

WILDLAND FIRE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses state management of wildland fires.

Highlighted Provisions:

This bill:

- ▶ authorizes use of the Sovereign Lands Management Account for salary increases;
- ▶ requires the division to develop and maintain a wildfire risk assessment mapping tool;
- ▶ requires reporting;
- ▶ addresses employment of fire wardens;
- ▶ provides for a study of wildland fire related pay plans; and
- ▶ make technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2022:

▶ to Department of Natural Resources -- Division of Forestry, Fire, and State Lands, as an ongoing appropriation:

- From Sovereign Lands Management Account, \$200,000;

▶ to Department of Natural Resources -- Division of Forestry, Fire, and State Lands, as a one-time appropriation:

- From Sovereign Lands Management Account, One-time, \$200,000;

▶ to Department of Natural Resources -- Division of Forestry, Fire, and State Lands,



28 as an ongoing appropriation:

- 29 • from Sovereign Lands Management Account, \$35,000.

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **65A-5-1**, as last amended by Laws of Utah 2018, Chapter 413

35 **65A-8-203**, as last amended by Laws of Utah 2016, Chapter 174

36 **65A-8-209.1**, as enacted by Laws of Utah 2016, Chapter 174

37 ENACTS:

38 **67-19-12.6**, Utah Code Annotated 1953



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

41 Section 1. Section **65A-5-1** is amended to read:

42 **65A-5-1. Sovereign Lands Management Account.**

43 (1) There is created within the General Fund a restricted account known as the
44 "Sovereign Lands Management Account."

45 (2) The account shall consist of the following:

46 (a) [~~all~~] the revenues derived from sovereign lands;

47 (b) that portion of [~~all~~] the revenues derived from mineral leases on other lands
48 managed by the division necessary to recover management costs;

49 (c) any fees deposited by the division; and

50 (d) amounts deposited into the account in accordance with Section **59-23-4**.

51 (3) [~~All~~] The expenditures of the division relating directly to the management of state
52 lands shall be funded by appropriation by the Legislature from the Sovereign Lands
53 Management Account or other sources.

54 (4) The Legislature may appropriate [~~funds~~] money in the account to reimburse one or
55 more state government entities for money spent on the operation of national parks, national
56 monuments, national forests, and national recreation areas in the state during a fiscal
57 emergency, as defined in Section **79-4-1102**.

58 (5) The division shall use the amount deposited into the account under Subsection

59 (2)(d) for the Great Salt Lake as described in Section 65A-10-8 as directed by the Great Salt
60 Lake Advisory Council created in Section 73-30-201.

61 (6) After the expenditures under Subsections (3) through (5), the division shall use
62 money appropriated from the Sovereign Lands Management Account to provide for salary
63 increases to state personnel employed by the division to perform wildland fire management
64 with the division prioritizing salary increases for county fire wardens and assistant wardens.

65 Section 2. Section 65A-8-203 is amended to read:

66 **65A-8-203. Cooperative fire protection agreements with counties, cities, towns, or**
67 **special service districts.**

68 (1) As used in this section:

69 (a) "Eligible entity" means:

70 (i) a county, a municipality, or a special service district, local district, or service area
71 with:

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

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

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

77 (A) providing wildland fire suppression services; and

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

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

81 (2) (a) The governing body of any eligible entity may enter into a cooperative
82 agreement with the division to receive financial and wildfire management cooperation and
83 assistance from the division, as described in this [~~Title 65A, Chapter 8, Part 2, Fire Control~~]
84 part.

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

87 (3) (a) An eligible entity may not receive financial cooperation or financial assistance
88 under Subsection (2)(a) until a cooperative agreement is executed by the eligible entity and the
89 division.

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

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

96 (4) In order to enter into a cooperative agreement with the division, the eligible entity
97 shall:

98 (a) if the eligible entity is a county, adopt and enforce on unincorporated land a
99 wildland fire ordinance based upon minimum standards established by the division or Uniform
100 Building Code Commission;

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

105 (c) invest in prevention, preparedness, and mitigation efforts, as agreed to with the
106 division, that will reduce the eligible entity's risk of catastrophic wildfire;

107 (d) file with the division an annual accounting of wildfire prevention, preparedness,
108 mitigation actions, and associated costs;

109 (e) return the financial statement described in Subsection (6), signed by the chief
110 executive of the eligible entity, to the division on or before the date set by the division; and

111 (f) if the eligible entity is a county, have a designated fire warden as described in
112 Section [65A-8-209.1](#).

113 (5) (a) The state forester may execute a cooperative agreement with the eligible entity.

