

HB0307S03 compared with HB0307S01

~~{Omitted text}~~ shows text that was in HB0307S01 but was omitted in HB0307S03
inserted text shows text that was not in HB0307S01 but was inserted into HB0307S03

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1

Wildfire Funding Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Michael K. McKell

2

3

LONG TITLE

4

General Description:

5

This bill addresses wildfires.

6

Highlighted Provisions:

7

This bill:

8

- merges several funds into the Utah Wildfire Fund (fund);

9

- modifies references to the funds merged into the fund;

10

- ~~{addresses cooperative agreements with the Division of Forestry, Fire, and State Lands;}~~

11

- ~~{modifies provisions related to the delegation of fire management authority;}~~

12

- amends definition provisions;

11

- addresses delegation of fire management authority;

13

- addresses elements of the fund such as what is deposited into the fund and how money in the fund is used;

15

- requires reporting;

16

- authorizes rulemaking;

17

-

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moves provisions related to community wildfire preparedness plans addressing wildland-urban interface; {and}

18 ▸ includes a coordination clause with H.B. 48 to address the transition to the Utah Wildfire Fund; and

19 ▸ makes technical and conforming amendments.

21 Money Appropriated in this Bill:

22 ▸ This bill appropriates \$150,022,500 in expendable funds and accounts for fiscal year 2026,
23 all of which is from the various sources as detailed in this bill.

24 Other Special Clauses:

25 This bill provides a special effective date.

26 This bill provides a coordination clause.

28 AMENDS:

29 **53-2a-602** , as last amended by Laws of Utah 2023, Chapter 16 , as last amended by Laws of Utah
2023, Chapter 16

30 **53-2a-603** , as last amended by Laws of Utah 2023, Chapters 434, 534 , as last amended by Laws of
Utah 2023, Chapters 434, 534

31 **59-21-2** , as last amended by Laws of Utah 2024, Chapter 88 , as last amended by Laws of Utah
2024, Chapter 88

32 **63J-1-314** , as last amended by Laws of Utah 2023, Chapters 153, 434 , as last amended by Laws of
Utah 2023, Chapters 153, 434

33 **63J-1-315** , as last amended by Laws of Utah 2024, Chapters 77, 439 , as last amended by Laws of
Utah 2024, Chapters 77, 439

34 **63J-3-103** , as last amended by Laws of Utah 2024, Chapter 77 , as last amended by Laws of Utah
2024, Chapter 77

35 **63N-3-106** , as last amended by Laws of Utah 2024, Chapters 77, 159 , as last amended by Laws of
Utah 2024, Chapters 77, 159

36 **65A-1-1** , as last amended by Laws of Utah 2024, Chapter 80 , as last amended by Laws of Utah
2024, Chapter 80

37 **65A-8-203** , as last amended by Laws of Utah 2024, Chapter 77 , as last amended by Laws of Utah
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65A-8-203.1 , as enacted by Laws of Utah 2016, Chapter 174 , as enacted by Laws of Utah 2016, Chapter 174

37 ~~{65A-8-209 , as last amended by Laws of Utah 2016, Chapter 174 , as last amended by Laws~~
 ~~of Utah 2016, Chapter 174}~~

39 **65A-8a-102** , as last amended by Laws of Utah 2010, Chapter 40 , as last amended by Laws of Utah
 2010, Chapter 40

40 ENACTS:

41 **65A-8-216** , Utah Code Annotated 1953 , Utah Code Annotated 1953

42 REPEALS:

43 **65A-8-204** , as last amended by Laws of Utah 2023, Chapter 153 , as last amended by Laws of Utah
 2023, Chapter 153

44 **65A-8-206** , as last amended by Laws of Utah 2016, Chapter 174 , as last amended by Laws of Utah
 2016, Chapter 174

45 **65A-8-207** , as last amended by Laws of Utah 2016, Chapter 174 , as last amended by Laws of Utah
 2016, Chapter 174

46 **65A-8-213** , as last amended by Laws of Utah 2023, Chapter 153 , as last amended by Laws of Utah
 2023, Chapter 153

47 **65A-8-215** , as last amended by Laws of Utah 2024, Chapter 77 , as last amended by Laws of Utah
 2024, Chapter 77

48 **Utah Code Sections affected by Coordination Clause:**

49 **65A-8-216** , Utah Code Annotated 1953 , Utah Code Annotated 1953

50

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

52 Section 1. Section **53-2a-602** is amended to read:

53 **53-2a-602. Definitions.**

51 (1) Unless otherwise defined in this section, the terms that are used in this part mean the same as those
 terms are defined in Part 1, Emergency Management Act.

53 (2) As used in this part:

54 (a) "Agent of the state" means any representative of a state agency, local agency, or non-profit entity
 that agrees to provide support to a requesting intrastate or interstate government entity that has
 declared an emergency or disaster and has requested assistance through the division.

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- 58 (b) "Declared disaster" means one or more events:
59 (i) within the state;
60 (ii) that occur within a limited period of time;
61 (iii) that involve:
62 (A) a significant number of persons being at risk of bodily harm, sickness, or death; or
64 (B) a significant portion of real property at risk of loss;
65 (iv) that are sudden in nature and generally occur less frequently than every three years; and
67 (v) that results in:
68 (A) the president of the United States declaring an emergency or major disaster in the state;
70 (B) the governor declaring a state of emergency under Part 2 Disaster Response and Recovery Act; or
72 (C) the chief executive officer of a local government declaring a local emergency under Part 2, Disaster
Response and Recovery Act.
74 (c) "Disaster recovery account" means the State Disaster Recovery Restricted Account created in
Section 53-2a-603.
76 (d)
(i) "Emergency disaster services" means:
77 (A) evacuation;
78 (B) shelter;
79 (C) medical triage;
80 (D) emergency transportation;
81 (E) repair of infrastructure;
82 (F) safety services, including fencing or roadblocks;
83 (G) sandbagging;
84 (H) debris removal;
85 (I) temporary bridges;
86 (J) procurement and distribution of food, water, or ice;
87 (K) procurement and deployment of generators;
88 (L) rescue or recovery;
89 (M) emergency protective measures; or
90 (N) services similar to those described in Subsections (2)(d)(i)(A) through (M), as defined by the
division by rule, that are generally required in response to a declared disaster.

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- 93 (ii) "Emergency disaster services" does not include:
94 (A) emergency preparedness; or
95 (B) notwithstanding whether ~~[or not]~~ a county participates in the ~~[Wildland Fire Suppression Fund~~
~~created in Section 65A-8-204]~~ Utah Wildfire Fund created in Section 65A-8-216, any fire
suppression or presuppression costs that may be paid for from the ~~[Wildland Fire Suppression]~~ Utah
Wildfire Fund if the county participates in the ~~[Wildland Fire Suppression]~~ Utah Wildfire Fund.
- 100 (e) "Emergency preparedness" means the following done for the purpose of being prepared for an
emergency as defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act:
- 103 (i) the purchase of equipment;
104 (ii) the training of personnel; or
105 (iii) the obtaining of a certification.
- 106 (f) "Governing body" means:
107 (i) for a county, city, or town, the legislative body of the county, city, or town;
108 (ii) for a special district, the board of trustees of the special district; and
109 (iii) for a special service district:
110 (A) the legislative body of the county, city, or town that established the special service district, if no
administrative control board has been appointed under Section 17D-1-301; or
113 (B) the administrative control board of the special service district, if an administrative control board has
been appointed under Section 17D-1-301.
- 115 (g) "Local fund" means a local government disaster fund created in accordance with Section 53-2a-605.
117 (h) "Local government" means:
118 (i) a county;
119 (ii) a city or town; or
120 (iii) a special district or special service district that:
121 (A) operates a water system;
122 (B) provides transportation service;
123 (C) provides, operates, and maintains correctional and rehabilitative facilities and programs for
municipal, state, and other detainees and prisoners;
125 (D) provides consolidated 911 and emergency dispatch service;
126 (E) operates an airport; or

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(F) operates a sewage system.

