

Casey Snider proposes the following substitute bill:

Wildfire Funding Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Michael K. McKell

2

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses wildfires.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ merges several funds into the Utah Wildfire Fund (fund);
- 9 ▶ modifies references to the funds merged into the fund;
- 10 ▶ amends definition provisions;
- 11 ▶ addresses delegation of fire management authority;
- 12 ▶ addresses elements of the fund such as what is deposited into the fund and how money in
- 13 the fund is used;
- 14 ▶ requires reporting;
- 15 ▶ authorizes rulemaking;
- 16 ▶ moves provisions related to community wildfire preparedness plans addressing
- 17 wildland-urban interface;
- 18 ▶ includes a coordination clause with H.B. 48 to address the transition to the Utah Wildfire
- 19 Fund; and
- 20 ▶ makes technical and conforming amendments.

21 **Money Appropriated in this Bill:**

22 This bill appropriates \$150,022,500 in restricted fund and account transfers for fiscal year
23 2026, all of which is from the various sources as detailed in this bill.

24 **Other Special Clauses:**

25 This bill provides a special effective date.

26 This bill provides a coordination clause.

27 **Utah Code Sections Affected:**

28 AMENDS:

- 29 **53-2a-602**, as last amended by Laws of Utah 2023, Chapter 16
- 30 **53-2a-603**, as last amended by Laws of Utah 2023, Chapters 434, 534
- 31 **59-21-2**, as last amended by Laws of Utah 2024, Chapter 88
- 32 **63J-1-314**, as last amended by Laws of Utah 2023, Chapters 153, 434
- 33 **63J-1-315**, as last amended by Laws of Utah 2024, Chapters 77, 439
- 34 **63J-3-103**, as last amended by Laws of Utah 2024, Chapter 77
- 35 **63N-3-106**, as last amended by Laws of Utah 2024, Chapters 77, 159
- 36 **65A-1-1**, as last amended by Laws of Utah 2024, Chapter 80
- 37 **65A-8-203**, as last amended by Laws of Utah 2024, Chapter 77
- 38 **65A-8-203.1**, as enacted by Laws of Utah 2016, Chapter 174
- 39 **65A-8a-102**, as last amended by Laws of Utah 2010, Chapter 40

40 ENACTS:

41 **65A-8-216**, Utah Code Annotated 1953

42 REPEALS:

- 43 **65A-8-204**, as last amended by Laws of Utah 2023, Chapter 153
- 44 **65A-8-206**, as last amended by Laws of Utah 2016, Chapter 174
- 45 **65A-8-207**, as last amended by Laws of Utah 2016, Chapter 174
- 46 **65A-8-213**, as last amended by Laws of Utah 2023, Chapter 153
- 47 **65A-8-215**, as last amended by Laws of Utah 2024, Chapter 77

48 **Utah Code Sections affected by Coordination Clause:**

49 **65A-8-216**, Utah Code Annotated 1953



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

52 Section 1. Section **53-2a-602** is amended to read:

53 **53-2a-602 . Definitions.**

54 (1) Unless otherwise defined in this section, the terms that are used in this part mean the
55 same as those terms are defined in Part 1, Emergency Management Act.

56 (2) As used in this part:

57 (a) "Agent of the state" means any representative of a state agency, local agency, or
58 non-profit entity that agrees to provide support to a requesting intrastate or interstate
59 government entity that has declared an emergency or disaster and has requested
60 assistance through the division.

61 (b) "Declared disaster" means one or more events:

62 (i) within the state;

