{deleted text} shows text that was in HB0437 but was deleted in HB0437S01.

inserted text shows text that was not in HB0437 but was inserted into HB0437S01.

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Representative Casey Snider proposes the following substitute bill:

FIRE AMENDMENTS

2024 GENERAL SESSION STATE OF UTAH

Chief Sponsor: ⊕ Casey Snider

Senate Sponsor: {}_____

LONG TITLE

General Description:

This bill modifies provisions concerning control and funding related to fire.

Highlighted Provisions:

This bill:

- modifies provisions related to calculating amounts to be \(\frac{\transferred}{\transferred}\) to a Medicaid fund and the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund;
- modifies definitions related to the State Appropriations and Tax Limitation Act and the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund;
- addresses timing of transfers related to the Industrial Assistance Account and the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund;
- modifies provisions related to cooperative fire protection agreements;

- requires the Division of Forestry, Fire, and State Lands to analyze certain issues related to the wildfire risk assessment mapping tool;
- permits adjustments to participation commitments based on the wildfire risk assessment mapping tool;
- adjusts the calculation for billing a county or municipality without a cooperative agreement;
- addresses the definition of wildfire suppression costs made by rule;
- modifies money to be deposited into the Wildland-urban Interface Prevention,
 Preparedness, and Mitigation Fund; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63J-1-315, as last amended by Laws of Utah 2023, Chapter 329

63J-3-103, as last amended by Laws of Utah 2022, Chapter 456

63N-3-106, as last amended by Laws of Utah 2023, Chapter 499

65A-8-203, as last amended by Laws of Utah 2023, Chapter 16

65A-8-203.2, as enacted by Laws of Utah 2016, Chapter 174

65A-8-204, as last amended by Laws of Utah 2023, Chapter 153

65A-8-215, as enacted by Laws of Utah 2023, Chapter 153

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

Section 1. Section **63J-1-315** is amended to read:

63J-1-315. Medicaid Growth Reduction and Budget Stabilization Account --Transfers of Medicaid growth savings -- Base budget adjustments.

- (1) As used in this section:
- (a) "Department" means the Department of Health and Human Services created in Section 26B-1-201.

- (b) "Division" means the Division of Integrated Healthcare created in Section 26B-3-102.
- (c) "General Fund revenue surplus" means a situation where actual General Fund revenues collected in a completed fiscal year exceed the estimated revenues for the General Fund for that fiscal year that were adopted by the Executive Appropriations Committee of the Legislature.
- (d) "Medicaid growth savings" means the Medicaid growth target minus Medicaid program expenditures, if Medicaid program expenditures are less than the Medicaid growth target.
- (e) "Medicaid growth target" means Medicaid program expenditures for the previous year multiplied by 1.08.
 - (f) "Medicaid program" is as defined in Section 26B-3-101.
- (g) "Medicaid program expenditures" means total state revenue expended for the Medicaid program from the General Fund, including restricted accounts within the General Fund, during a fiscal year.
- (h) "Medicaid program expenditures for the previous year" means total state revenue expended for the Medicaid program from the General Fund, including restricted accounts within the General Fund, during the fiscal year immediately preceding a fiscal year for which Medicaid program expenditures are calculated.
- (i) "Operating deficit" means that, at the end of the fiscal year, the unassigned fund balance in the General Fund is less than zero.
 - (i) "State revenue" means revenue other than federal revenue.
- (k) "State revenue expended for the Medicaid program" includes money transferred or appropriated to the Medicaid Growth Reduction and Budget Stabilization Account only to the extent the money is appropriated for the Medicaid program by the Legislature.
- (2) There is created within the General Fund a restricted account to be known as the Medicaid Growth Reduction and Budget Stabilization Account.
- (3) (a) (i) Except as provided in Subsection (6), if, at the end of a fiscal year, there is a General Fund revenue surplus, the Division of Finance shall transfer an amount equal to Medicaid growth savings from the General Fund to the Medicaid Growth Reduction and Budget Stabilization Account.

