

**Representative Casey Snider** proposes the following substitute bill:

**FIRE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

Senate Sponsor: Michael K. McKell

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**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 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;



- 26           ▶ addresses the definition of wildfire suppression costs made by rule;
- 27           ▶ modifies money to be deposited into the Wildland-urban Interface Prevention,
- 28 Preparedness, and Mitigation Fund; and
- 29           ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31           None

32 **Other Special Clauses:**

33           None

34 **Utah Code Sections Affected:**

35 AMENDS:

36           **63J-1-315**, as last amended by Laws of Utah 2023, Chapter 329

37           **63J-3-103**, as last amended by Laws of Utah 2022, Chapter 456

38           **63N-3-106**, as last amended by Laws of Utah 2023, Chapter 499

39           **65A-8-203**, as last amended by Laws of Utah 2023, Chapter 16

40           **65A-8-203.2**, as enacted by Laws of Utah 2016, Chapter 174

41           **65A-8-204**, as last amended by Laws of Utah 2023, Chapter 153

42           **65A-8-215**, as enacted by Laws of Utah 2023, Chapter 153



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

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

46           **63J-1-315. Medicaid Growth Reduction and Budget Stabilization Account --**

47 **Transfers of Medicaid growth savings -- Base budget adjustments.**

48           (1) As used in this section:

49           (a) "Department" means the Department of Health and Human Services created in

50 Section **26B-1-201**.

51           (b) "Division" means the Division of Integrated Healthcare created in Section

52 **26B-3-102**.

53           (c) "General Fund revenue surplus" means a situation where actual General Fund  
54 revenues collected in a completed fiscal year exceed the estimated revenues for the General  
55 Fund for that fiscal year that were adopted by the Executive Appropriations Committee of the  
56 Legislature.

57 (d) "Medicaid growth savings" means the Medicaid growth target minus Medicaid  
58 program expenditures, if Medicaid program expenditures are less than the Medicaid growth  
59 target.

60 (e) "Medicaid growth target" means Medicaid program expenditures for the previous  
61 year multiplied by 1.08.

62 (f) "Medicaid program" is as defined in Section [26B-3-101](#).

63 (g) "Medicaid program expenditures" means total state revenue expended for the  
64 Medicaid program from the General Fund, including restricted accounts within the General  
65 Fund, during a fiscal year.

66 (h) "Medicaid program expenditures for the previous year" means total state revenue  
67 expended for the Medicaid program from the General Fund, including restricted accounts  
68 within the General Fund, during the fiscal year immediately preceding a fiscal year for which  
69 Medicaid program expenditures are calculated.

70 (i) "Operating deficit" means that, at the end of the fiscal year, the unassigned fund  
71 balance in the General Fund is less than zero.

72 (j) "State revenue" means revenue other than federal revenue.

73 (k) "State revenue expended for the Medicaid program" includes money transferred or  
74 appropriated to the Medicaid Growth Reduction and Budget Stabilization Account only to the  
75 extent the money is appropriated for the Medicaid program by the Legislature.

76 (2) There is created within the General Fund a restricted account to be known as the  
77 Medicaid Growth Reduction and Budget Stabilization Account.

78 (3) (a) (i) Except as provided in Subsection (6), if, at the end of a fiscal year, there is a  
79 General Fund revenue surplus, the Division of Finance shall transfer an amount equal to  
80 Medicaid growth savings from the General Fund to the Medicaid Growth Reduction and  
81 Budget Stabilization Account.

82 (ii) If the amount transferred is reduced to prevent an operating deficit, as provided in  
83 Subsection (6), the Legislature shall include, to the extent revenue is available, an amount  
84 equal to the reduction as an appropriation from the General Fund to the account in the base  
85 budget for the second fiscal year following the fiscal year for which the reduction was made.

86 (b) If, at the end of a fiscal year, there is not a General Fund revenue surplus, the  
87 Legislature shall include, to the extent revenue is available, an amount equal to Medicaid

88 growth savings as an appropriation from the General Fund to the account in the base budget for  
89 the second fiscal year following the fiscal year for which the reduction was made.

