

Troy Shelley proposes the following substitute bill:

**Forestry and Fire Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Troy Shelley**

Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill addresses forestry and fire related issues.

**Highlighted Provisions:**

This bill:

- addresses state employed dispatchers' treatment under the Firefighters' Retirement System;
- provides for the Division of Forestry, Fire, and State Lands enforcement and investigatory powers related to wildland fires and heritage trees;
- addresses use of money related to cooperative agreements for forest management; and
- makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**49-16-102**, as last amended by Laws of Utah 2023, Chapter 310

**49-16-201**, as last amended by Laws of Utah 2023, Chapter 59

**49-16-701**, as last amended by Laws of Utah 2023, Chapters 37, 59 and 139

**49-23-102**, as last amended by Laws of Utah 2023, Chapter 310

**49-23-201**, as last amended by Laws of Utah 2023, Chapters 59, 290

**65A-3-3**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

**65A-8-217**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

**65A-8-308**, as last amended by Laws of Utah 2024, Chapter 80

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

29 Section 1. Section **49-16-102** is amended to read:

30 **49-16-102 . Definitions.**

31 As used in this chapter:

32 (1)(a) "Compensation" means the total amount of payments that are includable as gross  
33 income received by a firefighter service employee as base income for the regularly  
34 scheduled work period. The participating employer shall establish the regularly  
35 scheduled work period. Base income shall be determined [~~prior to~~] before the  
36 deduction of member contributions or any amounts the firefighter service employee  
37 authorizes to be deducted for salary deferral or other benefits authorized by federal  
38 law.

39 (b) "Compensation" includes performance-based bonuses and cost-of-living adjustments.

40 (c) "Compensation" does not include:

41 (i) overtime;

42 (ii) sick pay incentives;

43 (iii) retirement pay incentives;

44 (iv) remuneration paid in kind such as a residence, use of equipment, [~~uniforms~~]  
45 uniform, travel, or similar [~~payments~~] payment;

46 (v) a lump-sum payment or special [~~payments~~] payment covering accumulated leave;  
47 and

48 (vi) [~~all~~] the contributions made by a participating employer under this system or  
49 under any other employee benefit system or plan maintained by a participating  
50 employer for the benefit of a member or participant.

51 (d) "Compensation" for purposes of this chapter may not exceed the amount allowed  
52 under Section 401(a)(17), Internal Revenue Code.

53 (2)(a) "Disability" means the complete inability, due to objective medical impairment,  
54 whether physical or mental, to perform firefighter service.

55 (b) "Disability" does not include the inability to meet an employer's required standards  
56 or tests relating to fitness, physical ability, or agility that is not a result of a disability  
57 as defined under Subsection (2)(a).

58 (3) "Dispatcher" means a firefighter service employee of the state:

59 (a) who is required to be trained and certified in accordance with the standards described  
60 in Section 49-16-201;

61 (b) whose primary duties are to:

62 (i)(A) receive calls for fire or medical service, and to dispatch the appropriate

63 personnel and equipment in response to the calls; and  
 64 (B) in response to an emergency call, make an urgent decision affecting the life,  
 65 health, or welfare of the public or a firefighter service employee; or  
 66 (ii) supervise a dispatcher or direct a dispatch communication center; and  
 67 (c) who is employed by a state agency that employs another firefighter service employee  
 68 in addition to the dispatcher.

69 [(3)] (4) "Emergency medical service personnel" means an individual who:

70 (a) is:

71 (i) a paramedic;

72 (ii) an advanced emergency medical services technician; or

73 (iii) an emergency medical services technician;

74 (b) is required to be licensed or certified under Section 53-2d-402; and

75 (c) has a primary job duty to provide emergency medical services as a first responder.

76 [(4)] (5)(a) "Final average salary" means the amount calculated by averaging the highest  
 77 three years of annual compensation preceding retirement subject to Subsections [  
 78 (4)(b)] (5)(b), (c), and (d).

79 (b) Except as provided in Subsection [(4)(e)] (5)(c), the percentage increase in annual  
 80 compensation in any one of the years used may not exceed the previous year's  
 81 compensation by more than 10% plus a cost-of-living adjustment equal to the  
 82 decrease in the purchasing power of the dollar during the previous year, as measured  
 83 by a United States Bureau of Labor Statistics Consumer Price Index average as  
 84 determined by the board.

85 (c) [~~In cases where~~] When the participating employer provides acceptable documentation  
 86 to the office, the limitation in Subsection [(4)(b)] (5)(b) may be exceeded if:

87 (i) the member has transferred from another agency; or

88 (ii) the member has been promoted to a new position.