- 63 (ii) that occur within a limited period of time;
- 64 (iii) that involve:
- 65 (A) a significant number of persons being at risk of bodily harm, sickness, or
- 66 death; or
- 67 (B) a significant portion of real property at risk of loss;
- 68 (iv) that are sudden in nature and generally occur less frequently than every three
- 69 years; and
- 70 (v) that results in:
- 71 (A) the president of the United States declaring an emergency or major disaster in
- 72 the state;
- 73 (B) the governor declaring a state of emergency under Part 2 Disaster Response
- 74 and Recovery Act; or
- 75 (C) the chief executive officer of a local government declaring a local emergency
- 76 under Part 2, Disaster Response and Recovery Act.
- 77 (c) "Disaster recovery account" means the State Disaster Recovery Restricted Account
- 78 created in Section 53-2a-603.
- 79 (d)(i) "Emergency disaster services" means:
- 80 (A) evacuation;
- 81 (B) shelter;
- 82 (C) medical triage;
- 83 (D) emergency transportation;
- 84 (E) repair of infrastructure;
- 85 (F) safety services, including fencing or roadblocks;
- 86 (G) sandbagging;
- 87 (H) debris removal;
- 88 (I) temporary bridges;
- 89 (J) procurement and distribution of food, water, or ice;
- 90 (K) procurement and deployment of generators;
- 91 (L) rescue or recovery;
- 92 (M) emergency protective measures; or
- 93 (N) services similar to those described in Subsections (2)(d)(i)(A) through (M), as
- 94 defined by the division by rule, that are generally required in response to a
- 95 declared disaster.
- 96 (ii) "Emergency disaster services" does not include:

- 97 (A) emergency preparedness; or
- 98 (B) notwithstanding whether [~~or not~~] a county participates in the [~~Wildland Fire~~
- 99 ~~Suppression Fund created in Section 65A-8-204~~] Utah Wildfire Fund created in
- 100 Section 65A-8-216, any fire suppression or presuppression costs that may be
- 101 paid for from the [~~Wildland Fire Suppression~~] Utah Wildfire Fund if the county
- 102 participates in the [~~Wildland Fire Suppression~~] Utah Wildfire Fund.
- 103 (e) "Emergency preparedness" means the following done for the purpose of being
- 104 prepared for an emergency as defined by the division by rule made in accordance
- 105 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 106 (i) the purchase of equipment;
- 107 (ii) the training of personnel; or
- 108 (iii) the obtaining of a certification.
- 109 (f) "Governing body" means:
- 110 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 111 (ii) for a special district, the board of trustees of the special district; and
- 112 (iii) for a special service district:
- 113 (A) the legislative body of the county, city, or town that established the special
- 114 service district, if no administrative control board has been appointed under
- 115 Section 17D-1-301; or
- 116 (B) the administrative control board of the special service district, if an
- 117 administrative control board has been appointed under Section 17D-1-301.
- 118 (g) "Local fund" means a local government disaster fund created in accordance with
- 119 Section 53-2a-605.
- 120 (h) "Local government" means:
- 121 (i) a county;
- 122 (ii) a city or town; or
- 123 (iii) a special district or special service district that:
- 124 (A) operates a water system;
- 125 (B) provides transportation service;
- 126 (C) provides, operates, and maintains correctional and rehabilitative facilities and
- 127 programs for municipal, state, and other detainees and prisoners;
- 128 (D) provides consolidated 911 and emergency dispatch service;
- 129 (E) operates an airport; or
- 130 (F) operates a sewage system.

- 131 (i) "Special district" means the same as that term is defined in Section 17B-1-102.
 132 (j) "Special fund" means a fund other than a general fund of a local government that is
 133 created for a special purpose established under the uniform system of budgeting,
 134 accounting, and reporting.
 135 (k) "Special service district" means the same as that term is defined in Section 17D-1-102.
 136 (l) "State's prime interest rate" means the average interest rate paid by the state on
 137 general obligation bonds issued during the most recent fiscal year in which bonds
 138 were sold.

