

Casey Snider proposes the following substitute bill:

Wildfire Funding Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill addresses wildfires.

Highlighted Provisions:

This bill:

- merges several funds into the Utah Wildfire Fund (fund);
- modifies references to the funds merged into the fund;
- addresses cooperative agreements with the Division of Forestry, Fire, and State Lands;
- modifies provisions related to the delegation of fire management authority;
- amends definition provisions;
- addresses elements of the fund such as what is deposited into the fund and how money in the fund is used;
- requires reporting;
- authorizes rulemaking;
- moves provisions related to community wildfire preparedness plans addressing wildland-urban interface; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:

This bill appropriates \$150,022,500 in restricted fund and account transfers for fiscal year 2026, all of which is from the various sources as detailed in this bill.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

- 29 **59-21-2**, as last amended by Laws of Utah 2024, Chapter 88
- 30 **63J-1-314**, as last amended by Laws of Utah 2023, Chapters 153, 434
- 31 **63J-1-315**, as last amended by Laws of Utah 2024, Chapters 77, 439
- 32 **63J-3-103**, as last amended by Laws of Utah 2024, Chapter 77
- 33 **63N-3-106**, as last amended by Laws of Utah 2024, Chapters 77, 159
- 34 **65A-1-1**, as last amended by Laws of Utah 2024, Chapter 80
- 35 **65A-8-203**, as last amended by Laws of Utah 2024, Chapter 77
- 36 **65A-8-203.1**, as enacted by Laws of Utah 2016, Chapter 174
- 37 **65A-8-209**, as last amended by Laws of Utah 2016, Chapter 174
- 38 **65A-8a-102**, as last amended by Laws of Utah 2010, Chapter 40

39 ENACTS:

40 **65A-8-216**, Utah Code Annotated 1953

41 REPEALS:

- 42 **65A-8-204**, as last amended by Laws of Utah 2023, Chapter 153
- 43 **65A-8-206**, as last amended by Laws of Utah 2016, Chapter 174
- 44 **65A-8-207**, as last amended by Laws of Utah 2016, Chapter 174
- 45 **65A-8-213**, as last amended by Laws of Utah 2023, Chapter 153
- 46 **65A-8-215**, as last amended by Laws of Utah 2024, Chapter 77



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

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

50 **53-2a-602 . Definitions.**

51 (1) Unless otherwise defined in this section, the terms that are used in this part mean the
52 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
55 non-profit entity that agrees to provide support to a requesting intrastate or interstate
56 government entity that has declared an emergency or disaster and has requested
57 assistance through the division.

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

- 63 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
- 66 years; and
- 67 (v) that results in:
- 68 (A) the president of the United States declaring an emergency or major disaster in
- 69 the state;
- 70 (B) the governor declaring a state of emergency under Part 2 Disaster Response
- 71 and Recovery Act; or
- 72 (C) the chief executive officer of a local government declaring a local emergency
- 73 under Part 2, Disaster Response and Recovery Act.
- 74 (c) "Disaster recovery account" means the State Disaster Recovery Restricted Account
- 75 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
- 91 defined by the division by rule, that are generally required in response to a
- 92 declared disaster.
- 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~~
- 96 ~~Suppression Fund created in Section 65A-8-204~~] Utah Wildfire Fund created in

97 Section 65A-8-216, any fire suppression or presuppression costs that may be
98 paid for from the [~~Wildland Fire Suppression~~] Utah Wildfire Fund if the county
99 participates in the [~~Wildland Fire Suppression~~] Utah Wildfire Fund.

100 (e) "Emergency preparedness" means the following done for the purpose of being
101 prepared for an emergency as defined by the division by rule made in accordance
102 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
111 service district, if no administrative control board has been appointed under
112 Section 17D-1-301; or

113 (B) the administrative control board of the special service district, if an
114 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
116 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
124 programs for municipal, state, and other detainees and prisoners;

125 (D) provides consolidated 911 and emergency dispatch service;

126 (E) operates an airport; or

127 (F) operates a sewage system.

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

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

131 accounting, and reporting.

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

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

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

137 **53-2a-603 . State Disaster Recovery Restricted Account.**

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

140 (b) The disaster recovery account consists of:

141 (i) money deposited into the disaster recovery account in accordance with Section
142 63J-1-314;

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

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

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

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

147 (I) the division; or

148 (II) the person or entity giving the money.