(i) "Special district" means the same as that term is defined in Section 17B-1-102.

(j) "Special fund" means a fund other than a general fund of a local government that is created for a special purpose established under the uniform system of budgeting, accounting, and reporting.

(k) "Special service district" means the same as that term is defined in Section 17D-1-102.

(l) "State's prime interest rate" means the average interest rate paid by the state on general obligation bonds issued during the most recent fiscal year in which bonds were sold.

Section 2. Section **53-2a-603** is amended to read:

53-2a-603. State Disaster Recovery Restricted Account.

(1)

(a) There is created a restricted account in the General Fund known as the "State Disaster Recovery Restricted Account."

(b) The disaster recovery account consists of:

(i) money deposited into the disaster recovery account in accordance with Section 63J-1-314;

(ii) money appropriated to the disaster recovery account by the Legislature; and

(iii) any other public or private money received by the division that is:

(A) given to the division for purposes consistent with this section; and

(B) deposited into the disaster recovery account at the request of:

(I) the division; or

(II) the person or entity giving the money.

(c) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.

(2) Money in the disaster recovery account may only be expended or committed to be expended as follows:

(a)

(i) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that does not exceed \$500,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster;

(ii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that exceeds \$500,000, but does not exceed \$3,000,000, in accordance with Section

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53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster if the division:

- 161 (A) before making the expenditure or commitment to expend, obtains approval for the expenditure or
commitment to expend from the governor;
- 163 (B) subject to Subsection (5), provides written notice of the expenditure or commitment to expend to
the speaker of the House of Representatives, the president of the Senate, the Division of Finance, the
Executive Offices and Criminal Justice Appropriations Subcommittee, the Legislative Management
Committee, and the Office of the Legislative Fiscal Analyst no later than 72 hours after making the
expenditure or commitment to expend; and
- 169 (C) makes the report required by Subsection 53-2a-606(2);
- 170 (iii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend
an amount that exceeds \$3,000,000, but does not exceed \$5,000,000, in accordance with Section
53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster
if, before making the expenditure or commitment to expend, the division:
 - 175 (A) obtains approval for the expenditure or commitment to expend from the governor; and
 - 177 (B) submits the expenditure or commitment to expend to the Executive Appropriations Committee in
accordance with Subsection 53-2a-606(3);
 - 179 (iv) in any fiscal year the division may expend or commit to expend an amount that does not exceed
\$500,000 to fund expenses incurred by the National Guard if:
 - 181 (A) in accordance with Section 39A-3-103, the governor orders into active service the National Guard
in response to a declared disaster; and
 - 183 (B) the money is not used for expenses that qualify for payment as emergency disaster services; and
 - 185 (v) in any fiscal year, the division may expend an amount that does not exceed \$750,000 to fund
expenses incurred to develop or enhance emergency management capabilities if:
 - 188 (A) the money is used for personnel, equipment, supplies, contracts, training, exercises, or other
expenses deemed reasonable and necessary to:
 - 190 (I) promote and strengthen the state's level of resiliency through mitigation, preparedness, response, or
recovery activities; or
 - 192 (II) meet federal grant matching requirements; and
 - 193 (B) the disaster recovery account has a balance of funds available to be utilized while maintaining a
minimum balance of \$5,000,000;

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- 195 (b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or committed to be
expended to fund costs to the state directly related to a declared disaster that are not costs related to:
- 198 (i) emergency disaster services;
- 199 (ii) emergency preparedness; or
- 200 (iii) notwithstanding whether a county participates in the [~~Wildland Fire Suppression Fund created~~
~~in Section 65A-8-204~~] Utah Wildfire Fund created in Section 65A-8-216, any fire suppression or
presuppression costs that may be paid for from the [~~Wildland Fire Suppression~~] Utah Wildfire Fund
if the county participates in the [~~Wildland Fire Suppression~~] Utah Wildfire Fund;
- 205 (c) to fund:
- 206 (i) the Local Government Emergency Response Loan Fund created in Section 53-2a-607; and
- 208 (ii) the Response, Recovery, and Post-disaster Mitigation Restricted Account created in Section
53-2a-1302;
- 210 (d) the division may provide advanced funding from the disaster recovery account to recognized agents
of the state when:
- 212 (i) Utah has agreed, through the division, to enact the Emergency Management Assistance Compact
with another member state that has requested assistance during a declared disaster;
- 215 (ii) Utah agrees to provide resources to the requesting member state;
- 216 (iii) the agent of the state who represents the requested resource has no other funding source available at
the time of the Emergency Management Assistance Compact request; and
- 219 (iv) the disaster recovery account has a balance of funds available to be utilized while maintaining a
minimum balance of \$5,000,000;
- 221 (e) to fund up to \$500,000 for the governor's emergency appropriations described in Subsection
63J-1-217(4); and
- 223 (f) to pay the state's deductible in the event of an earthquake.
- 224 (3) All funding provided in advance to an agent of the state and subsequently reimbursed shall be
credited to the account.
- 226 (4) The state treasurer shall invest money in the disaster recovery account according to Title 51, Chapter
7, State Money Management Act.
- 228 (5)

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(a) Except as provided in Subsections (1) and (2), the money in the disaster recovery account may not be diverted, appropriated, expended, or committed to be expended for a purpose that is not listed in this section.

(b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money from the disaster recovery account to eliminate or otherwise reduce an operating deficit if the money appropriated from the disaster recovery account is expended or committed to be expended for a purpose other than one listed in this section.

(c) The Legislature may not amend the purposes for which money in the disaster recovery account may be expended or committed to be expended except by the affirmative vote of two-thirds of all the members elected to each house.

(6) The division:

(a) shall provide the notice required by Subsection (2)(a)(ii) using the best available method under the circumstances as determined by the division; and

(b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.

Section 3. Section **59-21-2** is amended to read:

59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus Account money -- Mineral Lease Account created -- Contents -- Appropriation of money from Mineral Lease Account.

(1)

(a) There is created a restricted account within the General Fund known as the "Mineral Bonus Account."

(b) The Mineral Bonus Account consists of federal mineral lease bonus payments deposited pursuant to Subsection 59-21-1(3).

(c) The Legislature shall make appropriations from the Mineral Bonus Account in accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

(d) The state treasurer shall:

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

(ii) deposit all interest or other earnings derived from the account into the Mineral Bonus Account.

(e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of mineral lease bonus payments deposited under Subsection (1)(b) from the previous fiscal year into the [Wildland

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~~Fire Suppression Fund created in Section 65A-8-204]~~ Utah Wildfire Fund created in Section 65A-8-216, up to \$2,000,000 but not to exceed 20% of the amount expended in the previous fiscal year from the [~~Wildland Fire Suppression~~] Utah Wildfire Fund.