139 Section 2. Section **53-2a-603** is amended to read:

140 **53-2a-603 . State Disaster Recovery Restricted Account.**

- 141 (1)(a) There is created a restricted account in the General Fund known as the "State
 142 Disaster Recovery Restricted Account."
 143 (b) The disaster recovery account consists of:
 144 (i) money deposited into the disaster recovery account in accordance with Section
 145 63J-1-314;
 146 (ii) money appropriated to the disaster recovery account by the Legislature; and
 147 (iii) any other public or private money received by the division that is:
 148 (A) given to the division for purposes consistent with this section; and
 149 (B) deposited into the disaster recovery account at the request of:
 150 (I) the division; or
 151 (II) the person or entity giving the money.
 152 (c) The Division of Finance shall deposit interest or other earnings derived from
 153 investment of account money into the General Fund.
 154 (2) Money in the disaster recovery account may only be expended or committed to be
 155 expended as follows:
 156 (a)(i) subject to Section 53-2a-606, in any fiscal year the division may expend or
 157 commit to expend an amount that does not exceed \$500,000, in accordance with
 158 Section 53-2a-604, to fund costs to the state of emergency disaster services in
 159 response to a declared disaster;
 160 (ii) subject to Section 53-2a-606, in any fiscal year the division may expend or
 161 commit to expend an amount that exceeds \$500,000, but does not exceed
 162 \$3,000,000, in accordance with Section 53-2a-604, to fund costs to the state of
 163 emergency disaster services in response to a declared disaster if the division:
 164 (A) before making the expenditure or commitment to expend, obtains approval for

- 165 the expenditure or commitment to expend from the governor;
- 166 (B) subject to Subsection (5), provides written notice of the expenditure or
167 commitment to expend to the speaker of the House of Representatives, the
168 president of the Senate, the Division of Finance, the Executive Offices and
169 Criminal Justice Appropriations Subcommittee, the Legislative Management
170 Committee, and the Office of the Legislative Fiscal Analyst no later than 72
171 hours after making the expenditure or commitment to expend; and
- 172 (C) makes the report required by Subsection 53-2a-606(2);
- 173 (iii) subject to Section 53-2a-606, in any fiscal year the division may expend or
174 commit to expend an amount that exceeds \$3,000,000, but does not exceed
175 \$5,000,000, in accordance with Section 53-2a-604, to fund costs to the state of
176 emergency disaster services in response to a declared disaster if, before making
177 the expenditure or commitment to expend, the division:
- 178 (A) obtains approval for the expenditure or commitment to expend from the
179 governor; and
- 180 (B) submits the expenditure or commitment to expend to the Executive
181 Appropriations Committee in accordance with Subsection 53-2a-606(3);
- 182 (iv) in any fiscal year the division may expend or commit to expend an amount that
183 does not exceed \$500,000 to fund expenses incurred by the National Guard if:
- 184 (A) in accordance with Section 39A-3-103, the governor orders into active service
185 the National Guard in response to a declared disaster; and
- 186 (B) the money is not used for expenses that qualify for payment as emergency
187 disaster services; and
- 188 (v) in any fiscal year, the division may expend an amount that does not exceed
189 \$750,000 to fund expenses incurred to develop or enhance emergency
190 management capabilities if:
- 191 (A) the money is used for personnel, equipment, supplies, contracts, training,
192 exercises, or other expenses deemed reasonable and necessary to:
- 193 (I) promote and strengthen the state's level of resiliency through mitigation,
194 preparedness, response, or recovery activities; or
- 195 (II) meet federal grant matching requirements; and
- 196 (B) the disaster recovery account has a balance of funds available to be utilized
197 while maintaining a minimum balance of \$5,000,000;
- 198 (b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or

- 199 committed to be expended to fund costs to the state directly related to a declared
200 disaster that are not costs related to:
- 201 (i) emergency disaster services;
202 (ii) emergency preparedness; or
203 (iii) notwithstanding whether a county participates in the [~~Wildland Fire Suppression~~
204 ~~Fund created in Section 65A-8-204~~] Utah Wildfire Fund created in Section
205 65A-8-216, any fire suppression or presuppression costs that may be paid for from
206 the [~~Wildland Fire Suppression~~] Utah Wildfire Fund if the county participates in
207 the [~~Wildland Fire Suppression~~] Utah Wildfire Fund;
- 208 (c) to fund:
- 209 (i) the Local Government Emergency Response Loan Fund created in Section
210 53-2a-607; and
211 (ii) the Response, Recovery, and Post-disaster Mitigation Restricted Account created
212 in Section 53-2a-1302;
- 213 (d) the division may provide advanced funding from the disaster recovery account to
214 recognized agents of the state when:
- 215 (i) Utah has agreed, through the division, to enact the Emergency Management
216 Assistance Compact with another member state that has requested assistance
217 during a declared disaster;
218 (ii) Utah agrees to provide resources to the requesting member state;
219 (iii) the agent of the state who represents the requested resource has no other funding
220 source available at the time of the Emergency Management Assistance Compact
221 request; and
222 (iv) the disaster recovery account has a balance of funds available to be utilized while
223 maintaining a minimum balance of \$5,000,000;
- 224 (e) to fund up to \$500,000 for the governor's emergency appropriations described in
225 Subsection 63J-1-217(4); and
226 (f) to pay the state's deductible in the event of an earthquake.
- 227 (3) All funding provided in advance to an agent of the state and subsequently reimbursed
228 shall be credited to the account.
- 229 (4) The state treasurer shall invest money in the disaster recovery account according to Title
230 51, Chapter 7, State Money Management Act.
- 231 (5)(a) Except as provided in Subsections (1) and (2), the money in the disaster recovery
232 account may not be diverted, appropriated, expended, or committed to be expended