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

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

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

157 (ii) subject to Section 53-2a-606, in any fiscal year the division may expend or
158 commit to expend an amount that exceeds \$500,000, but does not exceed
159 \$3,000,000, in accordance with Section 53-2a-604, to fund costs to the state of
160 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
162 the expenditure or commitment to expend from the governor;

163 (B) subject to Subsection (5), provides written notice of the expenditure or
164 commitment to expend to the speaker of the House of Representatives, the

- 165 president of the Senate, the Division of Finance, the Executive Offices and
166 Criminal Justice Appropriations Subcommittee, the Legislative Management
167 Committee, and the Office of the Legislative Fiscal Analyst no later than 72
168 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
171 commit to expend an amount that exceeds \$3,000,000, but does not exceed
172 \$5,000,000, in accordance with Section 53-2a-604, to fund costs to the state of
173 emergency disaster services in response to a declared disaster if, before making
174 the expenditure or commitment to expend, the division:
- 175 (A) obtains approval for the expenditure or commitment to expend from the
176 governor; and
177 (B) submits the expenditure or commitment to expend to the Executive
178 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
180 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
182 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
184 disaster services; and
- 185 (v) in any fiscal year, the division may expend an amount that does not exceed
186 \$750,000 to fund expenses incurred to develop or enhance emergency
187 management capabilities if:
- 188 (A) the money is used for personnel, equipment, supplies, contracts, training,
189 exercises, or other expenses deemed reasonable and necessary to:
- 190 (I) promote and strengthen the state's level of resiliency through mitigation,
191 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
194 while maintaining a minimum balance of \$5,000,000;
- 195 (b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or
196 committed to be expended to fund costs to the state directly related to a declared
197 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~~
201 ~~Fund created in Section 65A-8-204~~] Utah Wildfire Fund created in Section
202 65A-8-216, any fire suppression or presuppression costs that may be paid for from
203 the [~~Wildland Fire Suppression~~] Utah Wildfire Fund if the county participates in
204 the [~~Wildland Fire Suppression~~] Utah Wildfire Fund;
- 205 (c) to fund:
- 206 (i) the Local Government Emergency Response Loan Fund created in Section
207 53-2a-607; and
- 208 (ii) the Response, Recovery, and Post-disaster Mitigation Restricted Account created
209 in Section 53-2a-1302;
- 210 (d) the division may provide advanced funding from the disaster recovery account to
211 recognized agents of the state when:
- 212 (i) Utah has agreed, through the division, to enact the Emergency Management
213 Assistance Compact with another member state that has requested assistance
214 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
217 source available at the time of the Emergency Management Assistance Compact
218 request; and
- 219 (iv) the disaster recovery account has a balance of funds available to be utilized while
220 maintaining a minimum balance of \$5,000,000;
- 221 (e) to fund up to \$500,000 for the governor's emergency appropriations described in
222 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
225 shall be credited to the account.
- 226 (4) The state treasurer shall invest money in the disaster recovery account according to Title
227 51, Chapter 7, State Money Management Act.
- 228 (5)(a) Except as provided in Subsections (1) and (2), the money in the disaster recovery
229 account may not be diverted, appropriated, expended, or committed to be expended
230 for a purpose that is not listed in this section.
- 231 (b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money from
232 the disaster recovery account to eliminate or otherwise reduce an operating deficit if

233 the money appropriated from the disaster recovery account is expended or committed
 234 to be expended for a purpose other than one listed in this section.

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

238 (6) The division:

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

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

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

243 **59-21-2 . Mineral Bonus Account created -- Contents -- Use of Mineral Bonus**

244 **Account money -- Mineral Lease Account created -- Contents -- Appropriation of money**
 245 **from Mineral Lease Account.**

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

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

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

253 (d) The state treasurer shall:

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

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

258 (e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of
 259 mineral lease bonus payments deposited under Subsection (1)(b) from the previous
 260 fiscal year into the [~~Wildland Fire Suppression Fund created in Section 65A-8-204]~~
 261 Utah Wildfire Fund created in Section 65A-8-216, up to \$2,000,000 but not to exceed
 262 20% of the amount expended in the previous fiscal year from the [~~Wildland Fire~~
 263 ~~Suppression]~~ Utah Wildfire Fund.

264 (2)(a) There is created a restricted account within the General Fund known as the
 265 "Mineral Lease Account."

266 (b) The Mineral Lease Account consists of federal mineral lease money deposited

- 267 pursuant to Subsection 59-21-1(1).
- 268 (c) The Legislature shall make appropriations from the Mineral Lease Account as
269 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
271 Lease Account to the Permanent Community Impact Fund established by Section
272 35A-8-303.
- 273 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral
274 Lease Account to the State Board of Education, to be used for education research and
275 experimentation in the use of staff and facilities designed to improve the quality of
276 education in Utah.
- 277 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral
278 Lease Account to the Utah Geological Survey Restricted Account, created in Section
279 79-3-403, to be used by the Utah Geological Survey for activities carried on by the
280 Utah Geological Survey having as a purpose the development and exploitation of
281 natural resources in the state.
- 282 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral
283 Lease Account to the Water Research Laboratory at Utah State University, to be used
284 for activities carried on by the laboratory having as a purpose the development and
285 exploitation of water resources in the state.
- 286 (h)(i) The Legislature shall annually appropriate to the Division of Finance 40% of
287 all deposits made to the Mineral Lease Account to be distributed as provided in
288 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:
- 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
300 each county; and

301 (B) to a county or special service district established by a county under Title 17D,
302 Chapter 1, Special Service District Act, as determined by the county legislative
303 body.