90 (c) Subsections (3)(a) and (3)(b) apply only to the fiscal year in which the department  
91 implements the proposal developed under Section 26B-3-202 to reduce the long-term growth in  
92 state expenditures for the Medicaid program, and to each fiscal year after that year.

93 (4) The Division of Finance shall calculate the amount to be transferred under  
94 Subsection (3):

95 (a) before transferring revenue from the General Fund revenue surplus to:

96 (i) the General Fund Budget Reserve Account under Section 63J-1-312;

97 (ii) (A) the Wildland Fire Suppression Fund created in Section 65A-8-204, as  
98 described in Section 63J-1-314; ~~and~~ or

99 (B) the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund under  
100 Section 63J-1-314; and

101 (iii) the State Disaster Recovery Restricted Account under Section 63J-1-314;

102 (b) before earmarking revenue from the General Fund revenue surplus to the Industrial  
103 Assistance Account under Section 63N-3-106; and

104 (c) before making any other year-end contingency appropriations, year-end set-asides,  
105 or other year-end transfers required by law.

106 (5) (a) If, at the close of any fiscal year, there appears to be insufficient money to pay  
107 additional debt service for any bonded debt authorized by the Legislature, the Division of  
108 Finance may hold back from any General Fund revenue surplus money sufficient to pay the  
109 additional debt service requirements resulting from issuance of bonded debt that was  
110 authorized by the Legislature.

111 (b) The Division of Finance may not spend the hold back amount for debt service  
112 under Subsection (5)(a) unless and until it is appropriated by the Legislature.

113 (c) If, after calculating the amount for transfer under Subsection (3), the remaining  
114 General Fund revenue surplus is insufficient to cover the hold back for debt service required by  
115 Subsection (5)(a), the Division of Finance shall reduce the transfer to the Medicaid Growth  
116 Reduction and Budget Stabilization Account by the amount necessary to cover the debt service  
117 hold back.

118 (d) Notwithstanding Subsections (3) and (4), the Division of Finance shall hold back

119 the General Fund balance for debt service authorized by this Subsection (5) before making any  
120 transfers to the Medicaid Growth Reduction and Budget Stabilization Account or any other  
121 designation or allocation of General Fund revenue surplus.

122 (6) Notwithstanding Subsections (3) and (4), if, at the end of a fiscal year, the Division  
123 of Finance determines that an operating deficit exists and that holding back earmarks to the  
124 Industrial Assistance Account under Section 63N-3-106, transfers to the Wildland Fire  
125 Suppression Fund and State Disaster Recovery Restricted Account under Section 63J-1-314,  
126 transfers to the General Fund Budget Reserve Account under Section 63J-1-312, or earmarks  
127 and transfers to more than one of those accounts, in that order, does not eliminate the operating  
128 deficit, the Division of Finance may reduce the transfer to the Medicaid Growth Reduction and  
129 Budget Stabilization Account by the amount necessary to eliminate the operating deficit.

130 (7) The Legislature may appropriate money from the Medicaid Growth Reduction and  
131 Budget Stabilization Account only:

132 (a) if Medicaid program expenditures for the fiscal year for which the appropriation is  
133 made are estimated to be 108% or more of Medicaid program expenditures for the previous  
134 year; and

135 (b) for the Medicaid program.

136 (8) The Division of Finance shall deposit interest or other earnings derived from  
137 investment of Medicaid Growth Reduction and Budget Stabilization Account money into the  
138 General Fund.

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

140 **63J-3-103. Definitions.**

141 As used in this chapter:

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

144 (b) "Appropriations" includes appropriations that are contingent upon available  
145 surpluses in the General Fund and Income Tax Fund.