- 233 for a purpose that is not listed in this section.
- 234 (b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money from
 235 the disaster recovery account to eliminate or otherwise reduce an operating deficit if
 236 the money appropriated from the disaster recovery account is expended or committed
 237 to be expended for a purpose other than one listed in this section.
- 238 (c) The Legislature may not amend the purposes for which money in the disaster
 239 recovery account may be expended or committed to be expended except by the
 240 affirmative vote of two-thirds of all the members elected to each house.

241 (6) The division:

- 242 (a) shall provide the notice required by Subsection (2)(a)(ii) using the best available
 243 method under the circumstances as determined by the division; and
- 244 (b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.

245 Section 3. Section **59-21-2** is amended to read:

246 **59-21-2 . Mineral Bonus Account created -- Contents -- Use of Mineral Bonus**
 247 **Account money -- Mineral Lease Account created -- Contents -- Appropriation of money**
 248 **from Mineral Lease Account.**

- 249 (1)(a) There is created a restricted account within the General Fund known as the
 250 "Mineral Bonus Account."
- 251 (b) The Mineral Bonus Account consists of federal mineral lease bonus payments
 252 deposited pursuant to Subsection 59-21-1(3).
- 253 (c) The Legislature shall make appropriations from the Mineral Bonus Account in
 254 accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C.
 255 Sec. 191.
- 256 (d) The state treasurer shall:
- 257 (i) invest the money in the Mineral Bonus Account by following the procedures and
 258 requirements of Title 51, Chapter 7, State Money Management Act; and
- 259 (ii) deposit all interest or other earnings derived from the account into the Mineral
 260 Bonus Account.
- 261 (e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of
 262 mineral lease bonus payments deposited under Subsection (1)(b) from the previous
 263 fiscal year into the [~~Wildland Fire Suppression Fund created in Section 65A-8-204~~]
 264 Utah Wildfire Fund created in Section 65A-8-216, up to \$2,000,000 but not to exceed
 265 20% of the amount expended in the previous fiscal year from the [~~Wildland Fire~~
 266 ~~Suppression~~] Utah Wildfire Fund.

- 267 (2)(a) There is created a restricted account within the General Fund known as the
268 "Mineral Lease Account."
- 269 (b) The Mineral Lease Account consists of federal mineral lease money deposited
270 pursuant to Subsection 59-21-1(1).
- 271 (c) The Legislature shall make appropriations from the Mineral Lease Account as
272 provided in Subsection 59-21-1(1) and this Subsection (2).
- 273 (d) The Legislature shall annually appropriate 32.5% of all deposits made to the Mineral
274 Lease Account to the Permanent Community Impact Fund established by Section
275 35A-8-303.
- 276 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral
277 Lease Account to the State Board of Education, to be used for education research and
278 experimentation in the use of staff and facilities designed to improve the quality of
279 education in Utah.
- 280 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral
281 Lease Account to the Utah Geological Survey Restricted Account, created in Section
282 79-3-403, to be used by the Utah Geological Survey for activities carried on by the
283 Utah Geological Survey having as a purpose the development and exploitation of
284 natural resources in the state.
- 285 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral
286 Lease Account to the Water Research Laboratory at Utah State University, to be used
287 for activities carried on by the laboratory having as a purpose the development and
288 exploitation of water resources in the state.
- 289 (h)(i) The Legislature shall annually appropriate to the Division of Finance 40% of
290 all deposits made to the Mineral Lease Account to be distributed as provided in
291 Subsection (2)(h)(ii) to:
- 292 (A) counties;
- 293 (B) special service districts established:
- 294 (I) by counties;
- 295 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 296 (III) for the purpose of constructing, repairing, or maintaining roads; or
- 297 (C) special service districts established:
- 298 (I) by counties;
- 299 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 300 (III) for other purposes authorized by statute.