304 (i)(i) The Legislature shall annually appropriate 5% of all deposits made to the
305 Mineral Lease Account to the Department of Workforce Services to be distributed
306 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
316 Subsection (2)(i)(i) only to special service districts established under Title 17D,
317 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;
320 and

321 (C) that are significantly socially or economically impacted as provided in
322 Subsection (2)(i)(iii) by the development of minerals under the Mineral Lands
323 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)
325 shall be as a result of:

326 (A) the transportation within the county of hydrocarbons, including solid
327 hydrocarbons as defined in Section 59-5-101;

328 (B) the employment of persons residing within the county in hydrocarbon
329 extraction, including the extraction of solid hydrocarbons as defined in Section
330 59-5-101; or

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
333 special service districts established by counties under Title 17D, Chapter 1,
334 Special Service District Act, the Department of Workforce Services shall:

- 335 (A)(I) allocate 50% of the appropriations equally among the counties meeting
336 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
338 each county meeting the requirements of Subsections (2)(i)(ii) and (iii)
339 bears to the total population of all of the counties meeting the requirements
340 of Subsections (2)(i)(ii) and (iii); and
341 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute
342 the allocated revenues to special service districts established by the counties
343 under Title 17D, Chapter 1, Special Service District Act, as determined by the
344 executive director of the Department of Workforce Services after consulting
345 with the county legislative bodies of the counties meeting the requirements of
346 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
349 (2)(i)(ii) and (iii);
350 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service
351 districts established by counties under Title 17D, Chapter 1, Special Service
352 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,
354 may make rules:
355 (I) providing a procedure for making the distributions under this Subsection
356 (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
359 Mineral Lease Account:
360 (A) an amount equal to 52 cents multiplied by the number of acres of school or
361 institutional trust lands, lands owned by the Division of State Parks or the
362 Division of Outdoor Recreation, and lands owned by the Division of Wildlife
363 Resources that are not under an in lieu of taxes contract, to each county in
364 which those lands are located;
365 (B) to each county in which school or institutional trust lands are transferred to the
366 federal government after December 31, 1992, an amount equal to the number
367 of transferred acres in the county multiplied by a payment per acre equal to the
368 difference between 52 cents per acre and the per acre payment made to that

- 369 county in the most recent payment under the federal payment in lieu of taxes
370 program, 31 U.S.C. Sec. 6901 et seq., unless the federal payment was equal to
371 or exceeded the 52 cents per acre, in which case a payment under this
372 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
374 federal in lieu of taxes program, are transferred to the school or institutional
375 trust, an amount equal to the number of transferred acres in the county
376 multiplied by a payment per acre equal to the difference between the most
377 recent per acre payment made under the federal payment in lieu of taxes
378 program and 52 cents per acre, unless the federal payment was equal to or less
379 than 52 cents per acre, in which case a payment under this Subsection
380 (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
384 within the county.
- 385 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the
386 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,
388 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
392 1994-95, the Division of Finance shall increase or decrease the amounts per
393 acre provided for in Subsections (2)(j)(i)(A) through (C) by the average annual
394 change in the Consumer Price Index for all urban consumers published by the
395 Department of Labor.
396 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of
397 Finance shall increase or decrease the amount described in Subsection
398 (2)(j)(i)(D)(I) by the average annual change in the Consumer Price Index for
399 all urban consumers published by the Department of Labor.
- 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
 413 Fund all deposits remaining in the Mineral Lease Account after making the
 414 appropriations provided for in Subsections (2)(d) through (j).
- 415 (3)(a) Each agency, board, institution of higher education, and political subdivision
 416 receiving money under this chapter shall provide the Legislature, through the Office
 417 of the Legislative Fiscal Analyst, with a complete accounting of the use of that
 418 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
 421 current fiscal year, and planned expenditures for the following fiscal year; and
 422 (ii) be reviewed by the Business, Economic Development, and Labor Appropriations
 423 Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1,
 424 Budgetary Procedures Act.
- 425 Section 4. Section **63J-1-314** is amended to read:
 426 **63J-1-314 . Deposits related to the Utah Wildfire Fund and the Disaster**
 427 **Recovery Funding Act.**
- 428 (1) As used in this section, "operating deficit" means that, at the end of the fiscal year, the
 429 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
 431 Division of Finance shall, after the transfer of General Fund revenue surplus has been
 432 made to the Medicaid Growth Reduction and Budget Stabilization Account, as provided
 433 in Section 63J-1-315, and the General Fund Budget Reserve Account, as provided in
 434 Section 63J-1-312, transfer:
 435 (a)(i) for a fiscal year ending on or after June 30, 2026, to the Utah Wildfire Fund
 436 created in Section 65A-8-216, \$4,000,000 each fiscal year until an aggregate