146 (c) "Appropriations" does not mean:

147 (i) public education expenditures;

148 (ii) Utah Education and Telehealth Network expenditures in support of public  
149 education;

- 150 (iii) Utah Board of Higher Education expenditures in support of public education;
- 151 (iv) State Tax Commission expenditures related to collection of income taxes in
- 152 support of public education;
- 153 (v) debt service expenditures;
- 154 (vi) emergency expenditures;
- 155 (vii) expenditures from all other fund or subfund sources;
- 156 (viii) transfers or appropriations from the Income Tax Fund to the Uniform School
- 157 Fund;
- 158 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve
- 159 Account established in Section [63J-1-312](#);
- 160 (x) transfers into, or appropriations made to, the Income Tax Fund Budget Reserve
- 161 Account established in Section [63J-1-313](#);
- 162 (xi) transfers in accordance with Section [63J-1-314](#) into, or appropriations made to the
- 163 Wildland Fire Suppression Fund created in Section [65A-8-204](#) [or], the Wildland-urban
- 164 Interface Prevention, Preparedness, and Mitigation Fund created in Section [65A-8-215](#), or the
- 165 State Disaster Recovery Restricted Account created in Section [53-2a-603](#);
- 166 (xii) money appropriated to fund the total one-time project costs for the construction of
- 167 capital development projects as defined in Section [63A-5b-401](#);
- 168 (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund
- 169 created by Section [72-2-118](#);
- 170 (xiv) transfers or deposits into or appropriations made to the Transportation Investment
- 171 Fund of 2005 created by Section [72-2-124](#);
- 172 (xv) transfers or deposits into or appropriations made to:
- 173 (A) the Department of Transportation from any source; or
- 174 (B) any transportation-related account or fund from any source; or
- 175 (xvi) supplemental appropriations from the General Fund to the Division of Forestry,
- 176 Fire, and State Lands to provide money for wildland fire control expenses incurred during the
- 177 current or previous fire years.
- 178 (2) "Base year real per capita appropriations" means the result obtained for the state by
- 179 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
- 180 (a) the state's July 1, 1983 population; and

181 (b) the fiscal year 1983 inflation index divided by 100.

182 (3) "Calendar year" means the time period beginning on January 1 of any given year  
183 and ending on December 31 of the same year.

184 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate  
185 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session,  
186 Chapter 4.

187 (5) "Fiscal year" means the time period beginning on July 1 of any given year and  
188 ending on June 30 of the subsequent year.

189 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual  
190 capital and operations appropriations from General Fund and non-Uniform School Fund  
191 income tax revenue sources, less debt money.

192 (7) "Inflation index" means the change in the general price level of goods and services  
193 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic  
194 Analysis, U.S. Department of Commerce calculated as provided in Section [63J-3-202](#).

195 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could  
196 be, or could have been, spent in any given year under the limitations of this chapter.

197 (b) "Maximum allowable appropriations limit" does not mean actual appropriations  
198 spent or actual expenditures.

199 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two  
200 fiscal years previous to the fiscal year for which the maximum allowable inflation and  
201 population appropriations limit is being computed under this chapter.

202 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal  
203 years previous to the fiscal year for which the maximum allowable inflation and population  
204 appropriations limit is being computed under this chapter.

205 (11) "Population" means the number of residents of the state as of July 1 of each year  
206 as calculated by the Governor's Office of Planning and Budget according to the procedures and  
207 requirements of Section [63J-3-202](#).

208 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and  
209 other monetary exaction and interest connected with it that are recorded as unrestricted revenue  
210 of the General Fund and from non-Uniform School Fund income tax revenues, except as  
211 specifically exempted by this chapter.

212 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness,  
213 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an  
214 "indebtedness" within the meaning of any provision of the constitution or laws of this state.

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

216 **63N-3-106. Structure of loans, grants, and assistance -- Repayment -- Earned**  
217 **credits.**

218 (1) (a) Subject to Subsection (1)(b), the administrator has authority to determine the  
219 structure, amount, and nature of any loan, grant, or other financial assistance from the restricted  
220 account.

221 (b) Loans made under this part shall be structured so the intended repayment or return  
222 to the state, including cash or credit, equals at least the amount of the assistance together with  
223 an annual interest charge as negotiated by the administrator.

224 (c) Payments resulting from grants awarded from the restricted account shall be made  
225 only after the administrator has determined that the company has satisfied the conditions upon  
226 which the payment or earned credit was based.