- (ii) If the amount transferred is reduced to prevent an operating deficit, as provided in Subsection (6), the Legislature shall include, to the extent revenue is available, an amount equal to the reduction as an appropriation from the General Fund to the account in the base budget for the second fiscal year following the fiscal year for which the reduction was made.
- (b) If, at the end of a fiscal year, there is not a General Fund revenue surplus, the Legislature shall include, to the extent revenue is available, an amount equal to Medicaid growth savings as an appropriation from the General Fund to the account in the base budget for the second fiscal year following the fiscal year for which the reduction was made.
- (c) Subsections (3)(a) and (3)(b) apply only to the fiscal year in which the department implements the proposal developed under Section 26B-3-202 to reduce the long-term growth in state expenditures for the Medicaid program, and to each fiscal year after that year.
- (4) The Division of Finance shall calculate the amount to be transferred under Subsection (3):
 - (a) before transferring revenue from the General Fund revenue surplus to:
 - (i) the General Fund Budget Reserve Account under Section 63J-1-312;
- (ii) (A) the Wildland Fire Suppression Fund created in Section 65A-8-204, as described in Section 63J-1-314; [and] or
- (B) the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund under Section 63J-1-314; and
 - (iii) the State Disaster Recovery Restricted Account under Section 63J-1-314;
- (b) before earmarking revenue from the General Fund revenue surplus to the Industrial Assistance Account under Section 63N-3-106; and
- (c) before making any other year-end contingency appropriations, year-end set-asides, or other year-end transfers required by law.
- (5) (a) If, at the close of any fiscal year, there appears to be insufficient money to pay additional debt service for any bonded debt authorized by the Legislature, the Division of Finance may hold back from any General Fund revenue surplus money sufficient to pay the additional debt service requirements resulting from issuance of bonded debt that was authorized by the Legislature.
- (b) The Division of Finance may not spend the hold back amount for debt service under Subsection (5)(a) unless and until it is appropriated by the Legislature.

- (c) If, after calculating the amount for transfer under Subsection (3), the remaining General Fund revenue surplus is insufficient to cover the hold back for debt service required by Subsection (5)(a), the Division of Finance shall reduce the transfer to the Medicaid Growth Reduction and Budget Stabilization Account by the amount necessary to cover the debt service hold back.
- (d) Notwithstanding Subsections (3) and (4), the Division of Finance shall hold back the General Fund balance for debt service authorized by this Subsection (5) before making any transfers to the Medicaid Growth Reduction and Budget Stabilization Account or any other designation or allocation of General Fund revenue surplus.
- (6) Notwithstanding Subsections (3) and (4), if, at the end of a fiscal year, the Division of Finance determines that an operating deficit exists and that holding back earmarks to the Industrial Assistance Account under Section 63N-3-106, transfers to the Wildland Fire Suppression Fund and State Disaster Recovery Restricted Account under Section 63J-1-314, transfers to the General Fund Budget Reserve Account under Section 63J-1-312, or earmarks and transfers to more than one of those accounts, in that order, does not eliminate the operating deficit, the Division of Finance may reduce the transfer to the Medicaid Growth Reduction and Budget Stabilization Account by the amount necessary to eliminate the operating deficit.
- (7) The Legislature may appropriate money from the Medicaid Growth Reduction and Budget Stabilization Account only:
- (a) if Medicaid program expenditures for the fiscal year for which the appropriation is made are estimated to be 108% or more of Medicaid program expenditures for the previous year; and
 - (b) for the Medicaid program.
- (8) The Division of Finance shall deposit interest or other earnings derived from investment of Medicaid Growth Reduction and Budget Stabilization Account money into the General Fund.

Section 2. Section **63J-3-103** is amended to read:

63J-3-103. Definitions.

As used in this chapter:

(1) (a) "Appropriations" means actual unrestricted capital and operating appropriations from unrestricted General Fund and Income Tax Fund sources.

- (b) "Appropriations" includes appropriations that are contingent upon available surpluses in the General Fund and Income Tax Fund.
 - (c) "Appropriations" does not mean:
 - (i) public education expenditures;
- (ii) Utah Education and Telehealth Network expenditures in support of public education;
 - (iii) Utah Board of Higher Education expenditures in support of public education;
- (iv) State Tax Commission expenditures related to collection of income taxes in support of public education;
 - (v) debt service expenditures;
 - (vi) emergency expenditures;
 - (vii) expenditures from all other fund or subfund sources;
- (viii) transfers or appropriations from the Income Tax Fund to the Uniform School Fund;
- (ix) transfers into, or appropriations made to, the General Fund Budget Reserve Account established in Section 63J-1-312;
- (x) transfers into, or appropriations made to, the Income Tax Fund Budget Reserve Account established in Section 63J-1-313;
- (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to the Wildland Fire Suppression Fund created in Section 65A-8-204 [or], the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created in Section 65A-8-215, or the State Disaster Recovery Restricted Account created in Section 53-2a-603;
- (xii) money appropriated to fund the total one-time project costs for the construction of capital development projects as defined in Section 63A-5b-401;
- (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund created by Section 72-2-118;
- (xiv) transfers or deposits into or appropriations made to the Transportation Investment Fund of 2005 created by Section 72-2-124;
 - (xv) transfers or deposits into or appropriations made to:
 - (A) the Department of Transportation from any source; or
 - (B) any transportation-related account or fund from any source; or