- 264 (2)
- (a) There is created a restricted account within the General Fund known as the "Mineral Lease Account."
- 266 (b) The Mineral Lease Account consists of federal mineral lease money deposited pursuant to Subsection 59-21-1(1).
- 268 (c) The Legislature shall make appropriations from the Mineral Lease Account as provided in Subsection 59-21-1(1) and this Subsection (2).
- 270 (d) The Legislature shall annually appropriate 32.5% of all deposits made to the Mineral Lease Account to the Permanent Community Impact Fund established by Section 35A-8-303.
- 273 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the State Board of Education, to be used for education research and experimentation in the use of staff and facilities designed to improve the quality of education in Utah.
- 277 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the Utah Geological Survey Restricted Account, created in Section 79-3-403, to be used by the Utah Geological Survey for activities carried on by the Utah Geological Survey having as a purpose the development and exploitation of natural resources in the state.
- 282 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used for activities carried on by the laboratory having as a purpose the development and exploitation of water resources in the state.
- 286 (h)
- (i) The Legislature shall annually appropriate to the Division of Finance 40% of all deposits made to the Mineral Lease Account to be distributed as provided in Subsection (2)(h)(ii) to:
- 289 (A) counties;
- 290 (B) special service districts established:
- 291 (I) by counties;
- 292 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 293 (III) for the purpose of constructing, repairing, or maintaining roads; or
- 294 (C) special service districts established:

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- 295 (I) by counties;
296 (II) under Title 17D, Chapter 1, Special Service District Act; and
297 (III) for other purposes authorized by statute.
- 298 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):
299 (A) in amounts proportionate to the amount of mineral lease money generated by each county; and
301 (B) to a county or special service district established by a county under Title 17D, Chapter 1, Special
Service District Act, as determined by the county legislative body.
- 304 (i)
(i) The Legislature shall annually appropriate 5% of all deposits made to the Mineral Lease Account to
the Department of Workforce Services to be distributed to:
- 307 (A) special service districts established:
- 308 (I) by counties;
309 (II) under Title 17D, Chapter 1, Special Service District Act; and
310 (III) for the purpose of constructing, repairing, or maintaining roads; or
311 (B) special service districts established:
- 312 (I) by counties;
313 (II) under Title 17D, Chapter 1, Special Service District Act; and
314 (III) for other purposes authorized by statute.
- 315 (ii) The Department of Workforce Services may distribute the amounts described in Subsection (2)(i)(i)
only to special service districts established under Title 17D, Chapter 1, Special Service District Act,
by counties:
- 318 (A) of the third, fourth, fifth, or sixth class;
319 (B) in which 4.5% or less of the mineral lease money within the state is generated; and
321 (C) that are significantly socially or economically impacted as provided in Subsection (2)(i)(iii) by the
development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec. 181 et seq.
- 324 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C) shall be as a
result of:
- 326 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons as defined in
Section 59-5-101;
328 (B) the employment of persons residing within the county in hydrocarbon extraction, including the
extraction of solid hydrocarbons as defined in Section 59-5-101; or

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- 331 (C) a combination of Subsections (2)(i)(iii)(A) and (B).
332 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to special service
districts established by counties under Title 17D, Chapter 1, Special Service District Act, the
Department of Workforce Services shall:
- 335 (A)
(I) allocate 50% of the appropriations equally among the counties meeting the requirements of
Subsections (2)(i)(ii) and (iii); and
337 (II) allocate 50% of the appropriations based on the ratio that the population of each county meeting
the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population of all of the counties
meeting the requirements of Subsections (2)(i)(ii) and (iii); and
341 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the allocated revenues
to special service districts established by the counties under Title 17D, Chapter 1, Special Service
District Act, as determined by the executive director of the Department of Workforce Services
after consulting with the county legislative bodies of the counties meeting the requirements of
Subsections (2)(i)(ii) and (iii).
- 347 (v) The executive director of the Department of Workforce Services:
348 (A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii) and (iii);
350 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service districts established
by counties under Title 17D, Chapter 1, Special Service District Act, that meet the requirements of
Subsections (2)(i)(ii) and (iii); and
353 (C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, may make rules:
355 (I) providing a procedure for making the distributions under this Subsection (2)(i) to special service
districts; and
357 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).
358 (j)
(i) The Legislature shall annually make the following appropriations from the Mineral Lease Account:
360 (A) an amount equal to 52 cents multiplied by the number of acres of school or institutional trust
lands, lands owned by the Division of State Parks or the Division of Outdoor Recreation,
and lands owned by the Division of Wildlife Resources that are not under an in lieu of taxes
contract, to each county in which those lands are located;

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(B) to each county in which school or institutional trust lands are transferred to the federal government after December 31, 1992, an amount equal to the number of transferred acres in the county multiplied by a payment per acre equal to the difference between 52 cents per acre and the per acre payment made to that county in the most recent payment under the federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal payment was equal to or exceeded the 52 cents per acre, in which case a payment under this Subsection (2)(j)(i)(B) may not be made for the transferred lands;

373 (C) to each county in which federal lands, which are entitlement lands under the federal in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to the number of transferred acres in the county multiplied by a payment per acre equal to the difference between the most recent per acre payment made under the federal payment in lieu of taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for the transferred land; and

381 (D) to a county of the fifth or sixth class, an amount equal to the product of:

382 (I) \$1,000; and

383 (II) the number of residences described in Subsection (2)(j)(iv) that are located within the county.

385 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the county legislative body, distribute the money or a portion of the money to:

387 (A) special service districts established by the county under Title 17D, Chapter 1, Special Service District Act;

389 (B) school districts; or

390 (C) public institutions of higher education.

391 (iii)

(A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the Division of Finance shall increase or decrease the amounts per acre provided for in Subsections (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban consumers published by the Department of Labor.

396 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average annual change in the Consumer Price Index for all urban consumers published by the Department of Labor.

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- 400 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:
401 (A) owned by:
402 (I) the Division of State Parks;
403 (II) the Division of Outdoor Recreation; or
404 (III) the Division of Wildlife Resources;
405 (B) located on lands that are owned by:
406 (I) the Division of State Parks;
407 (II) the Division of Outdoor Recreation; or
408 (III) the Division of Wildlife Resources; and
409 (C) are not subject to taxation under:
410 (I) Chapter 2, Property Tax Act; or
411 (II) Chapter 4, Privilege Tax.
412 (k) The Legislature shall annually appropriate to the Permanent Community Impact Fund all deposits
remaining in the Mineral Lease Account after making the appropriations provided for in Subsections
(2)(d) through (j).
415 (3)
(a) Each agency, board, institution of higher education, and political subdivision receiving money under
this chapter shall provide the Legislature, through the Office of the Legislative Fiscal Analyst, with
a complete accounting of the use of that money on an annual basis.
419 (b) The accounting required under Subsection (3)(a) shall:
420 (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the current fiscal year,
and planned expenditures for the following fiscal year; and
422 (ii) be reviewed by the Business, Economic Development, and Labor Appropriations Subcommittee as
part of its normal budgetary process under Title 63J, Chapter 1, Budgetary Procedures Act.
428 Section 4. Section **63J-1-314** is amended to read:
429 **63J-1-314. Deposits related to the Utah Wildfire Fund and the Disaster Recovery Funding**
Act.
428 (1) As used in this section, "operating deficit" means that, at the end of the fiscal year, the unassigned
fund balance in the General Fund is less than zero.
430 (2) Except as provided under Subsections (3) and (4), at the end of each fiscal year, the Division of
Finance shall, after the transfer of General Fund revenue surplus has been made to the Medicaid

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Growth Reduction and Budget Stabilization Account, as provided in Section 63J-1-315, and the General Fund Budget Reserve Account, as provided in Section 63J-1-312, transfer:

- 435 (a)
- (i) for a fiscal year ending on or after June 30, 2026, to the Utah Wildfire Fund created in Section 65A-8-216, \$4,000,000 each fiscal year until an aggregate amount of \$20,000,000 is transferred under this Subsection (2)(a)(i); and
- 438 (ii) ~~{ for a fiscal year ending after the requirements of Subsection (2)(a)(i) are met, }~~ to the { } Wildland Fire Suppression Fund created in Section 65A-8-204] for a fiscal year ending after the requirements of Subsection (2)(a)(i) are met, to the Utah Wildfire Fund created in Section 65A-8-216, an amount equal to the lesser of:
- 441 [(i)] (A) \$4,000,000; or
- 442 [(ii)] (B) an amount necessary to make the balance in the [Wildland Fire Suppression] Utah Wildfire Fund equal to [\$12,000,000;] \$70,000,000; and
- 444 [(b) if no money is transferred to the Wildland Fire Suppression Fund under Subsection (2)(a), to the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created in Section 65A-8-215 an amount equal to the lesser of:]
- 447 [(i) \$4,000,000; and]
- 448 [(ii) the amount necessary to make the balance in the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund equal to \$12,000,000; and]
- 450 [(e)] (b) an amount into the State Disaster Recovery Restricted Account, created in Section 53-2a-603, from the General Fund revenue surplus as defined in Section 63J-1-312, calculated by:
- 453 (i) determining the amount of General Fund revenue surplus after the transfer to the Medicaid Growth Reduction and Budget Stabilization Account under Section 63J-1-315, the General Fund Budget Reserve Account under Section 63J-1-312, and the transfer to the [Wildland Fire Suppression] Utah Wildfire Fund as described in Subsection (2)(a);
- 458 (ii) calculating an amount equal to the lesser of:
- 459 (A) 25% of the amount determined under Subsection [(2)(e)(i)] (2)(b)(i); or
- 460 (B) 6% of the total of the General Fund appropriation amount for the fiscal year in which the surplus occurs; and
- 462 (iii) adding to the amount calculated under Subsection [(2)(e)(ii)] (2)(b)(ii) an amount equal to the lesser of:

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- 464 (A) 25% more of the amount described in Subsection [~~(2)(e)(i)~~] (2)(b)(i); or
- 465 (B) the amount necessary to replace, in accordance with this Subsection [~~(2)(e)(iii)~~] (2)(b)(iii), any
amount appropriated from the State Disaster Recovery Restricted Account within 10 fiscal years
before the fiscal year in which the surplus occurs if:
- 469 (I) a surplus exists; and
- 470 (II) the Legislature appropriates money from the State Disaster Recovery Restricted Account that is not
replaced by appropriation or as provided in this Subsection [~~(2)(e)(iii)~~] (2)(b)(iii).
- 473 (3)
- (a) Notwithstanding Subsection (2), if, at the end of a fiscal year, the Division of Finance determines
that an operating deficit exists, the division shall reduce the transfer to the State Disaster Recovery
Restricted Account by an amount necessary to eliminate the operating deficit, up to the full amount
of the transfer.
- 477 (b) If, after reducing the transfer to the State Disaster Recovery Account to zero under Subsection (3)
(a), the Division of Finance determines that an operating deficit still exists, the division shall reduce
the transfer to the [~~Wildland Fire Suppression~~] Utah Wildfire Fund by an amount necessary to
eliminate the operating deficit, up to the full amount of the transfer.
- 482 (4) Notwithstanding Subsection (2):
- 483 (a) for the period beginning July 1, 2015, and ending June 30, 2020, the Division of Finance shall
transfer to the Local Government Emergency Response Loan Fund 25% of the amount to be
transferred into the State Disaster Recovery Restricted Account as provided in Subsection [~~(2)(e)~~
~~(ii)~~] (2)(b)(ii);
- 487 (b) on and after July 1, 2020, the Division of Finance shall transfer to the Local Government
Emergency Response Loan Fund 10% of the amount to be transferred into the State Disaster
Recovery Restricted Account as provided in Subsection [~~(2)(e){~~ (2)(b) ~~}]~~ (2)(b); and
- 491 (c) on and after July 1, 2023, the Division of Finance shall transfer to the Response, Recovery, and
Post-disaster Mitigation Restricted Account 25% of the amount to be transferred into the State
Disaster Recovery Restricted Account as provided in Subsection [~~(2)(e)~~] (2)(b).

498 Section 5. Section **63J-1-315** is amended to read:

499 **63J-1-315. Medicaid Growth Reduction and Budget Stabilization Account -- Transfers of**
Medicaid growth savings -- Base budget adjustments.

498 (1) As used in this section:

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- 499 (a) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
- 501 (b) "Division" means the Division of Integrated Healthcare created in Section 26B-3-102.
- 502 (c) "General Fund revenue surplus" means a situation where actual General Fund revenues collected in
a completed fiscal year exceed the estimated revenues for the General Fund for that fiscal year that
were adopted by the Executive Appropriations Committee of the Legislature.
- 506 (d) "Medicaid growth savings" means the Medicaid growth target minus Medicaid program
expenditures, if Medicaid program expenditures are less than the Medicaid growth target.
- 509 (e) "Medicaid growth target" means Medicaid program expenditures for the previous year multiplied by
1.08.
- 511 (f) "Medicaid program" is as defined in Section 26B-3-101.
- 512 (g) "Medicaid program expenditures" means total state revenue expended for the Medicaid program
from the General Fund, including restricted accounts within the General Fund, during a fiscal year.
- 515 (h) "Medicaid program expenditures for the previous year" means total state revenue expended for the
Medicaid program from the General Fund, including restricted accounts within the General Fund,
during the fiscal year immediately preceding a fiscal year for which Medicaid program expenditures
are calculated.
- 519 (i) "Operating deficit" means that, at the end of the fiscal year, the unassigned fund balance in the
General Fund is less than zero.
- 521 (j) "State revenue" means revenue other than federal revenue.
- 522 (k) "State revenue expended for the Medicaid program" includes money transferred or appropriated to
the Medicaid Growth Reduction and Budget Stabilization Account only to the extent the money is
appropriated for the Medicaid program by the Legislature.
- 526 (2) There is created within the General Fund a restricted account to be known as the Medicaid Growth
Reduction and Budget Stabilization Account.
- 528 (3)
- (a) The following shall be deposited into the Medicaid Growth Reduction and Budget Stabilization
Account:
- 530 (i) deposits described in Subsection (4);
- 531 (ii) beginning July 1, 2024, any general funds appropriated to the department for the state plan for
medical assistance or for Medicaid administration by the Division of Integrated Healthcare
that are not expended by the department in the fiscal year for which the general funds were

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appropriated and which are not otherwise designated as nonlapsing shall lapse into the Medicaid Growth Reduction and Budget Stabilization Account;

537 (iii) beginning July 1, 2024, any unused state funds that are associated with the Medicaid program
from the Department of Workforce Services;

539 (iv) beginning July 1, 2024, any penalties imposed and collected under:

540 (A) Section 17B-2a-818.5;

541 (B) Section 19-1-206;

542 (C) Section 63A-5b-607;

543 (D) Section 63C-9-403;

544 (E) Section 72-6-107.5; or

545 (F) Section 79-2-404; and

546 (v) at the close of fiscal year 2024, the Division of Finance shall transfer any existing balance
in the Medicaid Restricted Account created in Section 26B-1-309 into the Medicaid Growth
Reduction and Budget Stabilization Account.

549 (b) In addition to the deposits described in Subsection (3)(a), the Legislature may appropriate money
into the Medicaid Growth Reduction and Budget Stabilization Account.