89 (d) The annual compensation used to calculate final average salary shall be based on a  
 90 period, as determined by the board, consistent with the period used to determine  
 91 years of service credit in accordance with Subsection [(14)] (15).

92 [(5)] (6)(a) "Firefighter service" means employment normally requiring an average of  
 93 2,080 hours of regularly scheduled employment per year rendered by a member who  
 94 is:

95 (i) a firefighter service employee trained in firefighter techniques and assigned to a  
 96 position of hazardous duty with a regularly constituted fire department;

97 (ii) the state fire marshal appointed under Section 53-7-103 or a deputy state fire  
98 marshal; ~~[or]~~

99 (iii) an emergency medical service personnel~~[-]~~ ; or

100 (iv) a dispatcher.

101 (b) "Firefighter service" does not include secretarial staff or other similar employees.

102 ~~[(6)]~~ (7)(a) "Firefighter service employee" means an employee of a participating  
103 employer who provides firefighter service under this chapter.

104 (b) "Firefighter service employee" does not include an employee of a regularly  
105 constituted fire department who does not perform firefighter service.

106 ~~[(7)]~~ (8)(a) "Line-of-duty death or disability" means a death or disability resulting from:

107 (i) external force, violence, or disease directly resulting from firefighter service; or

108 (ii) strenuous activity, including a heart attack or stroke, that occurs during strenuous  
109 training or another strenuous activity required as an act of duty as a firefighter  
110 service employee.

111 (b) "Line-of-duty death or disability" does not include a death or disability that occurs:

112 (i) ~~[occurs-]~~during an activity that is required as an act of duty as a firefighter service  
113 employee if the activity is not a strenuous activity, including an activity that is  
114 clerical, administrative, or of a nonmanual nature;

115 (ii) ~~[occurs-]~~during the commission of a crime committed by the employee;

116 (iii) ~~[occurs-]~~when the employee's intoxication or use of alcohol or drugs, whether  
117 prescribed or nonprescribed, contributes to the employee's death or disability; or

118 (iv) ~~[occurs-]~~in a manner other than as described in Subsection ~~[(7)(a)]~~ (8)(a).

119 (c) "Line-of-duty death or disability" includes the death or disability of a paid firefighter  
120 resulting from heart disease, lung disease, or a respiratory tract condition if the paid  
121 firefighter has five years of firefighter service credit.

122 ~~[(8)]~~ (9) "Objective medical impairment" means an impairment resulting from an injury or  
123 illness that is diagnosed by a physician or physician assistant and that is based on  
124 accepted objective medical tests or findings rather than subjective complaints.

125 ~~[(9)]~~ (10) "Participating employer" means an employer that meets the participation  
126 requirements of Section 49-16-201.

127 ~~[(10)]~~ (11) "Regularly constituted fire department" means a fire department that employs a  
128 fire chief who performs firefighter service for at least 2,080 hours of regularly scheduled  
129 paid employment per year.

130 ~~[(11)]~~ (12)(a) "Strenuous activity" means engagement involving a difficult, stressful, or

131 vigorous fire suppression, rescue, hazardous material response, emergency medical  
 132 service, physical law enforcement, prison security, disaster relief, or other emergency  
 133 response activity.

134 (b) "Strenuous activity" includes participating in a participating employer sanctioned  
 135 and funded training exercise that involves difficult, stressful, or vigorous physical  
 136 activity.

137 ~~[(12)]~~ (13) "System" means the Firefighters' Retirement System created under this chapter.

138 ~~[(13)]~~ (14)(a) "Volunteer firefighter" means ~~[any]~~ an individual who is not regularly  
 139 employed as a firefighter service employee, but who:

140 (i) has been trained in firefighter techniques and skills;

141 (ii) continues to receive regular firefighter training; and

142 (iii) is on the rolls of a legally organized volunteer fire department that provides  
 143 ongoing training and serves a political subdivision of the state.

144 (b) "Volunteer firefighter" does not include an individual who volunteers assistance but  
 145 does not meet the requirements of Subsection ~~[(13)(a)]~~ (14)(a).

146 ~~[(14)]~~ (15) "Years of service credit" means the number of periods, each to consist of 12 full  
 147 months as determined by the board, whether consecutive or not, during which a  
 148 firefighter service employee was employed by a participating employer or received  
 149 full-time pay while on sick leave, including any time the firefighter service employee  
 150 was absent in the service of the United States on military duty.

