

1 **WILDLAND FIRE SUPPRESSION FUND AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Evan J. Vickers**

5 House Sponsor: Joel K. Briscoe

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions relating to the Wildland Fire Suppression Fund.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ clarifies the amount of General Fund revenue surplus that is transferred to the  
13 Wildland Fire Suppression Fund; and  
14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **63J-1-314**, as last amended by Laws of Utah 2016, Chapters 134 and 183

22 **65A-8-204**, as last amended by Laws of Utah 2016, Chapters 174 and 183

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

25 Section 1. Section **63J-1-314** is amended to read:

26 **63J-1-314. Deposits related to the Wildland Fire Suppression Fund and the**  
27 **Disaster Recovery Funding Act.**



28 (1) As used in this section, "operating deficit" means that, at the end of the fiscal year,  
29 the unassigned fund balance in the General Fund is less than zero.

30 (2) Except as provided under Subsections (3) and (4), at the end of each fiscal year, the  
31 Division of Finance shall, after the transfer of General Fund revenue surplus has been made to  
32 the Medicaid Growth Reduction and Budget Stabilization Account, as provided in Section  
33 63J-1-315, and the General Fund Budget Reserve Account, as provided in Section 63J-1-312,  
34 transfer:

35 (a) ~~[\$4,000,000]~~ to the Wildland Fire Suppression Fund created in Section 65A-8-204~~[-~~  
36 ~~not to exceed the cap described in Subsection 65A-8-204(5)]~~ an amount equal to the lesser of:

37 (i) \$4,000,000; or

38 (ii) an amount necessary to make the balance in the Wildland Fire Suppression Fund  
39 equal to \$12,000,000; and

40 (b) an amount into the State Disaster Recovery Restricted Account, created in Section  
41 53-2a-603, from the General Fund revenue surplus as defined in Section 63J-1-312, calculated  
42 by:

43 (i) determining the amount of General Fund revenue surplus after the transfer to the  
44 Medicaid Growth Reduction and Budget Stabilization Account under Section 63J-1-315, the  
45 General Fund Budget Reserve Account under Section 63J-1-312, and the transfer to the  
46 Wildland Fire Suppression Fund as described in Subsection (2)(a);

47 (ii) calculating an amount equal to the lesser of:

48 (A) 25% of the amount determined under Subsection ~~[(2)(b)(ii)]~~ (2)(b)(i); or

49 (B) 6% of the total of the General Fund appropriation amount for the fiscal year in  
50 which the surplus occurs; and

51 (iii) adding to the amount calculated under Subsection (2)(b)(ii) an amount equal to the  
52 lesser of:

53 (A) 25% more of the amount described in Subsection (2)(b)(i); or

54 (B) the amount necessary to replace, in accordance with this Subsection (2)(b)(iii), any  
55 amount appropriated from the State Disaster Recovery Restricted Account within 10 fiscal  
56 years before the fiscal year in which the surplus occurs if:

57 (I) a surplus exists; and

58 (II) the Legislature appropriates money from the State Disaster Recovery Restricted

59 Account that is not replaced by appropriation or as provided in this Subsection (2)(b)(iii).

60 (3) (a) Notwithstanding Subsection (2), if, at the end of a fiscal year, the Division of  
61 Finance determines that an operating deficit exists, the division shall reduce the transfer to the  
62 State Disaster Recovery Restricted Account by ~~the~~ an amount necessary to eliminate the  
63 operating deficit, up to the full amount of the transfer.

64 (b) If, after reducing the transfer to the State Disaster Recovery Account to zero under  
65 Subsection (3)(a), the Division of Finance determines that an operating deficit still exists, the  
66 division shall reduce the transfer to the Wildland Fire Suppression Fund by an amount  
67 necessary to eliminate the operating deficit, up to the full amount of the transfer.

68 (4) Notwithstanding Subsection (2):

69 (a) for the period beginning July 1, 2015, and ending June 30, 2020, the Division of  
70 Finance shall transfer to the Local Government Emergency Response Loan Fund 25% of the  
71 amount to be transferred into the State Disaster Recovery Restricted Account as provided in  
72 Subsection (2)(b)(ii); and

73 (b) on and after July 1, 2020, the Division of Finance shall transfer to the Local  
74 Government Emergency Response Loan Fund 10% of the amount to be transferred into the  
75 State Disaster Recovery Restricted Account as provided in Subsection (2)(b).

76 Section 2. Section **65A-8-204** is amended to read:

77 **65A-8-204. Wildland Fire Suppression Fund created.**

78 (1) There is created an expendable special revenue fund known as the "Wildland Fire  
79 Suppression Fund."

80 (2) The fund shall be administered by the division to pay wildfire suppression costs on  
81 eligible lands, including for an eligible entity that has entered into a cooperative agreement, as  
82 described in Section [65A-8-203](#).

83 (3) The contents of the fund shall include:

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

85 (b) money appropriated by the Legislature;

86 (c) costs recovered from successful investigations;

87 (d) federal funds received by the division for wildfire management costs;

88 (e) suppression costs billed to an eligible entity that does not participate in a  
89 cooperative agreement;

- 90 (f) suppression costs paid to the division by another state agency;
  - 91 (g) costs recovered from settlements and civil actions related to wildfire suppression;
  - 92 (h) restitution payments ordered by a court following a criminal adjudication;
  - 93 (i) the balance of the fund as of July 1, 2016;
  - 94 (j) money deposited by the Division of Finance, pursuant to Section [59-21-2](#); and
  - 95 (k) money transferred by the Division of Finance, pursuant to Section [~~[63J-1-312](#)~~
  - 96 [63J-1-314](#).
- 97 (4) Fund money shall be invested by the state treasurer with the earnings and interest  
98 accruing to the fund.
- 99 [~~(5) A maximum level of \$12,000,000 is established for the fund.~~]

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**