437 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
 439 the [~~Wildland Fire Suppression Fund created in Section 65A-8-204~~] Utah Wildfire
 440 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~~
 443 ~~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
 445 (2)(a), to the ~~Wildland-urban Interface Prevention, Preparedness, and Mitigation~~
 446 ~~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~~
 449 ~~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
 451 Section 53-2a-603, from the General Fund revenue surplus as defined in Section
 452 63J-1-312, calculated by:
 453 (i) determining the amount of General Fund revenue surplus after the transfer to the
 454 Medicaid Growth Reduction and Budget Stabilization Account under Section
 455 63J-1-315, the General Fund Budget Reserve Account under Section 63J-1-312,
 456 and the transfer to the [~~Wildland Fire Suppression~~] Utah Wildfire Fund as
 457 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
 461 which the surplus occurs; and
 462 (iii) adding to the amount calculated under Subsection [(2)(e)(ii)] (2)(b)(ii) an amount
 463 equal to the lesser of:
 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)]
 466 (2)(b)(iii), any amount appropriated from the State Disaster Recovery
 467 Restricted Account within 10 fiscal years before the fiscal year in which the
 468 surplus occurs if:
 469 (I) a surplus exists; and
 470 (II) the Legislature appropriates money from the State Disaster Recovery

471 Restricted Account that is not replaced by appropriation or as provided in
472 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
474 Finance determines that an operating deficit exists, the division shall reduce the
475 transfer to the State Disaster Recovery Restricted Account by an amount necessary to
476 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
478 Subsection (3)(a), the Division of Finance determines that an operating deficit still
479 exists, the division shall reduce the transfer to the [~~Wildland Fire Suppression~~] Utah
480 Wildfire Fund by an amount necessary to eliminate the operating deficit, up to the
481 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
484 Finance shall transfer to the Local Government Emergency Response Loan Fund
485 25% of the amount to be transferred into the State Disaster Recovery Restricted
486 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
488 Government Emergency Response Loan Fund 10% of the amount to be transferred
489 into the State Disaster Recovery Restricted Account as provided in Subsection [(2)(e)]
490 (2)(b) ; and

491 (c) on and after July 1, 2023, the Division of Finance shall transfer to the Response,
492 Recovery, and Post-disaster Mitigation Restricted Account 25% of the amount to be
493 transferred into the State Disaster Recovery Restricted Account as provided in
494 Subsection [(2)(e)] (2)(b).

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

496 **63J-1-315 . Medicaid Growth Reduction and Budget Stabilization Account --**
497 **Transfers of Medicaid growth savings -- Base budget adjustments.**

498 (1) As used in this section:

499 (a) "Department" means the Department of Health and Human Services created in
500 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
503 revenues collected in a completed fiscal year exceed the estimated revenues for the
504 General Fund for that fiscal year that were adopted by the Executive Appropriations

- 505 Committee of the Legislature.
- 506 (d) "Medicaid growth savings" means the Medicaid growth target minus Medicaid
507 program expenditures, if Medicaid program expenditures are less than the Medicaid
508 growth target.
- 509 (e) "Medicaid growth target" means Medicaid program expenditures for the previous
510 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
513 Medicaid program from the General Fund, including restricted accounts within the
514 General Fund, during a fiscal year.
- 515 (h) "Medicaid program expenditures for the previous year" means total state revenue
516 expended for the Medicaid program from the General Fund, including restricted
517 accounts within the General Fund, during the fiscal year immediately preceding a
518 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
520 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
523 appropriated to the Medicaid Growth Reduction and Budget Stabilization Account
524 only to the extent the money is appropriated for the Medicaid program by the
525 Legislature.
- 526 (2) There is created within the General Fund a restricted account to be known as the
527 Medicaid Growth Reduction and Budget Stabilization Account.
- 528 (3)(a) The following shall be deposited into the Medicaid Growth Reduction and Budget
529 Stabilization Account:
- 530 (i) deposits described in Subsection (4);
- 531 (ii) beginning July 1, 2024, any general funds appropriated to the department for the
532 state plan for medical assistance or for Medicaid administration by the Division of
533 Integrated Healthcare that are not expended by the department in the fiscal year
534 for which the general funds were appropriated and which are not otherwise
535 designated as nonlapsing shall lapse into the Medicaid Growth Reduction and
536 Budget Stabilization Account;
- 537 (iii) beginning July 1, 2024, any unused state funds that are associated with the
538 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
- 547 balance in the Medicaid Restricted Account created in Section 26B-1-309 into the
- 548 Medicaid Growth Reduction and Budget Stabilization Account.
- 549 (b) In addition to the deposits described in Subsection (3)(a), the Legislature may
- 550 appropriate money into the Medicaid Growth Reduction and Budget Stabilization
- 551 Account.
- 552 (4)(a)(i) Except as provided in Subsection (7), if, at the end of a fiscal year, there is a
- 553 General Fund revenue surplus, the Division of Finance shall transfer an amount
- 554 equal to Medicaid growth savings from the General Fund to the Medicaid Growth
- 555 Reduction and Budget Stabilization Account.
- 556 (ii) If the amount transferred is reduced to prevent an operating deficit, as provided in
- 557 Subsection (7), the Legislature shall include, to the extent revenue is available, an
- 558 amount equal to the reduction as an appropriation from the General Fund to the
- 559 account in the base budget for the second fiscal year following the fiscal year for
- 560 which the reduction was made.
- 561 (b) If, at the end of a fiscal year, there is not a General Fund revenue surplus, the
- 562 Legislature shall include, to the extent revenue is available, an amount equal to
- 563 Medicaid growth savings as an appropriation from the General Fund to the account in
- 564 the base budget for the second fiscal year following the fiscal year for which the
- 565 reduction was made.
- 566 (c) Subsections (4)(a) and (4)(b) apply only to the fiscal year in which the department
- 567 implements the proposal developed under Section 26B-3-202 to reduce the long-term
- 568 growth in state expenditures for the Medicaid program, and to each fiscal year after
- 569 that year.
- 570 (5) The Division of Finance shall calculate the amount to be transferred under Subsection
- 571 (4):
- 572 (a) before transferring revenue from the General Fund revenue surplus to:

- 573 (i) the General Fund Budget Reserve Account under Section 63J-1-312;
 574 [~~(ii)(A) the Wildland Fire Suppression Fund created in Section 65A-8-204, as~~
 575 ~~described in Section 63J-1-314; or]~~
 576 [~~(B) the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund~~
 577 ~~under Section 63J-1-314; and]~~
 578 (ii) the Utah Wildfire Fund created in Section 65A-8-216, as described in Section
 579 63J-1-314; and
 580 (iii) the State Disaster Recovery Restricted Account under Section 63J-1-314;
 581 (b) before earmarking revenue from the General Fund revenue surplus to the Industrial
 582 Assistance Account under Section 63N-3-106; and
 583 (c) before making any other year-end contingency appropriations, year-end set-asides, or
 584 other year-end transfers required by law.
- 585 (6)(a) If, at the close of any fiscal year, there appears to be insufficient money to pay
 586 additional debt service for any bonded debt authorized by the Legislature, the
 587 Division of Finance may hold back from any General Fund revenue surplus money
 588 sufficient to pay the additional debt service requirements resulting from issuance of
 589 bonded debt that was authorized by the Legislature.
- 590 (b) The Division of Finance may not spend the hold back amount for debt service under
 591 Subsection (6)(a) unless and until it is appropriated by the Legislature.
- 592 (c) If, after calculating the amount for transfer under Subsection (4), the remaining
 593 General Fund revenue surplus is insufficient to cover the hold back for debt service
 594 required by Subsection (6)(a), the Division of Finance shall reduce the transfer to the
 595 Medicaid Growth Reduction and Budget Stabilization Account by the amount
 596 necessary to cover the debt service hold back.
- 597 (d) Notwithstanding Subsections (4) and (5), the Division of Finance shall hold back the
 598 General Fund balance for debt service authorized by this Subsection (6) before
 599 making any transfers to the Medicaid Growth Reduction and Budget Stabilization
 600 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
 602 Finance determines that an operating deficit exists and that holding back earmarks to the
 603 Industrial Assistance Account under Section 63N-3-106, transfers to the [~~Wildland Fire~~
 604 ~~Suppression Fund]~~ Utah Wildfire Fund and State Disaster Recovery Restricted Account
 605 under Section 63J-1-314, transfers to the General Fund Budget Reserve Account under
 606 Section 63J-1-312, or earmarks and transfers to more than one of those accounts, in that

607 order, does not eliminate the operating deficit, the Division of Finance may reduce the
608 transfer to the Medicaid Growth Reduction and Budget Stabilization Account by the
609 amount necessary to eliminate the operating deficit.

610 (8) The Legislature may appropriate money from the Medicaid Growth Reduction and
611 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
614 appropriation is made are estimated to be 108% or more of Medicaid program
615 expenditures for the previous year; or

616 (ii) if the amount of the appropriation is equal to or less than the balance in the
617 Medicaid Growth Reduction and Budget Stabilization Account that comprises
618 deposits described in Subsections (3)(a)(ii) through (v) and appropriations
619 described in Subsection (3)(b).

620 (9) The Division of Finance shall deposit interest or other earnings derived from investment
621 of Medicaid Growth Reduction and Budget Stabilization Account money into the
622 General Fund.

623 Section 6. Section **63J-3-103** is amended to read:

624 **63J-3-103 . Definitions.**

625 As used in this chapter:

626 (1)(a) "Appropriations" means actual unrestricted capital and operating appropriations
627 from unrestricted General Fund and Income Tax Fund sources.

628 (b) "Appropriations" includes appropriations that are contingent upon available
629 surpluses in the General Fund and Income Tax Fund.