151 Section 2. Section **49-16-201** is amended to read:

152 **49-16-201 . System membership -- Eligibility.**

153 (1) A firefighter service employee who performs firefighter service for an employer  
 154 participating in this system is eligible for service credit in this system upon the earliest  
 155 of:

156 (a) July 1, 1971, if the firefighter service employee was employed by the participating  
 157 employer on July 1, 1971, and the participating employer was participating in this  
 158 system on that date;

159 (b) the date the participating employer begins participating in this system if the  
 160 firefighter service employee was employed by the participating employer on that  
 161 date; or

162 (c) the date the firefighter service employee is hired to perform firefighter services for a  
 163 participating employer, if the firefighter:

164 (i) initially enters employment before July 1, 2011; or

- 165 (ii) has service credit accrued before July 1, 2011, in a Tier I system or plan  
166 administered by the board.
- 167 (2)(a)(i) A participating employer that has public safety service and firefighter  
168 service employees that require cross-training and duty shall enroll the dual  
169 purpose employees in the system in which the greatest amount of time is actually  
170 worked.
- 171 (ii) The employees described in Subsection (2)(a)(i) shall either be full-time public  
172 safety service or full-time firefighter service employees of the participating  
173 employer.
- 174 (b)(i) Before transferring a dual purpose employee from one system to another, the  
175 participating employer shall receive written permission from the office.
- 176 (ii) The office may request documentation to verify the appropriateness of the  
177 transfer.
- 178 (3)(a) A person hired by a regularly constituted fire department on or after July 1, 1971,  
179 who does not perform firefighter service is not eligible for service credit in this  
180 system.
- 181 (b) The nonfirefighter service employee shall become a member of the system for which  
182 the nonfirefighter service employee qualifies for service credit.
- 183 (c) The service credit exclusion under this Subsection (3) may not be interpreted to  
184 prohibit the assignment of a firefighter with a disability or partial disability to a  
185 nonfirefighter service position.
- 186 (d) If Subsection (3)(c) applies, the firefighter service employee remains eligible for  
187 service credit in this system.
- 188 (4) An allowance or other benefit may not be granted under this system that is based upon  
189 the same service for benefits received under some other system.
- 190 (5) Service as a volunteer firefighter is not eligible for service credit in this system.
- 191 (6) An employer is eligible to participate in this system if the employer:  
192 (a) maintains a regularly constituted fire department;  
193 (b) is the Department of Public Safety created in Section 53-1-103 that employs the state  
194 fire marshal appointed under Section 53-7-103; or  
195 (c) employs emergency medical service personnel and meets the requirements of [  
196 ~~Subsections (7) and (8)] Subsection (7).~~
- 197 (7)(a) Subject to Subsection (9), beginning July 1, 2023, a firefighter service employee  
198 who is an emergency medical service personnel employed by a participating

- 199 employer ~~[shall be]~~ is eligible for service credit in this system if the emergency  
200 medical service personnel's participating employer chooses to cover the participating  
201 employer's emergency medical service personnel under this system.
- 202 (b)(i) A participating employer's election under Subsection (7)(a) to cover the  
203 participating employer's emergency medical service personnel under this system is  
204 irrevocable.
- 205 (ii) A participating employer shall document an election under Subsection (7)(a) by a  
206 resolution adopted by the governing body of the participating employer in  
207 accordance with rules made by the office.
- 208 (c)(i) An emergency medical service personnel's service before July 1, 2023, is not  
209 eligible for service credit in this system.
- 210 (ii) For an emergency medical service personnel employed by a participating  
211 employer, the emergency medical service personnel's service before the date the  
212 participating employer adopts a resolution described in Subsection (7)(b)(ii) is not  
213 eligible for service credit in this system.
- 214 ~~[(8)]~~
- 215 ~~[(a)]~~ (d) The fire chief, or if there is not a fire chief for the participating employer, the  
216 emergency services director, shall verify that an individual meets the definition of  
217 emergency medical service personnel.
- 218 ~~[(b)]~~ (e) Each participating employer participating in this system that employs emergency  
219 medical service personnel shall submit annually to the office a schedule indicating  
220 which emergency medical service personnel positions are covered under this system  
221 under this chapter.
- 222 (8)(a) Subject to Subsection (9), beginning July 1, 2026, a firefighter service employee  
223 employed by the state who is a dispatcher and is trained and certified according to  
224 fire dispatcher training and certification standards approved in accordance with  
225 Subsection (8)(b) is eligible for service credit in this system.
- 226 (b) The state fire marshal shall, at least every three years, review and approve the fire  
227 dispatcher training and certification standards for eligibility to participate in this  
228 system. The state fire marshal may base the fire dispatcher training and certification  
229 standards on applicable national wildfire dispatch standards.
- 230 (c)(i) A state department or agency that employs a dispatcher shall prepare and  
231 maintain a list designating the positions and individuals that meet the training,  
232 certification, and job duty requirements of a dispatcher.