227 (2) (a) The administrator may provide for a system of earned credits that may be used  
228 to support grant payments or in lieu of cash repayment of a restricted account loan obligation.

229 (b) The value of the credits described in Subsection (2)(a) shall be based on factors  
230 determined by the administrator, including:

231 (i) the number of Utah jobs created;

232 (ii) the increased economic activity in Utah; or

233 (iii) other events and activities that occur as a result of the restricted account assistance.

234 (3) (a) A cash loan repayment or other cash recovery from a company receiving  
235 assistance under this section, including interest, shall be deposited into the restricted account.

236 (b) The administrator and the Division of Finance shall determine the manner of  
237 recognizing and accounting for the earned credits used in lieu of loan repayments or to support  
238 grant payments as provided in Subsection (2).

239 (4) (a) (i) At the end of each fiscal year, the Division of Finance shall set aside the  
240 balance of the General Fund revenue surplus as defined in Section [63J-1-312](#) after the transfers  
241 of General Fund revenue surplus described in Subsection (4)(b) to the Industrial Assistance  
242 Account in an amount equal to any credit that has accrued under this part.



243 (ii) The set aside under Subsection (4)(a)(i) shall be capped at \$50,000,000, at which  
244 time no subsequent contributions may be made and any interest accrued above the \$50,000,000  
245 cap shall be deposited into the General Fund.

246 (b) The set aside required by Subsection (4)(a) shall be made after the transfer of  
247 surplus General Fund revenue surplus is made to:

248 (i) ~~[to]~~ the Medicaid Growth Reduction and Budget Stabilization Restricted Account,  
249 as provided in Section 63J-1-315;

250 (ii) ~~[to]~~ the General Fund Budget Reserve Account, as provided in Section 63J-1-312;  
251 and

252 (iii) as provided in Section 63J-1-314:

253 (A) the Wildland Fire Suppression Fund or the Wildland-urban Interface Prevention,  
254 Preparedness, and Mitigation Fund; and

255 (B) the State Disaster Recovery Restricted Account.

256 ~~[(iii) to the Wildland Fire Suppression Fund or State Disaster Recovery Restricted~~  
257 ~~Account, as provided in Section 63J-1-314.]~~

258 (c) These credit amounts may not be used for purposes of the restricted account as  
259 provided in this part until appropriated by the Legislature.

260 Section 4. Section 65A-8-203 is amended to read:

261 **65A-8-203. Cooperative fire protection agreements with counties, cities, towns, or**  
262 **special service districts.**

263 (1) As used in this section:

264 (a) "Eligible entity" means:

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

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

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

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

272 (A) providing wildland fire suppression services; and

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

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

276 (2) (a) The governing body of any eligible entity may enter into a cooperative  
277 agreement with the division to receive financial and wildfire management cooperation and  
278 assistance from the division, as described in this part.

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

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

284 ~~[(b)]~~ (3) (a) The state shall assume an eligible entity's cost of suppressing catastrophic  
285 wildfire as defined in the cooperative agreement if the eligible entity has entered into, and is in  
286 full compliance with, a cooperative agreement with the division, as described in this section.

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

290 (4) ~~[In order to]~~ To enter into a cooperative agreement with the division, the eligible  
291 entity shall:

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

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

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

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

303 (ii) meet the eligibility entity's participation commitment by making direct payments to  
304 the division; or