630 (c) "Appropriations" does not mean:

631 (i) public education expenditures;

632 (ii) Utah Education and Telehealth Network expenditures in support of public
633 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
636 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

- 641 Fund;
- 642 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve
- 643 Account established in Section 63J-1-312;
- 644 (x) transfers into, or appropriations made to, the Income Tax Fund Budget Reserve
- 645 Account established in Section 63J-1-313;
- 646 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to [
- 647 ~~the Wildland Fire Suppression Fund created in Section 65A-8-204, the~~
- 648 ~~Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created~~
- 649 ~~in Section 65A-8-215,] the Utah Wildfire Fund created in Section 65A-8-216 or~~
- 650 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
- 652 of capital development projects as defined in Section 63A-5b-401;
- 653 (xiii) transfers or deposits into or appropriations made to the Centennial Highway
- 654 Fund created by Section 72-2-118;
- 655 (xiv) transfers or deposits into or appropriations made to the Transportation
- 656 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,
- 661 Fire, and State Lands to provide money for wildland fire control expenses
- 662 incurred during the current or previous fire years.
- 663 (2) "Base year real per capita appropriations" means the result obtained for the state by
- 664 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
- 665 (a) the state's July 1, 1983 population; and
- 666 (b) the fiscal year 1983 inflation index divided by 100.
- 667 (3) "Calendar year" means the time period beginning on January 1 of any given year and
- 668 ending on December 31 of the same year.
- 669 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
- 670 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special
- 671 Session, Chapter 4.
- 672 (5) "Fiscal year" means the time period beginning on July 1 of any given year and ending
- 673 on June 30 of the subsequent year.
- 674 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital

675 and operations appropriations from General Fund and non-Uniform School Fund income
676 tax revenue sources, less debt money.

677 (7) "Inflation index" means the change in the general price level of goods and services as
678 measured by the Gross National Product Implicit Price Deflator of the Bureau of
679 Economic Analysis, U.S. Department of Commerce calculated as provided in Section
680 63J-3-202.

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

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

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

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

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

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

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

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

703 **63N-3-106 . Structure of loans, grants, and assistance -- Repayment -- Earned**
704 **credits.**

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

708 (b) Loans made under this part shall be structured so the intended repayment or return to

- 709 the state, including cash or credit, equals at least the amount of the assistance
710 together with an annual interest charge as negotiated by the administrator.
- 711 (c) Payments resulting from grants awarded from the restricted account shall be made
712 only after the administrator has determined that the company has satisfied the
713 conditions upon which the payment or earned credit was based.
- 714 (2)(a) The administrator may provide for a system of earned credits that may be used to
715 support grant payments or in lieu of cash repayment of a restricted account loan
716 obligation.
- 717 (b) The value of the credits described in Subsection (2)(a) shall be based on factors
718 determined by the administrator, including:
- 719 (i) the number of Utah jobs created;
720 (ii) the increased economic activity in Utah; or
721 (iii) other events and activities that occur as a result of the restricted account
722 assistance.
- 723 (3)(a) A cash loan repayment or other cash recovery from a company receiving
724 assistance under this section, including interest, shall be deposited into the restricted
725 account.
- 726 (b) The administrator and the Division of Finance shall determine the manner of
727 recognizing and accounting for the earned credits used in lieu of loan repayments or
728 to support grant payments as provided in Subsection (2).
- 729 (4)(a)(i) At the end of each fiscal year, the Division of Finance shall transfer the
730 balance of the General Fund revenue surplus as defined in Section 63J-1-312 after
731 the transfers of General Fund revenue surplus described in Subsection (4)(b) to the
732 Industrial Assistance Account in an amount equal to any credit that has accrued
733 under this part.
- 734 (ii) The transfer under Subsection (4)(a)(i) is capped at \$50,000,000 and the Division
735 of Finance shall deposit any interest accrued above the \$50,000,000 cap into the
736 General Fund.
- 737 (b) The Division of Finance shall make the transfer required by Subsection (4)(a) after
738 the Division of Finance transfers the General Fund revenue ~~[surplusto]~~ surplus to:
- 739 (i) the Medicaid Growth Reduction and Budget Stabilization Restricted Account, as
740 provided in Section 63J-1-315;
741 (ii) the General Fund Budget Reserve Account, as provided in Section 63J-1-312; and
742 (iii) as provided in Section 63J-1-314:

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

745 (B) the State Disaster Recovery Restricted Account.

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

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

749 **65A-1-1 . Definitions.**

750 As used in this title:

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

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

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

756 [(3)] (4) "Initial attack" means action taken by the first resource to arrive at a wildland fire
757 incident, including evaluating the wildland fire, patrolling, monitoring, holding action,
758 or aggressive suppression action.

759 [(4)] (5) "Multiple use" means the management of various surface and subsurface resources
760 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,
763 administered by the division.

764 [(7)] (8) "Sovereign lands" means those lands lying below the ordinary high water mark of
765 navigable bodies of water at the date of statehood and owned by the state by virtue of its
766 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
769 periodic output of the various renewable resources of land without impairment of the
770 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
773 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
779 development meets, or intermingles with, undeveloped wildland.

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

781 **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 entity" means:

785 (i) a county, a municipality, or a special service district, special district, or service
786 area with:

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

788 (B) wildland fire suppression cost responsibility and taxing authority for a specific
789 geographic jurisdiction; or

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

793 (A) providing wildland fire suppression services; and

794 (B) paying for the cost of wildland fire suppression services.