- 233           (ii) The office may require documentation to justify the inclusion of a position or  
 234           individual as a dispatcher under this section.  
 235           (iii) A dispatcher's service before July 1, 2026, is not eligible for service credit in this  
 236           system.

237 (9) Beginning July 1, 2011, a person who is initially entering employment with a  
 238 participating employer and who does not have service credit accrued before July 1,  
 239 2011, in a Tier I system or plan administered by the board may not participate in this  
 240 system.

241           Section 3. Section **49-16-701** is amended to read:

242           **49-16-701 . Volunteer firefighters eligible for line-of-duty death and disability**  
 243 **benefits in Division A -- Computation of benefit.**

244 (1) A volunteer firefighter is only eligible for line-of-duty death and line-of-duty disability  
 245 benefits provided for firefighters enrolled in Division A, subject to Sections 49-16-602  
 246 and 49-16-603.

247 (2) The lowest monthly compensation of firefighters of a city of the first class in this state  
 248 at the time of death or disability [~~shall be~~] is considered to be the final average monthly  
 249 salary of a volunteer firefighter for purposes of computing these benefits.

250 (3) [~~Each~~] A volunteer fire department shall maintain a current roll of all volunteer  
 251 firefighters that meet the requirements of Subsection [~~49-16-102(13)~~] 49-16-102(14) to  
 252 determine eligibility for this benefit.

253           Section 4. Section **49-23-102** is amended to read:

254           **49-23-102 . Definitions.**

255           As used in this chapter:

- 256 (1)(a) "Compensation" means the total amount of payments that are includable in gross  
 257 income received by a public safety service employee or a firefighter service  
 258 employee as base income for the regularly scheduled work period. The participating  
 259 employer shall establish the regularly scheduled work period. Base income shall be  
 260 determined [~~prior to~~] before the deduction of any amounts the public safety service  
 261 employee or firefighter service employee authorizes to be deducted for salary deferral  
 262 or other benefits authorized by federal law.
- 263 (b) "Compensation" includes performance-based bonuses and cost-of-living adjustments.
- 264 (c) "Compensation" does not include:
- 265           (i) overtime;
- 266           (ii) sick pay incentives;

- 267 (iii) retirement pay incentives;
- 268 (iv) the monetary value of remuneration paid in kind, as in a residence, use of
- 269 equipment or uniform, travel, or similar payments;
- 270 (v) a lump-sum payment or special payment covering accumulated leave; and
- 271 (vi) ~~[aH]~~ the contributions made by a participating employer under this system or
- 272 under any other employee benefit system or plan maintained by a participating
- 273 employer for the benefit of a member or participant.
- 274 (d) "Compensation" for purposes of this chapter may not exceed the amount allowed
- 275 under Section 401(a)(17), Internal Revenue Code.
- 276 (2) "Corresponding Tier I system" means the system or plan that would have covered the
- 277 member if the member had initially entered employment before July 1, 2011.
- 278 (3) "Dispatcher" means the same as that term is defined in:
- 279 (a) ~~[-]~~Section 53-6-102 for a public safety dispatcher; and
- 280 (b) Section 49-16-102 for a firefighter service employee of the state.
- 281 (4) "Emergency medical service personnel" means an individual who:
- 282 (a) is:
- 283 (i) a paramedic;
- 284 (ii) an advanced emergency medical services technician; or
- 285 (iii) an emergency medical services technician;
- 286 (b) is required to be licensed or certified under Section 53-2d-402; and
- 287 (c) has a primary job duty to provide emergency medical services as a first responder.
- 288 (5)(a) "Final average salary" means the amount calculated by averaging the highest five
- 289 years of annual compensation preceding retirement subject to Subsections (5)(b), (c),
- 290 (d), (e), and (f).
- 291 (b) Except as provided in Subsection (5)(c), the percentage increase in annual
- 292 compensation in any one of the years used may not exceed the previous year's
- 293 compensation by more than 10% plus a cost-of-living adjustment equal to the
- 294 decrease in the purchasing power of the dollar during the previous year, as measured
- 295 by a United States Bureau of Labor Statistics Consumer Price Index average as
- 296 determined by the board.
- 297 (c) ~~[In cases where]~~ When the participating employer provides acceptable documentation
- 298 to the office, the limitation in Subsection (5)(b) may be exceeded if:
- 299 (i) the member has transferred from another agency; or
- 300 (ii) the member has been promoted to a new position.