305           (iii) do a combination of Subsections (4)(d)(i) and (ii);  
306           (e) return the financial statement described in Subsection (6), signed by the chief  
307 executive of the eligible entity, to the division on or before the date set by the division; and  
308           (f) if the eligible entity is a county, have a designated fire warden as described in  
309 Section [65A-8-209.1](#).  
310           (5) (a) The state forester may execute a cooperative agreement with the eligible entity.  
311           (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
312 Administrative Rulemaking Act, governing the:  
313           (i) cooperative agreements described in this section;  
314           (ii) manner in which an eligible entity shall provide proof of compliance with  
315 Subsection (4);  
316           (iii) manner by which the division may revoke a cooperative agreement if an eligible  
317 entity ceases to meet the requirements described in this section;  
318           (iv) accounting system for determining suppression costs;  
319           (v) manner in which the division shall determine the eligible entity's participation  
320 commitment; and  
321           (vi) manner in which an eligible entity may appeal a division determination.  
322           (6) (a) The division shall send a financial statement to each eligible entity participating  
323 in a cooperative agreement that details the eligible entity's participation commitment for the  
324 coming fiscal year, including the prevention, preparedness, and mitigation actions agreed to  
325 under Subsection (4)(c).  
326           (b) Each eligible entity participating in a cooperative agreement shall:  
327           (i) have the chief executive of the eligible entity sign the financial statement, or the  
328 legislative body of the eligible entity approve the financial statement by resolution, confirming  
329 the eligible entity's participation for the upcoming year; and  
330           (ii) return the financial statement to the division, on or before a date set by the division.  
331           (c) A financial statement shall be effective for one calendar year, beginning on the date  
332 set by the division, as described in Subsection (6)(b).  
333           (7) (a) An eligible entity may revoke a cooperative agreement before the end of the  
334 cooperative agreement's term by:  
335           (i) informing the division, in writing, of the eligible entity's intention to revoke the

336 cooperative agreement; or

337 (ii) failing to sign and return its annual financial statement, as described in Subsection  
338 (6)(b), unless the director grants an extension.

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

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

343 (b) (i) The division shall analyze adding an additional high-risk category within the  
344 wildfire risk assessment mapping tool described in Subsection (8)(a):

345 (A) using a scientific assessment; and

346 (B) that is focused on the risk to dwellings within the wildland-urban interface area.

347 (ii) The division shall report the results of the division's analysis under this Subsection  
348 (8)(b) to the Natural Resources, Agriculture, and Environment Interim Committee by no later  
349 than the 2024 November interim meeting of that committee.

350 (c) With regard to the categories used within the wildfire risk assessment mapping tool  
351 described in Subsection (8)(a), the division may adjust the assessment for participation  
352 commitments if the adjustment is based on the Consumer Price Index for All Urban Consumers  
353 as published by the Bureau of Labor Statistics of the United States Department of Labor, in  
354 accordance with a formula established by the division by rule made in accordance with Title  
355 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

361 **65A-8-203.2. Billing a county or municipality not covered by a cooperative**  
362 **agreement -- Calculating cost of wildfire suppression.**

363 (1) The division shall bill a county that is not covered by a cooperative agreement with  
364 the division, as described in Section **65A-8-203**, for the cost of wildfire suppression within the  
365 jurisdiction of that county accrued by the state.

366 (2) The division shall bill a municipality that is not covered by a cooperative agreement

367 with the division, as described in Section 65A-8-203, for the cost of wildfire suppression  
368 within the jurisdiction of that municipality accrued by the state.

369 (3) The cost of wildfire suppression to a county or municipality that is not covered by a  
370 cooperative agreement with the division, as described in Section 65A-8-203, shall be calculated  
371 by determining the number of acres burned within the borders of a county or municipality,  
372 dividing that number by the total number of nonfederal acres burned by a wildfire, and  
373 multiplying the resulting percentage by the state's total cost of wildfire suppression for that  
374 wildfire.

375 (4) A county or municipality that receives a bill from the division, pursuant to this  
376 section, shall pay the bill, or make arrangements to pay the bill, within 90 days of receipt of the  
377 bill, subject to the county or municipality's right to appeal, as described in Subsection  
378 65A-8-203(5)(b)(vi).

379 Section 6. Section 65A-8-204 is amended to read:

380 **65A-8-204. Wildland Fire Suppression Fund created.**

381 (1) There is created an expendable special revenue fund known as the "Wildland Fire  
382 Suppression Fund." For purposes of this section, the Wildland Fire Suppression Fund is  
383 known as the "fund."