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

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

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

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

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

810 (4) To enter into a cooperative agreement with the division, [~~the eligible entity~~] an

- 811 agreement entity shall:
- 812 (a) if the [eligible] agreement entity is a county, adopt and enforce on unincorporated
813 land a wildland fire ordinance based upon minimum standards established by the
814 division or Uniform Building Code Commission;
- 815 (b) require that the fire department or equivalent fire service provider under contract
816 with, or delegated by, the [eligible] agreement entity on unincorporated land meet
817 minimum standards for wildland fire training, certification, and suppression
818 equipment based upon nationally accepted standards as specified by the division;
- 819 (c) invest in prevention, preparedness, and mitigation efforts, as agreed to with the
820 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,
822 preparedness, mitigation actions, and associated costs;
- 823 (ii) meet the [eligibility] agreement entity's participation commitment by making
824 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
827 executive of the [eligible] agreement entity, to the division on or before the date set by
828 the division; and
- 829 (f) if the [eligible] agreement entity is a county, have a designated fire warden as
830 described in Section 65A-8-209.1.
- 831 (5)(a) The state forester may execute a cooperative agreement with [~~the eligible~~] an
832 agreement entity.
- 833 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
834 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
837 with Subsection (4);
- 838 (iii) manner by which the division may revoke a cooperative agreement if an [eligible]
839 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
842 participation commitment; and
- 843 (vi) manner in which an [eligible] agreement entity may appeal a division
844 determination of participation commitment.

- 845 (6)(a) The division shall send a financial statement to each [eligible] agreement entity
846 participating in a cooperative agreement that details the [eligible] agreement entity's
847 participation commitment for the coming fiscal year, including the prevention,
848 preparedness, and mitigation actions agreed to under Subsection (4)(c).
- 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
851 statement, or the legislative body of the [eligible] agreement entity approve the
852 financial statement by resolution, confirming the [eligible] agreement entity's
853 participation for the upcoming year; and
854 (ii) return the financial statement to the division, on or before a date set by the
855 division.
- 856 (c) A financial statement shall be effective for one calendar year, beginning on the date
857 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
859 of the cooperative agreement's term by:
860 (i) informing the division, in writing, of the [eligible] agreement entity's intention to
861 revoke the cooperative agreement; or
862 (ii) failing to sign and return its annual financial statement, as described in
863 Subsection (6)(b), unless the director grants an extension.
- 864 (b) An [eligible] agreement entity may not revoke a cooperative agreement before the
865 end of the term of a signed annual financial statement, as described in Subsection
866 (6)(c).
- 867 (8)(a) The division shall develop and maintain a wildfire risk assessment mapping tool
868 that is online and publicly accessible.
- 869 (b)[~~(i)~~] The division shall analyze adding an additional high-risk category within the
870 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
873 area.
- 874 [~~(ii) The division shall report the results of the division's analysis under this~~
875 ~~Subsection (8)(b) to the Natural Resources, Agriculture, and Environment Interim~~
876 ~~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
878 described in Subsection (8)(a), the division may adjust the assessment for

879 participation commitments if the adjustment is based on the Consumer Price Index
 880 for All Urban Consumers as published by the Bureau of Labor Statistics of the
 881 United States Department of Labor, in accordance with a formula established by the
 882 division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
 883 Rulemaking Act.

884 (9)(a) The division may by rule, made in accordance with Title 63G, Chapter 3, Utah
 885 Administrative Rulemaking Act, establish criteria for community wildfire
 886 preparedness plans addressing wildland-urban interface. The criteria shall require
 887 action that is:

888 (i) qualitative and quantitative; and

889 (ii) leads to reduced wildfire risk.

890 (b) An eligible entity shall agree to implement prevention, preparedness, and mitigation
 891 actions identified in a community wildfire preparedness plan addressing
 892 wildland-urban interface that is approved by the division.

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

894 **65A-8-203.1 . Delegation of fire management authority.**

895 (1) As used in this section, "delegation of fire management authority" means the acceptance
 896 by the division of responsibility for:

897 (a) managing a wildfire; and

898 (b) ~~[the cost of fire suppression, as described in Section 65A-8-203]~~ wildfire costs and
 899 wildfire prevention costs as defined in Section 65A-8-216.

900 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
 901 Administrative Rulemaking Act, governing the process for delegation of fire
 902 management authority.

903 (3) Upon delegation of fire management authority, the division and its named designee
 904 becomes the primary incident commander.

905 (4) The division may take action to recover costs described in Subsection (1)(b) upon
 906 delegation of fire management authority.

907 Section 11. Section **65A-8-209** is amended to read:

908 **65A-8-209 . Responsibilities of county sheriffs and fire wardens in controlling**
 909 **fires.**

910 (1) In a county that has not entered into a cooperative agreement as described in Section
 911 65A-8-203, the county sheriff shall take appropriate action to suppress wildfires on state
 912 or private lands.

