body:

97 (i) the general fund of the county; or

98 (ii) one or more special service districts, provided that each special service district
99 receiving monies:

100 (A) is established by the county under Title 17D, Chapter 1, Special Service District
101 Act; and

102 (B) has as one of its functions the purpose of constructing, improving, repairing, or
103 maintaining public roads.

104 Section 4. **Effective date.**

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

Legislative Review Note
as of 5-15-09 12:42 PM

Office of Legislative Research and General Counsel

S.B. 1001 - Forest Reserve Fund Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local governments may benefit.