- 301 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):
302 (A) in amounts proportionate to the amount of mineral lease money generated by
303 each county; and
304 (B) to a county or special service district established by a county under Title 17D,
305 Chapter 1, Special Service District Act, as determined by the county legislative
306 body.
- 307 (i)(i) The Legislature shall annually appropriate 5% of all deposits made to the
308 Mineral Lease Account to the Department of Workforce Services to be distributed
309 to:
- 310 (A) special service districts established:
311 (I) by counties;
312 (II) under Title 17D, Chapter 1, Special Service District Act; and
313 (III) for the purpose of constructing, repairing, or maintaining roads; or
314 (B) special service districts established:
315 (I) by counties;
316 (II) under Title 17D, Chapter 1, Special Service District Act; and
317 (III) for other purposes authorized by statute.
- 318 (ii) The Department of Workforce Services may distribute the amounts described in
319 Subsection (2)(i)(i) only to special service districts established under Title 17D,
320 Chapter 1, Special Service District Act, by counties:
321 (A) of the third, fourth, fifth, or sixth class;
322 (B) in which 4.5% or less of the mineral lease money within the state is generated;
323 and
324 (C) that are significantly socially or economically impacted as provided in
325 Subsection (2)(i)(iii) by the development of minerals under the Mineral Lands
326 Leasing Act, 30 U.S.C. Sec. 181 et seq.
- 327 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)
328 shall be as a result of:
329 (A) the transportation within the county of hydrocarbons, including solid
330 hydrocarbons as defined in Section 59-5-101;
331 (B) the employment of persons residing within the county in hydrocarbon
332 extraction, including the extraction of solid hydrocarbons as defined in Section
333 59-5-101; or
334 (C) a combination of Subsections (2)(i)(iii)(A) and (B).

- 335 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to
336 special service districts established by counties under Title 17D, Chapter 1,
337 Special Service District Act, the Department of Workforce Services shall:
- 338 (A)(I) allocate 50% of the appropriations equally among the counties meeting
339 the requirements of Subsections (2)(i)(ii) and (iii); and
340 (II) allocate 50% of the appropriations based on the ratio that the population of
341 each county meeting the requirements of Subsections (2)(i)(ii) and (iii)
342 bears to the total population of all of the counties meeting the requirements
343 of Subsections (2)(i)(ii) and (iii); and
344 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute
345 the allocated revenues to special service districts established by the counties
346 under Title 17D, Chapter 1, Special Service District Act, as determined by the
347 executive director of the Department of Workforce Services after consulting
348 with the county legislative bodies of the counties meeting the requirements of
349 Subsections (2)(i)(ii) and (iii).
- 350 (v) The executive director of the Department of Workforce Services:
- 351 (A) shall determine whether a county meets the requirements of Subsections
352 (2)(i)(ii) and (iii);
353 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service
354 districts established by counties under Title 17D, Chapter 1, Special Service
355 District Act, that meet the requirements of Subsections (2)(i)(ii) and (iii); and
356 (C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
357 Act, may make rules:
358 (I) providing a procedure for making the distributions under this Subsection
359 (2)(i) to special service districts; and
360 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).
- 361 (j)(i) The Legislature shall annually make the following appropriations from the
362 Mineral Lease Account:
- 363 (A) an amount equal to 52 cents multiplied by the number of acres of school or
364 institutional trust lands, lands owned by the Division of State Parks or the
365 Division of Outdoor Recreation, and lands owned by the Division of Wildlife
366 Resources that are not under an in lieu of taxes contract, to each county in
367 which those lands are located;
368 (B) to each county in which school or institutional trust lands are transferred to the