- (xvi) supplemental appropriations from the General Fund to the Division of Forestry, Fire, and State Lands to provide money for wildland fire control expenses incurred during the current or previous fire years.
- (2) "Base year real per capita appropriations" means the result obtained for the state by dividing the fiscal year 1985 actual appropriations of the state less debt money by:
 - (a) the state's July 1, 1983 population; and
 - (b) the fiscal year 1983 inflation index divided by 100.
- (3) "Calendar year" means the time period beginning on January 1 of any given year and ending on December 31 of the same year.
- (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session, Chapter 4.
- (5) "Fiscal year" means the time period beginning on July 1 of any given year and ending on June 30 of the subsequent year.
- (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital and operations appropriations from General Fund and non-Uniform School Fund income tax revenue sources, less debt money.
- (7) "Inflation index" means the change in the general price level of goods and services as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic Analysis, U.S. Department of Commerce calculated as provided in Section 63J-3-202.
- (8) (a) "Maximum allowable appropriations limit" means the appropriations that could be, or could have been, spent in any given year under the limitations of this chapter.
- (b) "Maximum allowable appropriations limit" does not mean actual appropriations spent or actual expenditures.
- (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.
- (10) "Most recent fiscal year's population" means the fiscal year population two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.
 - (11) "Population" means the number of residents of the state as of July 1 of each year

as calculated by the Governor's Office of Planning and Budget according to the procedures and requirements of Section 63J-3-202.

- (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other monetary exaction and interest connected with it that are recorded as unrestricted revenue of the General Fund and from non-Uniform School Fund income tax revenues, except as specifically exempted by this chapter.
- (13) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an "indebtedness" within the meaning of any provision of the constitution or laws of this state.

Section 3. Section **63N-3-106** is amended to read:

63N-3-106. Structure of loans, grants, and assistance -- Repayment -- Earned credits.

- (1) (a) Subject to Subsection (1)(b), the administrator has authority to determine the structure, amount, and nature of any loan, grant, or other financial assistance from the restricted account.
- (b) Loans made under this part shall be structured so the intended repayment or return to the state, including cash or credit, equals at least the amount of the assistance together with an annual interest charge as negotiated by the administrator.
- (c) Payments resulting from grants awarded from the restricted account shall be made only after the administrator has determined that the company has satisfied the conditions upon which the payment or earned credit was based.
- (2) (a) The administrator may provide for a system of earned credits that may be used to support grant payments or in lieu of cash repayment of a restricted account loan obligation.
- (b) The value of the credits described in Subsection (2)(a) shall be based on factors determined by the administrator, including:
 - (i) the number of Utah jobs created;
 - (ii) the increased economic activity in Utah; or
 - (iii) other events and activities that occur as a result of the restricted account assistance.
- (3) (a) A cash loan repayment or other cash recovery from a company receiving assistance under this section, including interest, shall be deposited into the restricted account.
 - (b) The administrator and the Division of Finance shall determine the manner of

recognizing and accounting for the earned credits used in lieu of loan repayments or to support grant payments as provided in Subsection (2).

- (4) (a) (i) At the end of each fiscal year, the Division of Finance shall set aside the balance of the General Fund revenue surplus as defined in Section 63J-1-312 after the transfers of General Fund revenue surplus described in Subsection (4)(b) to the Industrial Assistance Account in an amount equal to any credit that has accrued under this part.
- (ii) The set aside under Subsection (4)(a)(i) shall be capped at \$50,000,000, at which time no subsequent contributions may be made and any interest accrued above the \$50,000,000 cap shall be deposited into the General Fund.
- (b) The set aside required by Subsection (4)(a) shall be made after the transfer of surplus General Fund revenue surplus is made to:
- (i) [to] the Medicaid Growth Reduction and Budget Stabilization Restricted Account, as provided in Section 63J-1-315;
- (ii) [to] the General Fund Budget Reserve Account, as provided in Section 63J-1-312; and
 - (iii) {to}as provided in Section 63J-1-314:
- (A) the Wildland Fire Suppression Fund or the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund or and or a
 - (B) the State Disaster Recovery Restricted Account.
- [(iii) to the Wildland Fire Suppression Fund or State Disaster Recovery Restricted Account, as provided in Section 63J-1-314.]
- (c) These credit amounts may not be used for purposes of the restricted account as provided in this part until appropriated by the Legislature.
 - Section 4. 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, special 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, special 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.
- (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 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)] (3) (a) 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)] (b) 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] 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) (i) file with the division an annual accounting of wildfire prevention, preparedness, mitigation actions, and associated costs;
- (ii) meet the eligibility entity's participation commitment by making direct payments to the division; or
 - (iii) do a combination of Subsections (4)(d)(i) and (ii);
- (e) return the financial statement described in Subsection (6), signed by the chief 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(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) (a) The division shall develop and maintain a wildfire risk assessment mapping tool that is online and publicly accessible.
- (b) (i) The division shall analyze adding an additional high-risk category within the wildfire risk assessment mapping tool described in Subsection (8)(a):
 - (A) using a scientific assessment; and
 - (B) that is focused on the risk to dwellings within the wildland-urban interface area.
- (ii) The division shall report the results of the division's analysis under this Subsection (8)(b) to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the 2024 November interim meeting of that committee.
- (c) With regard to the categories used within the wildfire risk assessment mapping tool described in Subsection (8)(a), the division may adjust the assessment for participation commitments if the adjustment 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.
- [(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 ehapter.]