552 (4)

(a)

(i) Except as provided in Subsection (7), if, at the end of a fiscal year, there is a General Fund
revenue surplus, the Division of Finance shall transfer an amount equal to Medicaid growth
savings from the General Fund to the Medicaid Growth Reduction and Budget Stabilization
Account.

556 (ii) If the amount transferred is reduced to prevent an operating deficit, as provided in Subsection
(7), the Legislature shall include, to the extent revenue is available, an amount equal to the
reduction as an appropriation from the General Fund to the account in the base budget for the
second fiscal year following the fiscal year for which the reduction was made.

561 (b) If, at the end of a fiscal year, there is not a General Fund revenue surplus, the Legislature shall
include, to the extent revenue is available, an amount equal to Medicaid growth savings as an
appropriation from the General Fund to the account in the base budget for the second fiscal year
following the fiscal year for which the reduction was made.

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(c) Subsections (4)(a) and (4)(b) apply only to the fiscal year in which the department implements the proposal developed under Section 26B-3-202 to reduce the long-term growth in state expenditures for the Medicaid program, and to each fiscal year after that year.

(5) The Division of Finance shall calculate the amount to be transferred under Subsection (4):

(a) before transferring revenue from the General Fund revenue surplus to:

(i) the General Fund Budget Reserve Account under Section 63J-1-312;

~~[(ii)~~

~~(A) the Wildland Fire Suppression Fund created in Section 65A-8-204, as described in Section 63J-1-314; or]~~

~~[(B) the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund under Section 63J-1-314; and]~~

(ii) the Utah Wildfire Fund created in Section 65A-8-216, as described in Section 63J-1-314; and

(iii) the State Disaster Recovery Restricted Account under Section 63J-1-314;

(b) before earmarking revenue from the General Fund revenue surplus to the Industrial Assistance Account under Section 63N-3-106; and

(c) before making any other year-end contingency appropriations, year-end set-asides, or other year-end transfers required by law.

(6)

(a) If, at the close of any fiscal year, there appears to be insufficient money to pay additional debt service for any bonded debt authorized by the Legislature, the Division of Finance may hold back from any General Fund revenue surplus money sufficient to pay the additional debt service requirements resulting from issuance of bonded debt that was authorized by the Legislature.

(b) The Division of Finance may not spend the hold back amount for debt service under Subsection (6) (a) unless and until it is appropriated by the Legislature.

(c) If, after calculating the amount for transfer under Subsection (4), the remaining General Fund revenue surplus is insufficient to cover the hold back for debt service required by Subsection (6) (a), the Division of Finance shall reduce the transfer to the Medicaid Growth Reduction and Budget Stabilization Account by the amount necessary to cover the debt service hold back.

(d) Notwithstanding Subsections (4) and (5), the Division of Finance shall hold back the General Fund balance for debt service authorized by this Subsection (6) before making any transfers to

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the Medicaid Growth Reduction and Budget Stabilization Account or any other designation or allocation of General Fund revenue surplus.

- 601 (7) Notwithstanding Subsections (4) and (5), if, at the end of a fiscal year, the Division of Finance determines that an operating deficit exists and that holding back earmarks to the Industrial Assistance Account under Section 63N-3-106, transfers to the [~~Wildland Fire Suppression Fund~~] Utah Wildfire Fund and State Disaster Recovery Restricted Account under Section 63J-1-314, transfers to the General Fund Budget Reserve Account under Section 63J-1-312, or earmarks and transfers to more than one of those accounts, in that order, does not eliminate the operating deficit, the Division of Finance may reduce the transfer to the Medicaid Growth Reduction and Budget Stabilization Account by the amount necessary to eliminate the operating deficit.
- 610 (8) The Legislature may appropriate money from the Medicaid Growth Reduction and Budget Stabilization Account only:
- 612 (a) for the Medicaid program; and
- 613 (b)
- (i) if Medicaid program expenditures for the fiscal year for which the appropriation is made are estimated to be 108% or more of Medicaid program expenditures for the previous year; or
- 616 (ii) if the amount of the appropriation is equal to or less than the balance in the Medicaid Growth Reduction and Budget Stabilization Account that comprises deposits described in Subsections (3)(a) (ii) through (v) and appropriations described in Subsection (3)(b).
- 620 (9) The Division of Finance shall deposit interest or other earnings derived from investment of Medicaid Growth Reduction and Budget Stabilization Account money into the General Fund.
- 626 Section 6. Section **63J-3-103** is amended to read:
- 627 **63J-3-103. Definitions.**
- As used in this chapter:
- 626 (1)
- (a) "Appropriations" means actual unrestricted capital and operating appropriations from unrestricted General Fund and Income Tax Fund sources.
- 628 (b) "Appropriations" includes appropriations that are contingent upon available surpluses in the General Fund and Income Tax Fund.
- 630 (c) "Appropriations" does not mean:

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- 631 (i) public education expenditures;
- 632 (ii) Utah Education and Telehealth Network expenditures in support of public education;
- 634 (iii) Utah Board of Higher Education expenditures in support of public education;
- 635 (iv) State Tax Commission expenditures related to collection of income taxes in support of public
education;
- 637 (v) debt service expenditures;
- 638 (vi) emergency expenditures;
- 639 (vii) expenditures from all other fund or subfund sources;
- 640 (viii) transfers or appropriations from the Income Tax Fund to the Uniform School Fund;
- 642 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve Account established in
Section 63J-1-312;
- 644 (x) transfers into, or appropriations made to, the Income Tax Fund Budget Reserve Account established
in Section 63J-1-313;
- 646 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to [~~the Wildland
Fire Suppression Fund created in Section 65A-8-204, the Wildland-urban Interface Prevention,
Preparedness, and Mitigation Fund created in Section 65A-8-215,~~] the Utah Wildfire Fund created
in Section 65A-8-216 or the State Disaster Recovery Restricted Account created in Section
53-2a-603;
- 651 (xii) money appropriated to fund the total one-time project costs for the construction of capital
development projects as defined in Section 63A-5b-401;
- 653 (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund created by
Section 72-2-118;
- 655 (xiv) transfers or deposits into or appropriations made to the Transportation Investment Fund of 2005
created by Section 72-2-124;
- 657 (xv) transfers or deposits into or appropriations made to:
- 658 (A) the Department of Transportation from any source; or
- 659 (B) any transportation-related account or fund from any source; or
- 660 (xvi) supplemental appropriations from the General Fund to the Division of Forestry, Fire, and State
Lands to provide money for wildland fire control expenses incurred during the current or previous
fire years.

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(2) "Base year real per capita appropriations" means the result obtained for the state by dividing the fiscal year 1985 actual appropriations of the state less debt money by:

(a) the state's July 1, 1983 population; and

(b) the fiscal year 1983 inflation index divided by 100.

(3) "Calendar year" means the time period beginning on January 1 of any given year and ending on December 31 of the same year.

(4) "Fiscal emergency" means an extraordinary occurrence requiring immediate expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session, Chapter 4.

(5) "Fiscal year" means the time period beginning on July 1 of any given year and ending on June 30 of the subsequent year.

(6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital and operations appropriations from General Fund and non-Uniform School Fund income tax revenue sources, less debt money.

(7) "Inflation index" means the change in the general price level of goods and services as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic Analysis, U.S. Department of Commerce calculated as provided in Section 63J-3-202.

(8)

(a) "Maximum allowable appropriations limit" means the appropriations that could be, or could have been, spent in any given year under the limitations of this chapter.

(b) "Maximum allowable appropriations limit" does not mean actual appropriations spent or actual expenditures.

(9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.

