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**WILDFIRE AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses the state's management of wildfires.

**Highlighted Provisions:**

This bill:

- ▶ addresses funding of county fire wardens;
- ▶ provides for rulemaking authority;
- ▶ defines terms;
- ▶ requires the Division of Forestry, Fire, and State Lands to study the implementation of a wildfire prevention and preparedness program;
- ▶ addresses reporting requirements and potential legislation;
- ▶ provides a repeal date for study; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63I-2-265**, as last amended by Laws of Utah 2014, Chapter 313

**65A-8-209.1**, as last amended by Laws of Utah 2021, Chapter 97



28 ENACTS:

29 65A-8-214, Utah Code Annotated 1953

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

32 Section 1. Section **63I-2-265** is amended to read:

33 **63I-2-265. Repeal dates -- Title 65A.**

34 Section 65A-8-214, wildfire prevention and preparedness program and study, is  
35 repealed July 1, 2023.

36 Section 2. Section **65A-8-209.1** is amended to read:

37 **65A-8-209.1. County fire warden.**

38 (1) ~~[(a) A]~~ As used in this section, "participating county" means a county that  
39 participates in a cooperative agreement with the division, as described in Section 65A-8-203[;  
40 shall be represented by a].

41 (2) (a) A county fire warden who is employed by the division as a county fire warden  
42 full-time and year round shall represent a participating county, except as provided in  
43 Subsections ~~[(1)]~~ (2)(b) and (c).

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

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

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

49 ~~[(a) divided by the division and the county; or]~~

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

52 (3) (a) A participating county shall pay to the division a participation fee in an amount  
53 agreed to between the participating county and the division for costs associated with the  
54 activities of a county warden within the participating county.

55 (b) The participation fee agreed to under Subsection (3)(a) for fiscal year 2023 may not  
56 exceed the amount of the county's cost share contribution as of July 1, 2021.

57 (c) The division may annually increase the participation fee by the Consumer Price  
58 Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United

59 States Department of Labor, in accordance with a formula established by the division by rule  
60 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

61 ~~[(3)]~~ (4) (a) The division shall employ the county fire wardens and pay the salary and  
62 benefits, including any retirement benefits, for the county fire wardens.

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

65 Section 3. Section **65A-8-214** is enacted to read:

66 **65A-8-214. Wildfire prevention and preparedness program -- Study.**

67 (1) As used in this section:

68 (a) "Defensible space" means the area adjacent to a structure where wildfire  
69 preparedness actions are implemented to provide defense from an approaching wildfire or to  
70 minimize the spread of a structure fire to wildlands or surrounding areas.

71 (b) "Qualifying property" means real property that the division determines, by using the  
72 mapping tool maintained under Subsection 65A-8-203(8), is at high risk for wildfire.

73 (c) "Wildfire preparedness action" means one or more acts engaged in by a person or  
74 contracted for by a person that reduce the risk of wildfire on the person's qualifying property.

75 (2) (a) The division shall study the creation of a wildfire prevention and preparedness  
76 program. As part of this study the division may evaluate different options to administer the  
77 wildfire prevention and preparedness program, including a prevention and preparedness fee  
78 imposed on qualifying property.

79 (b) The study required by this Subsection (2) shall include recommendations on:

80 (i) how the division may determine qualifying property, wildfire preparedness action,  
81 and defensible space;

82 (ii) how the amount of a prevention and preparedness fee is to be calculated;

83 (iii) how often a person would be required to pay a prevention and preparedness fee;

84 (iv) whether to provide for a follow up reassessment schedule for administration of the  
85 wildfire prevention and preparedness program;

86 (v) how to collect a prevention and preparedness fee; and

87 (vi) how the division shall administer the revenue from a prevention and preparedness  
88 fee.

89 (c) The division may work with other state agencies, including the State Tax

90 Commission, to determine recommendations on the collection method to be used to collect a  
91 prevention and preparedness fee.

92 (3) (a) By no later than the 2022 November interim meeting, the division shall report  
93 the division's findings of the study required by Subsection (2) to the Natural Resources,  
94 Agriculture, and Environment Interim Committee.

95 (b) After receiving the report required under Subsection (3)(a), the Natural Resources,  
96 Agriculture, and Environment Interim Committee may prepare legislation that the Legislature  
97 may consider to implement a wildfire prevention and preparedness program.