

HB0145S01 compared with HB0145

~~deleted text~~ shows text that was in HB0145 but was deleted in HB0145S01.

inserted text shows text that was not in HB0145 but was inserted into HB0145S01.

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Representative Casey Snider proposes the following substitute bill:

WILDFIRE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

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.

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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

ENACTS:

65A-8-214, Utah Code Annotated 1953

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

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

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

Section 65A-8-214, wildfire prevention and preparedness program and study, is repealed July 1, 2023.

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

65A-8-209.1. County fire warden.

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

(2) (a) A county fire warden who is employed by the division as a county fire warden full-time and year round shall represent a participating county, except as provided in Subsections ~~[(b)]~~ (2)(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)]~~ (3) (a) The salary and benefits paid to a county fire warden shall be: ~~[(b)]~~

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

~~[(b)]~~ (ii) paid partly by the division with the remainder shared by agreement between

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the counties the county fire warden represents.}}

~~(3) (a) A participating county shall pay to the division a participation fee in an~~

(b) The division may annually increase the amount agreed to between for the county portion if:

(i) the increase takes effect at the beginning of a calendar year;

(ii) the division provides the participating county and the division for costs associated with the activities of a county warden within the participating county.

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

~~(c) The division may annually increase the participation fee by~~ six months notice before the increase takes effect; and

(iii) the increase is based on the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor, in accordance with a formula established by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

~~{(3)} (4) (a) The division shall employ the county fire wardens and pay the salary and benefits, including any retirement benefits, for 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 3. Section **65A-8-214** is enacted to read:

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

(1) As used in this section:

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

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

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

(2) (a) The division shall study the creation of a wildfire prevention and preparedness program. As part of this study the division may evaluate different options to administer the

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wildfire prevention and preparedness program, including a prevention and preparedness fee imposed on qualifying property.

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

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

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

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

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

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

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

(c) The division may work with other state agencies, including the State Tax Commission, to determine recommendations on the collection method to be used to collect a prevention and preparedness fee.

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

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