- 301 (d) If the member retires more than six months from the date of termination of  
302 employment, the member is considered to have been in service at the member's last  
303 rate of pay from the date of the termination of employment to the effective date of  
304 retirement for purposes of computing the member's final average salary only.
- 305 (e) If the member has less than five years of service credit in this system, final average  
306 salary means the average annual compensation paid to the member during the full  
307 period of service credit.
- 308 (f) The annual compensation used to calculate final average salary shall be based on a  
309 period, as determined by the board, consistent with the period used to determine  
310 years of service credit in accordance with Subsection (15).
- 311 (6)(a) "Firefighter service" means employment normally requiring an average of 2,080  
312 hours of regularly scheduled employment per year rendered by a member who is:
- 313 (i) a firefighter service employee trained in firefighter techniques and assigned to a  
314 position of hazardous duty with a regularly constituted fire department;
- 315 (ii) the state fire marshal appointed under Section 53-7-103 or a deputy state fire  
316 marshal;
- 317 (iii) a firefighter service employee who is:
- 318 (A) hired on or after July 1, 2021;
- 319 (B) trained in firefighter techniques;
- 320 (C) assigned to a position of hazardous duty; and
- 321 (D) employed by the state as a participating employer;~~[-or]~~
- 322 (iv) an emergency medical service personnel~~[-]~~; or
- 323 (v) a dispatcher.
- 324 (b) "Firefighter service" does not include secretarial staff or other similar employees.
- 325 (7)(a) "Firefighter service employee" means an employee of a participating employer  
326 who provides firefighter service under this chapter.
- 327 (b) "Firefighter service employee" does not include an employee of a regularly  
328 constituted fire department who does not perform firefighter service.
- 329 (8)(a) "Line-of-duty death" means a death resulting from:
- 330 (i) external force, violence, or disease occasioned by an act of duty as a public safety  
331 service or firefighter service employee; or
- 332 (ii) strenuous activity, including a heart attack or stroke, that occurs during strenuous  
333 training or another strenuous activity required as an act of duty as a public safety  
334 service or firefighter service employee.

- 335 (b) "Line-of-duty death" does not include a death that:
- 336 (i) occurs during an activity that is required as an act of duty as a public safety
- 337 service or firefighter service employee if the activity is not a strenuous activity,
- 338 including an activity that is clerical, administrative, or of a nonmanual nature;
- 339 (ii) occurs during the commission of a crime committed by the employee;
- 340 (iii) when the employee's intoxication or use of alcohol or drugs, whether prescribed
- 341 or nonprescribed, contributes to the employee's death; or
- 342 (iv) occurs in a manner other than as described in Subsection (8)(a).
- 343 (9) "Participating employer" means an employer that meets the participation requirements
- 344 of:
- 345 (a) Sections 49-14-201 and 49-14-202;
- 346 (b) Sections 49-15-201 and 49-15-202;
- 347 (c) Sections 49-16-201 and 49-16-202; or
- 348 (d) Sections 49-23-201 and 49-23-202.
- 349 (10)(a) "Public safety service" means employment normally requiring an average of
- 350 2,080 hours of regularly scheduled employment per year rendered by a member who
- 351 is:
- 352 (i) a law enforcement officer in accordance with Section 53-13-103;
- 353 (ii) a correctional officer in accordance with Section 53-13-104;
- 354 (iii) a special function officer approved in accordance with Sections 49-15-201 and
- 355 53-13-105;
- 356 (iv) a dispatcher who is certified in accordance with Section 53-6-303;
- 357 (v) a full-time member of the Board of Pardons and Parole created under Section
- 358 77-27-2;
- 359 (vi) the commissioner of the Department of Public Safety; or
- 360 (vii) the executive director of the Department of Corrections.
- 361 (b) Except for a position described in Subsection (10)(a)(iv), (v), (vi), or (vii), "public
- 362 safety service" also requires that, in the course of employment, the employee's life or
- 363 personal safety is at risk.
- 364 (11) "Public safety service employee" means an employee of a participating employer who
- 365 performs public safety service under this chapter.
- 366 (12)(a) "Strenuous activity" means engagement involving a difficult, stressful, or
- 367 vigorous fire suppression, rescue, hazardous material response, emergency medical
- 368 service, physical law enforcement, prison security, disaster relief, or other emergency