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

389 (3) Subject to Section 65A-8-213, the contents of the [~~Wildland Fire Suppression~~  
390 ~~Fund~~] fund shall include:

391 (a) interest and earnings from the investment of fund money;

392 (b) money appropriated by the Legislature;

393 (c) federal funds received by the division for wildfire management costs;

394 (d) suppression costs billed to an eligible entity that does not participate in a  
395 cooperative agreement;

396 (e) suppression costs paid to the division by another state agency;

397 (f) costs recovered from settlements and civil or administrative actions related to

398 wildfire suppression;

399 (g) restitution payments ordered by a court following a criminal adjudication;

400 (h) the balance of the fund as of July 1, 2016;

401 (i) money deposited by the Division of Finance, pursuant to Section 59-21-2; and

402 (j) money transferred by the Division of Finance, pursuant to Section 63J-1-314.

403 (4) Fund money shall be invested by the state treasurer with the earnings and interest  
404 accruing to the [~~Wildland Fire Suppression Fund~~] fund.

405 (5) (a) The division shall define "wildfire suppression costs" by rule made in  
406 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall  
407 include:

408 (i) pre-suppression mitigation and education; and

409 (ii) post-fire restoration.

410 (b) The division may pay costs for pre-suppression mitigation and education from the  
411 fund:

412 (i) only if in the immediately preceding fiscal year the deposits into the fund exceeded  
413 expenses of the fund; and

414 (ii) in an amount not to exceed the percentage of General Fund deposits into the fund  
415 specified by the Legislature through appropriation language.

416 (c) The division may pay post-fire restoration costs on eligible land from the fund not  
417 to exceed the percentage of General Fund deposits into the fund annually specified by the  
418 Legislature through appropriation language.

419 (d) The division shall annually provide to the Executive Appropriations Committee an  
420 accounting of pre-suppression mitigation and education expenditures.

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

422 **65A-8-215. Wildland-urban interface fire prevention, preparedness, and**  
423 **mitigation.**

424 (1) As used in this section:

425 (a) "Prevention, preparedness, and mitigation fund" means the Wildland-urban  
426 Interface Prevention, Preparedness, and Mitigation Fund created in this section.

427 (b) "Suppression fund" means the Wildland Fire Suppression Fund created in Section  
428 65A-8-204.

429 (c) "Wildland-urban interface" means the zone where structures and other human  
430 development meets, or intermingles with, undeveloped wildland.

431 (2) (a) There is created an expendable special revenue fund known as the  
432 "Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund."

433 (b) The prevention, preparedness, and mitigation fund shall consist of:

434 (i) interest and earnings from the investment of money from the prevention,  
435 preparedness, and mitigation fund;

436 (ii) money received as direct payment from cooperative wildfire system participation  
437 commitments;

438 [~~(ii)~~] (iii) money appropriated by the Legislature; and

439 [~~(iii)~~] (iv) money transferred to the prevention, preparedness, and mitigation fund  
440 under Section [63J-1-314](#).

441 (c) The division shall administer the prevention, preparedness, and mitigation fund to:

442 (i) pay costs of prevention and preparedness efforts on wildland-urban interface within  
443 the state, as defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah  
444 Administrative Rulemaking Act, including costs of an eligible entity that has entered into a  
445 cooperative agreement, as described in Section [65A-8-203](#);

446 (ii) issue fire department assistance grants, which in the aggregate may not exceed 10%  
447 of the money in the prevention, preparedness, and mitigation fund each fiscal year; and

448 (iii) in cases of catastrophic need as determined by the state forester, pay costs that  
449 could be paid from the suppression fund under Section [65A-8-204](#).

450 (d) Disbursements from the prevention, preparedness, and mitigation fund may only be  
451 made upon written order of the state forester or the state forester's authorized representative.

452 (3) (a) The division may by rule, made in accordance with Title 63G, Chapter 3, Utah  
453 Administrative Rulemaking Act, establish criteria for community wildfire preparedness plans  
454 addressing wildland-urban interface. The criteria shall require action that is:

455 (i) qualitative and quantitative; and

456 (ii) leads to reduced wildfire risk.

457 (b) An eligible entity, as defined in Section [65A-8-203](#), shall agree to implement  
458 prevention, preparedness, and mitigation actions identified in a community wildfire  
459 preparedness plan addressing wildland-urban interface that is approved by the division.

460 Section 8. **Effective date.**

461 This bill takes effect on May 1, 2024.