114 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
115 Administrative Rulemaking Act, governing the:

116 (i) cooperative agreements described in this section;

117 (ii) manner in which an eligible entity shall provide proof of compliance with
118 Subsection (4);

119 (iii) manner by which the division may revoke a cooperative agreement if an eligible
120 entity ceases to meet the requirements described in this section;

- 121 (iv) accounting system for determining suppression costs;
- 122 (v) manner in which the division shall determine the eligible entity's participation
123 commitment; and
- 124 (vi) manner in which an eligible entity may appeal a division determination.
- 125 (6) (a) The division shall send a financial statement to each eligible entity participating
126 in a cooperative agreement that details the eligible entity's participation commitment for the
127 coming fiscal year, including the prevention, preparedness, and mitigation actions agreed to
128 under Subsection (4)(c).
- 129 (b) Each eligible entity participating in a cooperative agreement shall:
- 130 (i) have the chief executive of the eligible entity sign the financial statement, or the
131 legislative body of the eligible entity approve the financial statement by resolution, confirming
132 the eligible entity's participation for the upcoming year; and
- 133 (ii) return the financial statement to the division, on or before a date set by the division.
- 134 (c) A financial statement shall be effective for one calendar year, beginning on the date
135 set by the division, as described in Subsection (6)(b).
- 136 (7) (a) An eligible entity may revoke a cooperative agreement before the end of the
137 cooperative agreement's term by:
- 138 (i) informing the division, in writing, of the eligible entity's intention to revoke the
139 cooperative agreement; or
- 140 (ii) failing to sign and return its annual financial statement, as described in Subsection
141 (6)(b), unless the director grants an extension.
- 142 (b) An eligible entity may not revoke a cooperative agreement before the end of the
143 term of a signed annual financial statement, as described in Subsection (6)(c).
- 144 (8) The division shall develop and maintain a wildfire risk assessment mapping tool
145 that is online and publicly accessible.
- 146 (9) By no later than the 2021 November interim meeting of the Natural Resources,
147 Agriculture, and Environment Interim Committee, the division shall report on the eligible
148 entities' adherence to and implementation of their participation commitment under this chapter.
- 149 Section 3. Section **65A-8-209.1** is amended to read:
- 150 **65A-8-209.1. County fire warden.**
- 151 (1) (a) [~~Each~~] A county that participates in a cooperative agreement with the division,

152 as described in Section 65A-8-203, shall be represented by a county fire warden [~~at a minimum~~
153 ~~during the closed fire season, as described in Section 65A-8-211;~~] who is employed by the
154 division as a county fire warden full-time and year round, except as provided in Subsections
155 (1)(b) and (c).

156 (b) A county of the fifth class that, as of January 1, 2016, is cost-sharing a county fire
157 warden with an adjacent county may continue to do so with the approval of the state forester.

158 (c) A county of the sixth class may cost-share a county fire warden with an adjacent
159 county, with the approval of the state forester.

160 (2) The salary and benefits paid to a county fire warden shall be:

161 (a) divided by the division and the county; or

162 (b) paid partly by the division with the remainder shared by agreement between [all]
163 the counties the county fire warden represents.

164 (3) (a) The division shall employ [all] the county fire wardens.

165 (b) An individual who is employed by a county as a county fire warden on or before
166 January 1, 2016, is not subject to the requirement to be employed by the division.

167 Section 4. Section **67-19-12.6** is enacted to read:

168 **67-19-12.6. Study of wildland fire related pay plans.**

169 By no later than June 30, 2021, the department shall complete a comprehensive
170 comparison of federal, state, and municipal wildland fire agencies or departments to
171 recommend whether salary ranges should be adjusted for state employed wildland firefighters.

172 Section 5. **Appropriation.**

173 The following sums of money are appropriated for the fiscal year beginning July 1,
174 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for
175 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
176 Act, the Legislature appropriates the following sums of money from the funds or accounts
177 indicated for the use and support of the government of the state of Utah.

178 ITEM 1

179 To Department of Natural Resources -- Division of Forestry, Fire, and State Lands

180 From Sovereign Lands Management Account \$200,000

181 Schedule of Programs:

182 Program Delivery \$200,000

183 The Legislature intends that the appropriations under this item be used to provide for
184 salary increases under Subsection [65A-5-1\(6\)](#).

185 ITEM 2

186 To Department of Natural Resources -- Division of Forestry, Fire, and State Lands
187 From Sovereign Lands Management Account, one-time \$200,000
188 Schedule of Programs:
189 Program Management \$200,000

190 The Legislature intends that the appropriations under this item be used to develop a
191 wildfire risk assessment mapping tool that is online and publicly accessible under Subsection
192 [65A-8-203\(8\)](#).

193 ITEM 3

194 To Department of Natural Resources -- Division of Forestry, Fire, and State Lands
195 From Sovereign Lands Management Account \$35,000
196 Schedule of Programs:
197 Program Management \$35,000

198 The Legislature intends that the appropriations under this item be used to maintain a
199 wildfire risk assessment mapping tool that is online and publicly accessible under Subsection
200 [65A-8-203\(8\)](#).