- 369 response activity.
- 370 (b) "Strenuous activity" includes participating in a participating employer sanctioned  
371 and funded training exercise that involves difficult, stressful, or vigorous physical  
372 activity.
- 373 (13) "System" means the New Public Safety and Firefighter Tier II Contributory Retirement  
374 System created under this chapter.
- 375 (14)(a) "Volunteer firefighter" means ~~any~~ an individual who is not regularly employed  
376 as a firefighter service employee, but who:
- 377 (i) has been trained in firefighter techniques and skills;  
378 (ii) continues to receive regular firefighter training; and  
379 (iii) is on the rolls of a legally organized volunteer fire department that provides  
380 ongoing training and serves a political subdivision of the state.
- 381 (b) An individual that volunteers assistance but does not meet the requirements of  
382 Subsection (14)(a) is not a volunteer firefighter for purposes of this chapter.
- 383 (15) "Years of service credit" means:
- 384 (a) a period, consisting of 12 full months as determined by the board; or  
385 (b) a period determined by the board, whether consecutive or not, during which a regular  
386 full-time employee performed services for a participating employer, including any  
387 time the regular full-time employee was absent on a paid leave of absence granted by  
388 a participating employer or was absent in the service of the United States government  
389 on military duty as provided by this chapter.
- 390 Section 5. Section **49-23-201** is amended to read:
- 391 **49-23-201 . System membership -- Eligibility.**
- 392 (1) Except as provided in Subsections (3) and (4), beginning July 1, 2011, a participating  
393 employer that employs public safety service employees or firefighter service employees  
394 shall participate in this system.
- 395 (2)(a) A public safety service employee or a firefighter service employee initially  
396 entering employment with a participating employer on or after July 1, 2011, who  
397 does not have service credit accrued before July 1, 2011, in a Tier I system or plan  
398 administered by the board, is eligible:
- 399 (i) as a member for service credit and defined contributions under the Tier II hybrid  
400 retirement system established by Part 3, Tier II Hybrid Retirement System; or  
401 (ii) as a participant for defined contributions under the Tier II defined contributions  
402 plan established by Part 4, Tier II Defined Contribution Plan.

- 403 (b) A public safety service employee or a firefighter service employee initially entering  
404 employment with a participating employer on or after July 1, 2011, shall:
- 405 (i) make an election to participate in the system created under this chapter:
- 406 (A) as a member for service credit and defined contributions under the Tier II  
407 hybrid retirement system established by Part 3, Tier II Hybrid Retirement  
408 System; or
- 409 (B) as a participant for defined contributions under the Tier II defined contribution  
410 plan established by Part 4, Tier II Defined Contribution Plan; and
- 411 (ii) electronically submit to the office notification of the member's election under  
412 Subsection (2)(b)(i) in a manner approved by the office.
- 413 (c) An election made by a public safety service employee or firefighter service employee  
414 initially entering employment with a participating employer under this Subsection (2)  
415 is irrevocable beginning one year from the date of eligibility for accrual of benefits.
- 416 (d) If no election is made under Subsection (2)(b)(i), the public safety service employee  
417 or firefighter service employee shall become a member eligible for service credit and  
418 defined contributions under the Tier II hybrid retirement system established by Part  
419 3, Tier II Hybrid Retirement System.
- 420 (3)(a) Beginning July 1, 2015, a public safety service employee who is a dispatcher  
421 employed by:
- 422 (i) the state shall be eligible for service credit in this system; and
- 423 (ii) a participating employer other than the state shall be eligible for service credit in  
424 this system if the dispatcher's participating employer elects to cover the  
425 participating employer's dispatchers under this system.
- 426 (b) A participating employer's election to cover the participating employer's dispatchers  
427 under this system under Subsection (3)(a)(ii) is irrevocable and shall be documented  
428 by a resolution adopted by the governing body of the participating employer in  
429 accordance with rules made by the office.
- 430 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution of  
431 a participating employer under Subsection (3)(b), is not eligible for service credit in  
432 this system.
- 433 (4) An employer is eligible to participate in this system if the employer employs emergency  
434 medical service personnel and meets the requirements of Subsections (5) and (6).
- 435 (5)(a) Beginning July 1, 2023, a firefighter service employee who is an emergency  
436 medical service personnel employed by a participating employer shall be eligible for

- 437 service credit in this system if the emergency medical service personnel's  
438 participating employer elects to cover the participating employer's emergency service  
439 personnel under this system.
- 440 (b)(i) A participating employer's election under Subsection (5)(a) to cover the  
441 participating employer's emergency medical service personnel under this system is  
442 irrevocable.
- 443 (ii) A participating employer shall document an election under Subsection (5)(a) by a  
444 resolution adopted by the governing body of the participating employer in  
445 accordance with rules made by the office.
- 446 (c)(i) An emergency medical service personnel's service before July 1, 2023, is not  
447 eligible for service credit in this system.
- 448 (ii) For an emergency medical service personnel employed by a participating  
449 employer, the emergency medical service personnel's service before the date the  
450 participating employer adopts a resolution described in Subsection (5)(b)(ii) is not  
451 eligible for service credit in this system.
- 452 (6)(a) The fire chief, or if there is not a fire chief for the participating employer, the  
453 emergency services director, shall verify that an individual meets the definition of  
454 emergency medical service personnel.
- 455 (b)(i) Each participating employer participating in this system that employs  
456 emergency medical service personnel shall submit annually to the office a  
457 schedule indicating which emergency medical service personnel positions are  
458 covered under this system under this chapter.
- 459 (ii) The office may require documentation to justify the inclusion of any position  
460 under this section.
- 461 (7)(a) Beginning July 1, 2026, a firefighter service employee employed by the state who  
462 is a dispatcher and is trained and certified according to fire dispatcher training and  
463 certification standards approved in accordance with Subsection (7)(b) is eligible for  
464 service credit in this system.
- 465 (b) The state fire marshal shall, at least every three years, review and approve the fire  
466 dispatcher training and certification standards for eligibility to participate in this  
467 system. The state fire marshal may base fire dispatcher training and certification  
468 standards on applicable national wildfire dispatch standards.
- 469 (c)(i) A state department or agency that employs a dispatcher shall prepare and  
470 maintain a list designating the positions and individuals that meet the training.

