

1 **WILDLAND FIRE SUPPRESSION**

2 **AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: David L. Thomas**

6 House Sponsor: Brad L. Dee

7 Cosponsors:

Beverly Ann Evans

Scott K. Jenkins

8 Allen M. Christensen

Thomas V. Hatch

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**LONG TITLE**

10 **General Description:**

11 This bill modifies a county's payment obligation for participating in the Wildland Fire  
12 Suppression Fund.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ exempts certain acres or real property from the county's payment formula for  
16 participating in the Wildland Fire Suppression Fund;  
17 ▶ authorizes the Division of Forestry, Fire, and State Lands to:  
18 • makes rules; and  
19 • make determinations about whether an acre or certain taxable real property is  
20 eligible for an exemption; and  
21 ▶ makes technical changes.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**



28 AMENDS:

29 **65A-8-6.2**, as last amended by Chapter 81, Laws of Utah 2001

30 **65A-8-6.4**, as last amended by Chapter 319, Laws of Utah 1997

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

33 Section 1. Section **65A-8-6.2** is amended to read:

34 **65A-8-6.2. Agreements for coverage by the Wildland Fire Suppression Fund --**  
35 **Eligible lands -- County and state obligations -- Termination -- Revocation.**

36 (1) (a) A county legislative body may [~~annually~~] enter annually into a written  
37 agreement with the state forester to provide for payment from the Wildland Fire Suppression  
38 Fund of [~~county~~] fire suppression costs incurred by the county in excess of the county's fire  
39 suppression budget [~~out of the Wildland Fire Suppression Fund~~].

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

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

45 [~~(a)~~] (i) except as provided by Subsection (2)(b), pay into the fund an amount equal to:  
46 [~~(i)~~] (A) .01 times the number of acres of privately- or county-owned land in the  
47 unincorporated area of the county; and

48 [~~(ii)~~] (B) .0001151 times the taxable value of real property in the unincorporated  
49 area of the county; and

50 [~~(b)~~] (ii) budget an amount for fire suppression costs determined to be normal by the  
51 state forester in accordance with the formula specified by rule.

52 (b) A county is not required to pay for an acre or real property described in Subsection  
53 (2)(a)(i) if the acre or real property:

54 (i) is subject to concentrated residential, commercial, or industrial development;

55 (ii) would not be exposed to wildland fire; and

56 (iii) would not expose any wildland to fire spreading from it.

57 (3) (a) [~~Except as provided in Subsection (3)(d), after the first year of operation of the~~  
58 ~~fund, any~~] Any county that elects to initiate participation in the fund, or reestablish

59 participation in the fund after participation was terminated, shall ~~[be required to]~~ make an  
60 equity payment, in addition to the assessment provided in Subsection (2)(a)(i).

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

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

65 ~~[(d) The equity payment requirement is waived for any county that initiates  
66 participation in the fund, or reestablishes participation in the fund, during the period beginning  
67 on April 1, 2001 and ending on May 31, 2001.]~~

68 (4) The agreement shall provide that:

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

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

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

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

78 Section 2. Section **65A-8-6.4** is amended to read:

79 **65A-8-6.4. Division to administer Wildland Fire Suppression Fund --**  
80 **Rulemaking -- Procedures.**

81 ~~[The]~~ (1) By following the procedures and requirements of Title 63, Chapter 46a, Utah  
82 Administrative Rulemaking Act, the division shall make rules to administer the Wildland Fire  
83 Suppression Fund, including rules:

84 ~~[(1)]~~ (a) requiring documentation for:

85 (i) the number of acres of privately- or county-owned land in the unincorporated area  
86 of ~~[the]~~ a participating ~~[counties;]~~ county; and

87 (ii) an acre or real property exempt in Subsection 65A-8-6.2(2)(b);

88 ~~[(2)]~~ (b) describing the method or formula for determining:

89 ~~[(a)]~~ (i) normal fire suppression costs; and

90           ~~[(b)]~~ (ii) equity payments required by Section 65A-8-6.2; and  
91           ~~[(3)]~~ (c) specifying fire suppression and presuppression costs that may be paid with  
92 disbursements from the fund.

93           (2) By following the procedures and requirements of Title 63, Chapter 46b,  
94 Administrative Procedures Act, the division shall determine whether an acre or real property is  
95 eligible for the exemption provided in Subsection 65A-8-6.2(2)(b).

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**Legislative Review Note**  
**as of 1-16-06 9:55 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**