(10) "Most recent fiscal year's population" means the fiscal year population two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.

(11) "Population" means the number of residents of the state as of July 1 of each year as calculated by the Governor's Office of Planning and Budget according to the procedures and requirements of Section 63J-3-202.

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(12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other monetary exaction and interest connected with it that are recorded as unrestricted revenue of the General Fund and from non-Uniform School Fund income tax revenues, except as specifically exempted by this chapter.

(13) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an "indebtedness" within the meaning of any provision of the constitution or laws of this state.

Section 7. Section **63N-3-106** is amended to read:

63N-3-106. Structure of loans, grants, and assistance -- Repayment -- Earned credits.

(1)

(a) Subject to Subsection (1)(b), the administrator has authority to determine the structure, amount, and nature of any loan, grant, or other financial assistance from the restricted account.

(b) Loans made under this part shall be structured so the intended repayment or return to the state, including cash or credit, equals at least the amount of the assistance together with an annual interest charge as negotiated by the administrator.

(c) Payments resulting from grants awarded from the restricted account shall be made only after the administrator has determined that the company has satisfied the conditions upon which the payment or earned credit was based.

(2)

(a) The administrator may provide for a system of earned credits that may be used to support grant payments or in lieu of cash repayment of a restricted account loan obligation.

(b) The value of the credits described in Subsection (2)(a) shall be based on factors determined by the administrator, including:

(i) the number of Utah jobs created;

(ii) the increased economic activity in Utah; or

(iii) other events and activities that occur as a result of the restricted account assistance.

(3)

(a) A cash loan repayment or other cash recovery from a company receiving assistance under this section, including interest, shall be deposited into the restricted account.

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(b) The administrator and the Division of Finance shall determine the manner of recognizing and accounting for the earned credits used in lieu of loan repayments or to support grant payments as provided in Subsection (2).

(4)

(a)

(i) At the end of each fiscal year, the Division of Finance shall transfer the balance of the General Fund revenue surplus as defined in Section 63J-1-312 after the transfers of General Fund revenue surplus described in Subsection (4)(b) to the Industrial Assistance Account in an amount equal to any credit that has accrued under this part.

(ii) The transfer under Subsection (4)(a)(i) is capped at \$50,000,000 and the Division of Finance shall deposit any interest accrued above the \$50,000,000 cap into the General Fund.

(b) The Division of Finance shall make the transfer required by Subsection (4)(a) after the Division of Finance transfers the General Fund revenue ~~[surplus to]~~ surplus to:

(i) the Medicaid Growth Reduction and Budget Stabilization Restricted Account, as provided in Section 63J-1-315;

(ii) the General Fund Budget Reserve Account, as provided in Section 63J-1-312; and

(iii) as provided in Section 63J-1-314:

(A) the ~~[Wildland Fire Suppression Fund or the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund]~~ Utah Wildfire Fund; and

(B) the State Disaster Recovery Restricted Account.

(c) These credit amounts may not be used for purposes of the restricted account as provided in this part until appropriated by the Legislature.

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

65A-1-1. Definitions.

As used in this title:

(1) "Division" means the Division of Forestry, Fire, and State Lands.

(2) "Division of Law Enforcement" means the division within the Department of Natural Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.

(3) "Fire service provider" means a public or private entity that fulfills the duties of Subsection 11-7-1(1).

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[~~(3)~~] (4) "Initial attack" means action taken by the first resource to arrive at a wildland fire incident, including evaluating the wildland fire, patrolling, monitoring, holding action, or aggressive suppression action.

759 [~~(4)~~] (5) "Multiple use" means the management of various surface and subsurface resources in a manner that will best meet the present and future needs of the people of this state.

761 [~~(5)~~] (6) "Municipality" means a city or town.

762 [~~(6)~~] (7) "Public trust assets" means those lands and resources, including sovereign lands, administered by the division.

764 [~~(7)~~] (8) "Sovereign lands" means those lands lying below the ordinary high water mark of navigable bodies of water at the date of statehood and owned by the state by virtue of its sovereignty.

767 [~~(8)~~] (9) "State lands" means all lands administered by the division.

768 [~~(9)~~] (10) "Sustained yield" means the achievement and maintenance of high level annual or periodic output of the various renewable resources of land without impairment of the productivity of the land.

771 [~~(10)~~] (11) "Wildland" means an area where:

772 (a) development is essentially non-existent, except for roads, railroads, powerlines, or similar transportation facilities; and

774 (b) structures, if any, are widely scattered.

775 [~~(11)~~] (12) "Wildland fire" means a fire that consumes:

776 (a) wildland; or

777 (b) wildland-urban interface[~~, as defined in Section 65A-8a-102~~].

778 (13) "Wildland-urban interface" means the zone where structures and other human development meets, or intermingles with, undeveloped wildland.

783 Section 9. Section **65A-8-203** is amended to read:

784 **65A-8-203. Cooperative fire protection agreements.**

782 (1) As used in this section~~§~~:

783 ~~[(a)]~~ {~~"Agreement entity" means a county or municipality that is an eligible entity.~~

784 {~~(b)~~} ~~"Eligible"~~, "eligible" entity" means:

785 ~~[(i)]~~ (a) a county, a municipality, or a special service district, special district, or service area with:

787 ~~[(A)]~~ (i) wildland fire suppression responsibility as described in Section 11-7-1; and

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~~[(B)]~~ (ii) wildland fire suppression cost responsibility and taxing authority for a specific geographic jurisdiction; or

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

~~[(A)]~~ (i) providing wildland fire suppression services; and

~~[(B)]~~ (ii) paying for the cost of wildland fire suppression services.

~~[(b) "Fire-service provider" means a public or private entity that fulfills the duties of Subsection 11-7-1(1).]~~

(2)

(a) The governing body of ~~{[any eligible]}~~ an-agreement entity may enter into a cooperative agreement with the division to receive financial and wildfire management cooperation and assistance from the division, as described in this part.

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

(3)

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

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

(4) To enter into a cooperative agreement with the division, ~~{[the eligible entity]}~~ an-agreement entity shall:

(a) if the ~~{[eligible]}~~ agreement entity is a county, adopt and enforce on unincorporated land a wildland fire ordinance based upon minimum standards established by the division or Uniform Building Code Commission;

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

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- (c) invest in prevention, preparedness, and mitigation efforts, as agreed to with the division, that will reduce the {eligible{}} agreement entity's risk of catastrophic wildfire;
- 821 (d)
- (i) file with the division an annual accounting of wildfire prevention, preparedness, mitigation actions, and associated costs;
- 823 (ii) meet the {eligibility{}} agreement entity's participation commitment by making direct payments to the division; or
- 825 (iii) do a combination of Subsections (4)(d)(i) and (ii);
- 826 (e) return the financial statement described in Subsection (6), signed by the chief executive of the {eligible{}} agreement entity, to the division on or before the date set by the division; and
- 829 (f) if the {eligible{}} agreement entity is a county, have a designated fire warden as described in Section 65A-8-209.1.
- 831 (5)
- (a) The state forester may execute a cooperative agreement with {the eligible{}} an agreement entity.
- 833 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the:
- 835 (i) cooperative agreements described in this section;
- 836 (ii) manner in which an {eligible{}} agreement entity shall provide proof of compliance with Subsection (4);
- 838 (iii) manner by which the division may revoke a cooperative agreement if an {eligible{}} agreement entity ceases to meet the requirements described in this section;
- 840 (iv) accounting system for determining suppression costs;
- 841 (v) manner in which the division shall determine the {eligible{}} agreement entity's participation commitment; and
- 843 (vi) manner in which an {eligible{}} agreement entity may appeal a division determination of participation commitment.
- 845 (6)
- (a) The division shall send a financial statement to each {eligible{}} agreement entity participating in a cooperative agreement that details the {eligible{}} agreement entity's participation commitment for the coming fiscal year, including the prevention, preparedness, and mitigation actions agreed to under Subsection (4)(c).