471 certification, and job duty requirements of a dispatcher.

472 (ii) The office may require documentation to justify the inclusion of a position or  
 473 individual as a dispatcher under this section.

474 (iii) A dispatcher's service before July 1, 2026, is not eligible for service credit in this  
 475 system.

476 [(7)] (8) A public safety service employee who is transferred or promoted to an  
 477 administration position requiring the performance of duties that consist primarily of  
 478 management or supervision of public safety service employees shall continue to earn  
 479 public safety service credit in this system during the period in which the employee  
 480 remains employed in the same department.

481 [(8)] (9) An employee of the Department of Corrections shall continue to earn public safety  
 482 service credit in this system if:

483 (a) the employee's position is no longer covered under this system for new employees  
 484 hired on or after July 1, 2015; and

485 (b) the employee:

486 (i) remains employed by the Department of Corrections;

487 (ii) meets the eligibility requirements of this system;

488 (iii) was hired into a position covered by this system before July 1, 2015; and

489 (iv) has not had a break in service on or after July 1, 2015.

490 [(9)] (10) An employee of the Department of Health and Human Services who is transferred  
 491 from the Department of Corrections' clinical services bureau to provide a clinical or  
 492 health care service to an inmate as defined in Section 64-13-1 shall continue to earn  
 493 public safety service credit in this system if:

494 (a) the employee's position is no longer covered under this system for new employees  
 495 hired on or after July 1, 2015; and

496 (b) the employee:

497 (i) remains employed by the Department of Corrections or the Department of Health  
 498 and Human Services;

499 (ii) meets the eligibility requirements of this system;

500 (iii) was hired into a position covered by this system before July 1, 2015; and

501 (iv) has not had a break in service on or after July 1, 2015.

502 Section 6. Section **65A-3-3** is amended to read:

503 **65A-3-3 . Enforcement of laws -- City, county, or district attorney to prosecute.**

504 (1) It is the duty of the Division of Law Enforcement, county sheriffs, county sheriff

505 deputies, peace officers, [~~and~~] other law enforcement officers within the law  
 506 enforcement jurisdiction, and the division to enforce the provisions of this chapter and to  
 507 investigate and gather evidence that may indicate a violation under this chapter.

508 (2)(a) The city attorney, county attorney, or district attorney, as appropriate under  
 509 Sections 10-3-928, 17-68-302, and 17-68-303, shall prosecute any criminal violations  
 510 of this chapter.

511 (b) The counsel for an eligible entity, as defined in Section 65A-8-203, shall initiate a  
 512 civil action to recover suppression costs incurred by the eligible entity for  
 513 suppression of fire on private land.

514 Section 7. Section **65A-8-217** is amended to read:

515 **65A-8-217 . Utah Wildfire Fund.**

516 (1) As used in this section:

517 (a) "Cooperative agreement for forest management" means an instrument used when a  
 518 state agency agrees to substantial involvement with other government agencies  
 519 during the performance of a project related to forest management that may include:  
 520 (i) the transfer or match of money to carry out a public purpose; and  
 521 (ii) close collaboration through joint operational, technical, or scientific involvement.

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

523 [~~(b)~~] (c) "Fund" means the Utah Wildfire Fund created by this section.

524 [~~(e)~~] (d) "Wildfire" means a fire that consumes:

- 525 (i) wildland; or
- 526 (ii) wildland urban interface.

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

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

537 (2)(a) There is created an expendable special revenue fund known as the "Utah Wildfire  
 538 Fund."

