

HB0065S01 compared with HB0065

~~deleted text~~ shows text that was in HB0065 but was deleted in HB0065S01.

inserted text shows text that was not in HB0065 but was inserted into HB0065S01.

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Representative Casey Snider proposes the following substitute bill:

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 the Wildland Fire Suppression Fund including granting rulemaking authority;
- ▶ addresses employment of fire wardens;
- ▶ provides for a study of wildland fire related pay plans; and

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- ▶ 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, as an ongoing appropriation:
 - from Sovereign Lands Management Account, \$35,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

65A-8-204, as last amended by Laws of Utah 2019, Chapter 118

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

ENACTS:

67-19-12.6, Utah Code Annotated 1953

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

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

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

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

(2) The account shall consist of the following:

- (a) ~~all~~ the revenues derived from sovereign lands;
- (b) that portion of ~~all~~ the revenues derived from mineral leases on other lands

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managed by the division necessary to recover management costs;

(c) any fees deposited by the division; and

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

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

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

(5) The division shall use the amount deposited into the account under Subsection (2)(d) for the Great Salt Lake as described in Section 65A-10-8 as directed by the Great Salt Lake Advisory Council created in Section 73-30-201.

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

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

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

(1) As used in this section:

(a) "Eligible entity" means:

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

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

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

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

(A) providing wildland fire suppression services; and

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

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

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

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

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

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

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

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

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

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

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

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

(e) return the financial statement described in Subsection (6), signed by the chief

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executive of the eligible entity, to the division on or before the date set by the division; and

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

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

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

(i) cooperative agreements described in this section;

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

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

(iv) accounting system for determining suppression costs;

(v) manner in which the division shall determine the eligible entity's participation commitment; and

(vi) manner in which an eligible entity may appeal a division determination.

(6) (a) The division shall send a financial statement to each eligible entity participating in a cooperative agreement that details the eligible entity's participation commitment for the coming fiscal year, including the prevention, preparedness, and mitigation actions agreed to under Subsection (4)(c).

(b) Each eligible entity participating in a cooperative agreement shall:

(i) have the chief executive of the eligible entity sign the financial statement, or the legislative body of the eligible entity approve the financial statement by resolution, confirming the eligible entity's participation for the upcoming year; and

(ii) return the financial statement to the division, on or before a date set by the division.

(c) A financial statement shall be effective for one calendar year, beginning on the date set by the division, as described in Subsection (6)(b).

(7) (a) An eligible entity may revoke a cooperative agreement before the end of the cooperative agreement's term by:

(i) informing the division, in writing, of the eligible entity's intention to revoke the cooperative agreement; or

(ii) failing to sign and return its annual financial statement, as described in Subsection

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(6)(b), unless the director grants an extension.

(b) An eligible entity may not revoke a cooperative agreement before the end of the term of a signed annual financial statement, as described in Subsection (6)(c).

(8) The division shall develop and maintain a wildfire risk assessment mapping tool that is online and publicly accessible.

(9) By no later than the 2021 November interim meeting of the Natural Resources, Agriculture, and Environment Interim Committee, the division shall report on the eligible entities' adherence to and implementation of their participation commitment under this chapter.

Section 3. Section 65A-8-204 is amended to read:

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

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

(2) The fund shall be administered by the division to pay wildfire suppression costs on eligible lands, as wildfire suppression costs are defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including for an eligible entity that has entered into a cooperative agreement, as described in Section 65A-8-203.

(3) Subject to Section 65A-8-213, the contents of the fund shall include:

- (a) interest and earnings from the investment of fund money;
 - (b) money appropriated by the Legislature;
 - (c) costs recovered from successful investigations;
 - (d) federal funds received by the division for wildfire management costs;
 - (e) suppression costs billed to an eligible entity that does not participate in a cooperative agreement;
 - (f) suppression costs paid to the division by another state agency;
 - (g) costs recovered from settlements and civil actions related to wildfire suppression;
 - (h) restitution payments ordered by a court following a criminal adjudication;
 - (i) the balance of the fund as of July 1, 2016;
 - (j) money deposited by the Division of Finance, pursuant to Section 59-21-2; and
 - (k) money transferred by the Division of Finance, pursuant to Section 63J-1-314.
- (4) Fund money shall be invested by the state treasurer with the earnings and interest

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accruing to the fund.

Section ~~{3}~~4. Section **65A-8-209.1** is amended to read:

65A-8-209.1. County fire warden.

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

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

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

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

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

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

(3) (a) The division shall employ ~~[aH]~~ the county fire wardens.

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

Section ~~{4}~~5. Section **67-19-12.6** is enacted to read:

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

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

Section ~~{5}~~6. **Appropriation.**

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

ITEM 1

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

From Sovereign Lands Management Account \$200,000

Schedule of Programs:

Program Delivery \$200,000

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

ITEM 2

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

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

Schedule of Programs:

Program Management \$200,000

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

ITEM 3

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

From Sovereign Lands Management Account \$35,000

Schedule of Programs:

Program Management \$35,000

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