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- 849 (b) {Each eligible{}} An agreement entity participating in a cooperative agreement shall:
- 850 (i) have the chief executive of the {eligible{}} agreement entity sign the financial statement, or
the legislative body of the {eligible{}} agreement entity approve the financial statement by
resolution, confirming the {eligible{}} agreement entity's participation for the upcoming year;
and
- 854 (ii) return the financial statement to the division, on or before a date set by the division.
- 856 (c) A financial statement shall be effective for one calendar year, beginning on the date set by the
division, as described in Subsection (6)(b).
- 858 (7)
- (a) An {eligible{}} agreement entity may revoke a cooperative agreement before the end of the
cooperative agreement's term by:
- 860 (i) informing the division, in writing, of the {eligible{}} agreement entity's intention to revoke
the cooperative agreement; or
- 862 (ii) failing to sign and return its annual financial statement, as described in Subsection (6)(b), unless
the director grants an extension.
- 864 (b) An {eligible{}} agreement entity may not revoke a cooperative agreement before the end of the
term of a signed annual financial statement, as described in Subsection (6)(c).
- 867 (8)
- (a) The division shall develop and maintain a wildfire risk assessment mapping tool that is online and
publicly accessible.
- 869 (b)
- [~~(i)~~] The division shall analyze adding an additional high-risk category within the wildfire risk
assessment mapping tool described in Subsection (8)(a):
- 871 [~~(A)~~] ~~(i)~~ using a scientific assessment; and
- 872 [~~(B)~~] ~~(ii)~~ that is focused on the risk to dwellings within the wildland-urban interface area.
- 874 [~~(ii)~~ The division shall report the results of the division's analysis under this Subsection (8)(b) to the
Natural Resources, Agriculture, and Environment Interim Committee by no later than the 2024
November interim meeting of that committee.]
- 877 (c) With regard to the categories used within the wildfire risk assessment mapping tool described
in Subsection (8)(a), the division may adjust the assessment for participation commitments if
the adjustment is based on the Consumer Price Index for All Urban Consumers as published by

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the Bureau of Labor Statistics of the United States Department of Labor, in accordance with a formula established by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

- (9)
- (a) The division may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish criteria for community wildfire preparedness plans addressing wildland-urban interface. The criteria shall require action that is:
- (i) qualitative and quantitative; and
- (ii) leads to reduced wildfire risk.
- (b) An eligible entity shall agree to implement prevention, preparedness, and mitigation actions identified in a community wildfire preparedness plan addressing wildland-urban interface that is approved by the division.

Section 10. Section **65A-8-203.1** is amended to read:

65A-8-203.1. Delegation of fire management authority.

- (1) As used in this section, "delegation of fire management authority" means the acceptance by the division of responsibility for:
- (a) {
- {(a)} managing a wildfire; and
- (b) ~~[the cost of fire suppression, as described in Section 65A-8-203]~~ wildfire costs and wildfire prevention costs as defined in Section 65A-8-216.
- (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the process for delegation of fire management authority.
- (3) Upon delegation of fire management authority, the division and its named designee becomes the primary incident commander.
- (4) The division may take action to recover costs described in Subsection (1)(b) upon delegation of fire management authority.

~~{Section 11. Section 65A-8-209 is amended to read: }~~

65A-8-209. Responsibilities of county sheriffs and fire wardens in controlling fires.

- (1) In a county that has not entered into a cooperative agreement as described in Section 65A-8-203, the county sheriff shall take appropriate action to suppress wildfires on state or private lands.
- (2) In all cases the county sheriff shall:

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- (a) report, as prescribed by the state forester, on wildland fire control action;
- (b) investigate and report wildfire causes; and
- (c) enforce ~~[the provisions of]~~ this chapter either independently or in cooperation with the state forester.
- (3) In an ~~[eligible]~~ agreement entity that has entered into a cooperative agreement, as described in Section 65A-8-203, the primary responsibility for wildfire management is the division, upon the delegation of fire management authority, as described in Section 65A-8-203.1.
- (4) The county sheriff and the county sheriff's organization shall maintain cooperative support of the fire management organization.

Section 11. Section **11** is enacted to read:

65A-8-216. Utah Wildfire Fund.

(1) As used in this section:

~~{(a)}~~ ~~{"Agreement entity" means the same as that term is defined in Section 65A-8-203.}~~

~~{(b)}~~ (a) "Eligible entity" means the same as that term is defined in Section 65A-8-203.

~~{(c)}~~ (b) "Fund" means the Utah Wildfire Fund created by this section.

~~{(d)}~~ (c) "Wildfire" means a fire that consumes:

(i) wildland; or

(ii) wildland-urban interface.

~~{(e)}~~ (d) "Wildfire costs" means costs associated with the suppression of a wildfire or rehabilitation efforts after a wildfire is suppressed as further defined by the division by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including costs for an ~~{agreement}~~ eligible entity that has entered into a cooperative agreement, as described in Section 65A-8-203.

~~{(f)}~~ (e) "Wildfire prevention costs" means costs for prevention, preparedness, or mitigation efforts before a wildfire, as defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including costs of an ~~{agreement}~~ eligible entity that has entered into a cooperative agreement, as described in Section 65A-8-203.

(2)

(a) There is created ~~{a restricted account within the General Fund}~~ an expendable special revenue fund known as the "Utah Wildfire Fund."

(b) The fund shall consist of:

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

(ii) money appropriated by the Legislature to the fund;

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- 948 (iii) federal funds received by the division for wildfire management costs, as defined by the division by
rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 951 (iv) suppression costs billed to an eligible entity that does not participate in a cooperative agreement;
- 953 (v) suppression costs paid to the division by another state agency;
- 954 (vi) costs recovered from a settlement or a civil or administrative action related to wildfire suppression;
- 956 (vii) restitution payments ordered by a court following a criminal adjudication;
- 957 (viii) voluntary contributions received by the division;
- 958 (ix) money received as direct payment from cooperative wildfire system participation commitments;
- 960 (x) money deposited by the Division of Finance, pursuant to Section 59-21-2; and
- 961 (xi) money transferred by the Division of Finance, pursuant to Section 63J-1-314.
- 962 (c) The state treasurer shall:
- 963 (i) invest the money in the fund in accordance with Title 51, Chapter 7, State Money Management Act;
and
- 965 (ii) deposit interest or other earnings derived from each investment described in Subsection (2)(c)(i)
into the fund.
- 967 (3)
- 968 (a) {~~Subject to appropriation, the~~} The division shall administer the fund to:
- 969 (i) pay wildfire costs on:
- 969 (A) state lands; or
- 970 (B) if delegated fire management authority, as described in Section 65A-8-203.1, private land located in
an unincorporated area;
- 972 (ii) subject to Subsection (4), make one or more grants {~~from money appropriated from the fund~~}
for the purpose of assisting one or more local fire departments or volunteer fire departments in
building capacity for the suppression of wildfire; and
- 975 (iii) subject to Subsection (5), pay wildfire prevention costs.
- 976 (b) The division may disburse money from the fund only upon written order of the state forester or the
state forester's authorized representative.
- 978 (c) If the state forester determines money in the fund may be insufficient to cover eligible costs in a fire
season, the state forester may:
- 980 (i) delay making disbursements from the fund until the close of the fire season; and
- 981 (ii) request supplemental appropriations from the Legislature.