- 539 (b) The fund shall consist of:
- 540 (i) interest and earnings from the investment of fund money;
- 541 (ii) money appropriated by the Legislature to the fund;
- 542 (iii) federal funds received by the division for wildfire management costs, as defined
- 543 by the division by rule made in accordance with Title 63G, Chapter 3, Utah
- 544 Administrative Rulemaking Act;
- 545 (iv) suppression costs billed to an eligible entity that does not participate in a
- 546 cooperative agreement;
- 547 (v) suppression costs paid to the division by another state agency;
- 548 (vi) costs recovered from a settlement or a civil or administrative action related to
- 549 wildfire suppression;
- 550 (vii) restitution payments ordered by a court following a criminal adjudication;
- 551 (viii) voluntary contributions received by the division;
- 552 (ix) money received as direct payment from cooperative wildfire system participation
- 553 commitments;
- 554 (x) money deposited by the Division of Finance, [~~pursuant to~~] in accordance with
- 555 Section 59-21-2;
- 556 (xi) money transferred by the Division of Finance, [~~pursuant to~~] in accordance with
- 557 Section 63J-1-314; and
- 558 (xii) money deposited by the Division of Forestry, Fire, and State Lands, [~~pursuant to~~]
- 559 in accordance with Section 17E-7-401.
- 560 (c) The state treasurer shall:
- 561 (i) invest the money in the fund in accordance with Title 51, Chapter 7, State Money
- 562 Management Act; and
- 563 (ii) deposit interest or other earnings derived from each investment described in
- 564 Subsection (2)(c)(i) into the fund.
- 565 (3)(a) The division shall administer the fund to:
- 566 (i) pay wildfire costs on:
- 567 (A) state lands; or
- 568 (B) if delegated fire management authority, as described in Section 65A-8-203.1,
- 569 private land located in an unincorporated area;
- 570 (ii) subject to Subsection (4), [~~make~~] issue one or more grants for the purpose of
- 571 assisting one or more local fire departments or volunteer fire departments in
- 572 building capacity for the suppression of wildfire; [~~and~~]

- 573 (iii) subject to Subsection (5), pay wildfire prevention costs[-] ; and  
 574 (iv) subject to Subsection (6), pay costs incurred by the state under a cooperative  
 575 agreement for forest management.
- 576 (b) The division may disburse money from the fund only upon written order of the state  
 577 forester or the state forester's authorized representative.
- 578 (c) If the state forester determines money in the fund may be insufficient to cover  
 579 eligible costs in a fire season, the state forester may:  
 580 (i) delay making disbursements from the fund until the close of the fire season; and  
 581 (ii) request supplemental appropriations from the Legislature.
- 582 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 583 division shall make rules to administer the fund consistent with the requirements of  
 584 this section.
- 585 (4)(a) The division may not issue in a fiscal year an aggregate of grants described in  
 586 Subsection (3)(a)(ii) that exceed \$300,000.
- 587 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 588 division shall make rules establishing criteria for receiving a grant under Subsection  
 589 (3)(a)(ii).
- 590 (5)(a) Except as provided in Subsection (5)(b), the division shall pay wildfire  
 591 prevention costs during that fiscal year in an amount that is the greater of:  
 592 (i) \$10,000,000; or  
 593 (ii) the sum of:  
 594 (A) \$3,000,000; and  
 595 (B) 10% of the money deposited into the fund but not expended in the previous  
 596 fiscal year for wildfire costs.
- 597 (b) In a case of catastrophic need, as determined by the state forester, the division may  
 598 use money described in Subsection (5)(a) to pay wildfire costs.
- 599 (6) The division may expend money under Subsection (3)(a)(iv) to fund rehabilitation after  
 600 a wildfire:  
 601 (a) on federal land; and  
 602 (b) if the state forester determines that the post-fire rehabilitation on the federal land  
 603 directly benefits state and private lands.
- 604 [~~6~~] (7) Beginning with the fiscal year ending June 30, 2026, the division shall, by no later  
 605 than the October 31 immediately following the fiscal year, annually report to the Natural  
 606 Resources, Agriculture, and Environmental Quality Appropriations Subcommittee:

- 607 (a) the balance in the fund at the end of the fiscal year;
- 608 (b) the amount of expenditures under Subsections (3)(a)(i), (ii), [~~and~~] (iii), and (iv)
- 609 during the fiscal year; and
- 610 (c) the revenues deposited into the fund under Subsection (2) during the fiscal year.

611 Section 8. Section **65A-8-308** is amended to read:

612 **65A-8-308 . Enforcement -- Prosecution of violations.**

- 613 (1) The Division of Law Enforcement, county sheriffs, police, [~~and~~] other law enforcement
- 614 officers within their respective jurisdictions, and the division are responsible for the
- 615 enforcement of this part.
- 616 (2) The county attorney or district attorney shall prosecute any violation of this part.

617 Section 9. **Effective Date.**

618 This bill takes effect on May 6, 2026.