913 (2) In all cases the county sheriff shall:
 914 (a) report, as prescribed by the state forester, on wildland fire control action;
 915 (b) investigate and report wildfire causes; and
 916 (c) enforce ~~[the provisions of]~~this chapter either independently or in cooperation with
 917 the state forester.

918 (3) In an ~~[eligible]~~ agreement entity that has entered into a cooperative agreement, as
 919 described in Section 65A-8-203, the primary responsibility for wildfire management is
 920 the division, upon the delegation of fire management authority, as described in Section
 921 65A-8-203.1.

922 (4) The county sheriff and the county sheriff's organization shall maintain cooperative
 923 support of the fire management organization.

924 Section 12. Section **65A-8-216** is enacted to read:

925 **65A-8-216 . Utah Wildfire Fund.**

926 (1) As used in this section:

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

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

929 (c) "Fund" means the Utah Wildfire Fund created by this section.

930 (d) "Wildfire" means a fire that consumes:

931 (i) wildland; or

932 (ii) wildland-urban interface.

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

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

943 (2)(a) There is created a restricted account within the General Fund known as the "Utah
 944 Wildfire Fund."

945 (b) The fund shall consist of:

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

- 947 (ii) money appropriated by the Legislature to the fund;
948 (iii) federal funds received by the division for wildfire management costs, as defined
949 by the division by rule made in accordance with Title 63G, Chapter 3, Utah
950 Administrative Rulemaking Act;
951 (iv) suppression costs billed to an eligible entity that does not participate in a
952 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
955 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
959 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
964 Management Act; and
965 (ii) deposit interest or other earnings derived from each investment described in
966 Subsection (2)(c)(i) into the fund.
967 (3)(a) Subject to appropriation, the division shall administer the fund to:
968 (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,
971 private land located in an unincorporated area;
972 (ii) subject to Subsection (4), make one or more grants from money appropriated
973 from the fund for the purpose of assisting one or more local fire departments or
974 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
977 forester or the state forester's authorized representative.
978 (c) If the state forester determines money in the fund may be insufficient to cover
979 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.
- 982 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 983 division shall make rules to administer the fund consistent with the requirements of
 984 this section.
- 985 (4)(a) The division may not issue in a fiscal year an aggregate of grants described in
 986 Subsection (3)(a)(ii) that exceed \$200,000.
- 987 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 988 division shall make rules establishing criteria for receiving a grant under Subsection
 989 (3)(a)(ii).
- 990 (5)(a) Except as provided in Subsection (5)(b), the division shall pay wildfire
 991 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
 996 fiscal year for wildfire costs.
- 997 (b) In a case of catastrophic need, as determined by the state forester, the division may
 998 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
 1000 the October 31 immediately following the fiscal year, annually report to the Natural
 1001 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
 1004 year; and
- 1005 (c) the revenues deposited into the fund under Subsection (2) during the fiscal year.

1006 Section 13. Section **65A-8a-102** is amended to read:

1007 **65A-8a-102 . Definitions.**

1008 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);
- 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
- 1035 land from which the trees are harvested;
- 1036 (iv) a harvesting operation encompassing fewer than five contiguous acres of forested
- 1037 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
- 1041 within an incorporated city, growing commercial tree species that are, or could be at
- 1042 maturity, capable of furnishing raw material used in the manufacture of lumber or other
- 1043 forest products.
- 1044 (4) "Forest Water Quality Guidelines" means the field-applicable practice guidelines
- 1045 adopted by the division for use during forestry activities to protect water quality and
- 1046 contained within a nonpoint source management plan.
- 1047 (5) "Landowner" means a person who holds an ownership interest in forested land.
- 1048 (6) "Operator" means a person who:

- 1049 (a) is responsible for conducting forest practices; or
- 1050 (b) through a contractual agreement with the landowner, is obligated to or entitled to
- 1051 conduct forest practices or to carry out a timber sale.

1052 [~~(7) "Wildland-urban interface" means the zone where structures and other human~~
 1053 ~~development meets, or intermingles with, undeveloped wildland.]~~

1054 Section 14. **Repealer.**

1055 This bill repeals:

1056 Section **65A-8-204, Wildland Fire Suppression Fund created.**

1057 Section **65A-8-206, Disbursements from the Wildland Fire Suppression Fund.**

1058 Section **65A-8-207, Division to administer Wildland Fire Suppression Fund --**

1059 **Rulemaking -- Procedures.**

1060 Section **65A-8-213, Creation of the Wildland Fire Preparedness Grants Fund --**

1061 **Awarding of grants -- Rulemaking.**

1062 Section **65A-8-215, Wildland-urban interface fire prevention, preparedness, and**
 1063 **mitigation.**

1064 Section 15. **FY 2026 Appropriations.**

1065 The following sums of money are appropriated for the fiscal year beginning July 1,
 1066 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for
 1067 fiscal year 2026.

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,	
1074		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
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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.

1086 Section 16. **Effective Date.**

1087 This bill takes effect on July 1, 2025.