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- 982 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall
make rules to administer the fund consistent with the requirements of this section.
- 985 (4)
- (a) The division may not issue in a fiscal year an aggregate of grants described in Subsection (3)(a)(ii)
that exceed {~~\$200,000~~} \$300,000.
- 987 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall
make rules establishing criteria for receiving a grant under Subsection (3)(a)(ii).
- 990 (5)
- (a) Except as provided in Subsection (5)(b), the division shall pay wildfire prevention costs during that
fiscal year in an amount that is the greater of:
- 992 (i) \$10,000,000; or
- 993 (ii) the sum of:
- 994 (A) \$3,000,000; and
- 995 (B) 10% of the money deposited into the fund but not expended in the previous fiscal year for wildfire
costs.
- 997 (b) In a case of catastrophic need, as determined by the state forester, the division may use money
described in Subsection (5)(a) to pay wildfire costs.
- 999 (6) Beginning with the fiscal year ending June 30, 2026, the division shall, by no later than the October
31 immediately following the fiscal year, annually report to the Natural Resources, Agriculture, and
Environmental Quality Appropriations Subcommittee:
- 1002 (a) the balance in the fund at the end of the fiscal year;
- 1003 (b) the amount of expenditures under Subsections (3)(a)(i), (ii), and (iii) during the fiscal year; and
- 1005 (c) the revenues deposited into the fund under Subsection (2) during the fiscal year.
- 986 Section 12. Section **65A-8a-102** is amended to read:
- 987 **65A-8a-102. Definitions.**
- As used in this chapter:
- 1009 (1) "Commercial tree species" means:
- 1010 (a) *Abies concolor* (white fir);
- 1011 (b) *Abies lasiocarpa* (subalpine fir);
- 1012 (c) *Juniperus osteosperma* (Utah juniper);
- 1013 (d) *Juniperus scopulorum* (Rocky Mountain juniper);

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- 1014 (e) *Picea engelmannii* (Engelmann spruce);
1015 (f) *Picea pungens* (blue spruce);
1016 (g) *Pinus contorta* (lodgepole pine);
1017 (h) *Pinus edulis* (piñon pine);
1018 (i) *Pinus flexilis* (limber pine);
1019 (j) *Pinus longaeva* (bristlecone pine);
1020 (k) *Pinus monophylla* (singleleaf piñon);
1021 (l) *Pinus ponderosa* (ponderosa pine);
1022 (m) *Populus tremuloides* (quaking aspen);
1023 (n) *Pseudotsuga menziesii* (Douglas fir); or
1024 (o) *Quercus gambelii* (gambel oak).
1025 (2)
(a) "Forest practice" means, except as provided in Subsection (2)(b):
1026 (i) the harvesting of commercial tree species;
1027 (ii) new road construction associated with harvesting or accessing trees;
1028 (iii) site preparation for regeneration of a timber stand;
1029 (iv) reforestation; or
1030 (v) the management of logging slash.
1031 (b) "Forest practice" does not include:
1032 (i) the operation of a nursery or Christmas tree farm;
1033 (ii) the harvest of Christmas trees;
1034 (iii) the harvest of trees for the noncommercial, personal use by the owner of forested land from which
the trees are harvested;
1036 (iv) a harvesting operation encompassing fewer than five contiguous acres of forested land;
1038 (v) clearing land for defensible space in a wildland-urban interface; or
1039 (vi) fuel reduction for a wildland-urban interface or hazardous fuel reduction project.
1040 (3) "Forested land" means land, except land owned by the federal government or located within an
incorporated city, growing commercial tree species that are, or could be at maturity, capable of
furnishing raw material used in the manufacture of lumber or other forest products.

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(4) "Forest Water Quality Guidelines" means the field-applicable practice guidelines adopted by the division for use during forestry activities to protect water quality and contained within a nonpoint source management plan.

(5) "Landowner" means a person who holds an ownership interest in forested land.

(6) "Operator" means a person who:

(a) is responsible for conducting forest practices; or

(b) through a contractual agreement with the landowner, is obligated to or entitled to conduct forest practices or to carry out a timber sale.

~~[(7) "Wildland-urban interface" means the zone where structures and other human development meets, or intermingles with, undeveloped wildland.]~~

Section 13. **Repealer.**

This Bill Repeals:

This bill repeals:

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

Section **65A-8-206, Disbursements from the Wildland Fire Suppression Fund.**

Section **65A-8-207, Division to administer Wildland Fire Suppression Fund -- Rulemaking -- Procedures.**

Section **65A-8-213, Creation of the Wildland Fire Preparedness Grants Fund -- Awarding of grants -- Rulemaking.**

Section **65A-8-215, Wildland-urban interface fire prevention, preparedness, and mitigation.**

Section 14. **FY 2026 Appropriations.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 14(a). **Expendable Funds and Accounts**

The Legislature has reviewed the following expendable funds. The Legislature authorizes the State Division of Finance to transfer amounts between funds and accounts as indicated. Outlays and expenditures from the funds or accounts to which the money is transferred may be made without further legislative action, in accordance with statutory provisions relating to the funds or accounts.

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1054	ITEM 1	To Department of Natural Resources - Utah Wildfire Fund	
1055		From Wildland-Urban Interface Prevention, Preparedness, and Mitigation Fund,	
		One-time	3,549,800
1057		From Wildland Fire Preparedness Grants Fund, One-time	140,200
1058		From Wildland Fire Suppression Fund, One-time	146,332,500
1059		Schedule of Programs:	
1060		Utah Wildfire Fund	150,022,500
1068		Subsection 15(a). Restricted Fund and Account Transfers	
1069		The Legislature authorizes the State Division of Finance to transfer the following	
1070		amounts between the following funds or accounts as indicated. Expenditures and outlays from	
1071		the funds to which the money is transferred must be authorized by an appropriation.	
1072	ITEM 1	To Department of Natural Resources - Utah Wildfire Fund	
1073		{From Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund,	
		- One-time	3,549,800
		}	
1075		{From Wildland Fire Preparedness Grants Fund, One-time	140,200
		}	
1076		{From Wildland Fire Suppression Fund, One-time	146,332,500
		}	
1077		Schedule of Programs:	
1078		{Utah Wildfire Fund	150,022,500
		}	
1079		The Legislature intends that the Division of	
1080		Finance, after completing the appropriation in this	
1081		section, transfer any remaining balances in the Wildland	
1082		Fire Suppression Fund, Wildland Fire Preparedness	
1083		Grants Fund, and the Wildland-urban Prevention,	
1084		Preparedness, and Mitigation Fund into the Utah Wildfire	
1085		Fund.	
1061		Section 15. Effective date.	
		Effective Date.	

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This bill takes effect on July 1, 2025.

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Section 16. **Coordinating H.B. 307 with H.B. 48.**

If H.B. 307, Wildfire Funding Amendments, and H.B. 48, Wildland Urban Interface

Modifications, both pass and become law, the Legislature intends that, on January 1, 2026:

(1) "Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created in Section 65A-8-215" be replaced with "Utah Wildfire Fund created in Section 65A-8-216" in Subsection 17-16-22(3)(b)(i) enacted in H.B. 48; and

(2) the following language be inserted as Subsection 65A-8-216(2)(b)(xii) in H.B. 307:

"(xii) money deposited by the Division of Forestry, Fire, and State Lands, pursuant to Section 17-16-22.".

3-4-25 9:01 AM