

183 (ii) land used for the raising of crops; or
184 (iii) pasturage that is artificially irrigated.

185 (c) "Field" means land where grass, grain, stubble, or hay may be burned in accordance
186 with this section.

187 (d) "Red Flag Warning" means a weather forecast issued by the National Weather
188 Service on a publicly available website or notification system indicating that weather
189 conditions associated with the outbreak of wildfires are occurring.

190 ~~[(H)]~~ (2) (a) The period from June 1 to October 31 of each year is a closed fire season
191 throughout the state.

192 (b) The state forester may advance or extend the closed season wherever and whenever
193 that action is necessary.

194 ~~[(F)]~~ (c) The state forester shall notify the public of the alteration of the closed season
195 ~~[is done]~~ by posting the appropriate proclamation [in the courthouse of each county seat] on the
196 division's website and on the Utah Public Notice Website, created in Section 63A-16-601, for
197 at least seven days in advance of the date the change is effective.

198 ~~[(2)]~~ (3) During the closed fire season [it is], an individual is guilty of a class ~~H~~ **B** C

198a ~~H~~ **B**

199 ~~[to set]~~ if the individual sets on fire, or [cause] causes to be set on fire[~~, any~~
200 flammable material on any];

201 (a) (i) a forest[~~;~~];

202 (ii) brush[~~;~~];

203 (iii) range[~~, grass, grain, stubble, or hay land~~];

204 (iv) a field;

205 (v) cultivated land; or

206 (vi) a debris pile; and

207 (b) without:

208 ~~[(a)]~~ (i) first securing a written permit from the state forester or a [designated] deputy
209 designated by the state forester; [and]

210 ~~[(b)]~~ (ii) complying fully with [the terms and conditions prescribed by] the permit[~~;~~]
211 described in Subsection (3)(b)(i); and

212 (iii) first notifying the applicable public safety answering point of the approximate time
213 the burning will occur.

214 (4) During a period when a Red Flag Warning is issued, an individual is guilty of a
 215 class ~~H~~→ [B] C ←~~H~~ misdemeanor if the individual sets on fire, or causes to be set on fire:

216 (a) (i) a forest;

217 (ii) brush;

218 (iii) range;

219 (iv) a field;

220 (v) cultivated land;

221 (vi) a fence line;

222 (vii) a canal; or

223 (viii) an irrigation ditch; and

224 (b) without:

225 (i) first securing a written permit from the state forester or a deputy designated by the
 226 state forester;

227 (ii) complying fully with the permit described in Subsection (4)(b)(i); and

228 (iii) first notifying the applicable public safety answering point of the approximate time
 229 the burning will occur.

230 ~~[(3)] (5) [The county fire warden, or the county sheriff in a county that has not entered~~
 231 ~~into a cooperative agreement as described in Section 65A-8-203;] The state forester or the state
 232 forester's designee shall issue burning permits using the form prescribed by the division.~~

233 ~~[(4)] (6) (a) The burning permit does not relieve an individual from personal liability~~
 234 ~~[due to neglect or incompetence] as a result of damage caused by the fire.~~

235 (b) A fire escaping control of the permittee that necessitates fire control action or does
 236 injury to the property of another is prima facie evidence that due care was not used in the
 237 burning and that the fire was not safe.

238 ~~[(5)] (7) [The state forester, the state forester's designees, and the county sheriffs] The~~
 239 ~~following may refuse, revoke, postpone, or cancel [permits when they find it] a permit if the~~
 240 ~~person finds that it is necessary in the interest of public safety[-];~~

241 (a) the state forester;

242 (b) a state forester's designee; or

243 (c) a county sheriff if there is no cooperative agreement with the division as described
 244 in Section 65A-8-203.

245 ~~[(6)]~~ (8) (a) ~~[A]~~ Except for during a Red Flag Warning as described in Subsection
 246 (4)(a), a burning permit is not required:

247 (i) for the burning within 10 feet of:

248 ~~(A)~~ fence lines on cultivated lands[;];

249 ~~(B)~~ the banks of canals[;]; or

250 ~~(C)~~ the banks of irrigation ditches; and

251 (ii) if:

252 ~~[(i)]~~ ~~(A)~~ the burning does not pose a threat to forest, range, or watershed lands;

253 ~~[(ii)]~~ ~~(B)~~ due care is used in the control of the burning; and

254 ~~[(iii)]~~ ~~(C)~~ the individual notifies the ~~[nearest fire department]~~ applicable public safety
 255 answering point of the approximate time the burning will occur.

256 (b) ~~[Failure]~~ For a burning with or without a permit, an individual is guilty of a class

256a **H→ ~~[B]~~ C ←H**

257 misdemeanor if the individual fails to notify the ~~[nearest fire department]~~ applicable public
 258 safety answering point of ~~the~~ a burning as required by this section ~~[is a class B misdemeanor]~~.

259 ~~[(7)]~~ (9) A burning conducted in accordance with Subsection ~~[(6)]~~ (8) is not a reckless
 260 burning under Section 76-6-104 unless the fire escapes control and requires fire control action.

261 Section 5. Section **65A-8-213** is amended to read:

262 **65A-8-213. Creation of the Wildland Fire Preparedness Grants Fund --**

263 **Awarding of grants -- Rulemaking.**

264 (1) (a) There is created an expendable special revenue fund known as the "Wildland
 265 Fire Preparedness Grants Fund."

266 (b) The Wildland Fire Preparedness Grants Fund shall consist of:

267 (i) voluntary contributions received;

268 (ii) appropriations the Legislature makes to the Wildland Fire Preparedness Grants
 269 Fund;

270 (iii) 10% of the costs recovered annually related to wildfire suppression described in
 271 Subsections ~~[65A-8-204(3)(g) and (h)]~~ 65A-8-204(3)(e) and (f); and

272 (iv) interest or other earnings accrued in accordance with Subsection (1)(c)(ii).

273 (c) The state treasurer shall:

274 (i) invest the money in the Wildland Fire Preparedness Grants Fund described in

275 Subsection (1)(a) following the procedures and requirements of Title 51, Chapter 7, State