Section 5. Section 65A-8-203.2 is amended to read:

65A-8-203.2. Billing a county or municipality not covered by a cooperative agreement -- Calculating cost of wildfire suppression.

- (1) The division shall bill a county that is not covered by a cooperative agreement with the division, as described in Section 65A-8-203, for the cost of wildfire suppression within the jurisdiction of that county accrued by the state.
- (2) The division shall bill a municipality that is not covered by a cooperative agreement with the division, as described in Section 65A-8-203, for the cost of wildfire suppression within the jurisdiction of that municipality accrued by the state.
- (3) The cost of wildfire suppression to a county or municipality that is not covered by a cooperative agreement with the division, as described in Section 65A-8-203, shall be calculated by determining the number of acres burned within the borders of a county or municipality, dividing that number by the total number of <u>nonfederal</u> acres burned by a wildfire, and multiplying the resulting percentage by the state's total cost of wildfire suppression for that wildfire.
- (4) A county or municipality that receives a bill from the division, pursuant to this section, shall pay the bill, or make arrangements to pay the bill, within 90 days of receipt of the bill, subject to the county or municipality's right to appeal, as described in Subsection 65A-8-203(5)(b)(vi).

Section 6. 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 Wildland Fire Suppression 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 Wildland Fire Suppression Fund shall include:
 - (a) interest and earnings from the investment of fund money;
 - (b) money appropriated by the Legislature;

- (c) federal funds received by the division for wildfire management costs;
- (d) suppression costs billed to an eligible entity that does not participate in a cooperative agreement;
 - (e) suppression costs paid to the division by another state agency;
- (f) costs recovered from settlements and civil or administrative actions related to wildfire suppression;
 - (g) restitution payments ordered by a court following a criminal adjudication;
 - (h) the balance of the fund as of July 1, 2016;
 - (i) money deposited by the Division of Finance, pursuant to Section 59-21-2; and
 - (i) 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 accruing to the Wildland Fire Suppression Fund.
- (5) The division shall define "wildfire suppression costs" by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall include:
 - (a) pre-fire treatment; and
 - (b) post-fire restoration.

Section 7. Section **65A-8-215** is amended to read:

65A-8-215. Wildland-urban interface fire prevention, preparedness, and mitigation.

- (1) As used in this section:
- (a) "Prevention, preparedness, and mitigation fund" means the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created in this section.
- (b) "Suppression fund" means the Wildland Fire Suppression Fund created in Section 65A-8-204.
- (c) "Wildland-urban interface" means the zone where structures and other human development meets, or intermingles with, undeveloped wildland.
- (2) (a) There is created an expendable special revenue fund known as the "Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund."
 - (b) The prevention, preparedness, and mitigation fund shall consist of:
- (i) interest and earnings from the investment of money from the prevention, preparedness, and mitigation fund;

- (ii) money received as direct payment from cooperative wildfire system participation commitments;
 - [(ii)] (iii) money appropriated by the Legislature; and
- [(iii)] (iv) money transferred to the prevention, preparedness, and mitigation fund under Section 63J-1-314.
 - (c) The division shall administer the prevention, preparedness, and mitigation fund to:
- (i) pay costs of prevention and preparedness efforts on wildland-urban interface within the state, as defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including costs of an eligible entity that has entered into a cooperative agreement, as described in Section 65A-8-203;
- (ii) issue fire department assistance grants, which in the aggregate may not exceed 10% of the money in the prevention, preparedness, and mitigation fund each fiscal year; and
- (iii) in cases of catastrophic need as determined by the state forester, pay costs that could be paid from the suppression fund under Section 65A-8-204.
- (d) Disbursements from the prevention, preparedness, and mitigation fund may only be made upon written order of the state forester or the state forester's authorized representative.
- (3) (a) The division may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish criteria for community wildfire preparedness plans addressing wildland-urban interface. The criteria shall require action that is:
 - (i) qualitative and quantitative; and
 - (ii) leads to reduced wildfire risk.
- (b) An eligible entity, as defined in Section 65A-8-203, shall agree to implement prevention, preparedness, and mitigation actions identified in a community wildfire preparedness plan addressing wildland-urban interface that is approved by the division.

Section 8. Effective date.

This bill takes effect on May 1, 2024.