369 federal government after December 31, 1992, an amount equal to the number
370 of transferred acres in the county multiplied by a payment per acre equal to the
371 difference between 52 cents per acre and the per acre payment made to that
372 county in the most recent payment under the federal payment in lieu of taxes
373 program, 31 U.S.C. Sec. 6901 et seq., unless the federal payment was equal to
374 or exceeded the 52 cents per acre, in which case a payment under this
375 Subsection (2)(j)(i)(B) may not be made for the transferred lands;

376 (C) to each county in which federal lands, which are entitlement lands under the
377 federal in lieu of taxes program, are transferred to the school or institutional
378 trust, an amount equal to the number of transferred acres in the county
379 multiplied by a payment per acre equal to the difference between the most
380 recent per acre payment made under the federal payment in lieu of taxes
381 program and 52 cents per acre, unless the federal payment was equal to or less
382 than 52 cents per acre, in which case a payment under this Subsection
383 (2)(j)(i)(C) may not be made for the transferred land; and

384 (D) to a county of the fifth or sixth class, an amount equal to the product of:

385 (I) \$1,000; and
386 (II) the number of residences described in Subsection (2)(j)(iv) that are located
387 within the county.

388 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the
389 county legislative body, distribute the money or a portion of the money to:

390 (A) special service districts established by the county under Title 17D, Chapter 1,
391 Special Service District Act;

392 (B) school districts; or
393 (C) public institutions of higher education.

394 (iii)(A) Beginning in fiscal year 1994-95 and in each year after fiscal year
395 1994-95, the Division of Finance shall increase or decrease the amounts per
396 acre provided for in Subsections (2)(j)(i)(A) through (C) by the average annual
397 change in the Consumer Price Index for all urban consumers published by the
398 Department of Labor.

399 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of
400 Finance shall increase or decrease the amount described in Subsection
401 (2)(j)(i)(D)(I) by the average annual change in the Consumer Price Index for
402 all urban consumers published by the Department of Labor.

- 403 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:
 404 (A) owned by:
 405 (I) the Division of State Parks;
 406 (II) the Division of Outdoor Recreation; or
 407 (III) the Division of Wildlife Resources;
 408 (B) located on lands that are owned by:
 409 (I) the Division of State Parks;
 410 (II) the Division of Outdoor Recreation; or
 411 (III) the Division of Wildlife Resources; and
 412 (C) are not subject to taxation under:
 413 (I) Chapter 2, Property Tax Act; or
 414 (II) Chapter 4, Privilege Tax.
- 415 (k) The Legislature shall annually appropriate to the Permanent Community Impact
 416 Fund all deposits remaining in the Mineral Lease Account after making the
 417 appropriations provided for in Subsections (2)(d) through (j).
- 418 (3)(a) Each agency, board, institution of higher education, and political subdivision
 419 receiving money under this chapter shall provide the Legislature, through the Office
 420 of the Legislative Fiscal Analyst, with a complete accounting of the use of that
 421 money on an annual basis.
- 422 (b) The accounting required under Subsection (3)(a) shall:
 423 (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the
 424 current fiscal year, and planned expenditures for the following fiscal year; and
 425 (ii) be reviewed by the Business, Economic Development, and Labor Appropriations
 426 Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1,
 427 Budgetary Procedures Act.
- 428 Section 4. Section **63J-1-314** is amended to read:
 429 **63J-1-314 . Deposits related to the Utah Wildfire Fund and the Disaster**
 430 **Recovery Funding Act.**
- 431 (1) As used in this section, "operating deficit" means that, at the end of the fiscal year, the
 432 unassigned fund balance in the General Fund is less than zero.
- 433 (2) Except as provided under Subsections (3) and (4), at the end of each fiscal year, the
 434 Division of Finance shall, after the transfer of General Fund revenue surplus has been
 435 made to the Medicaid Growth Reduction and Budget Stabilization Account, as provided
 436 in Section 63J-1-315, and the General Fund Budget Reserve Account, as provided in

437 Section 63J-1-312, transfer:

438 (a)(i) for a fiscal year ending on or after June 30, 2026, to the Utah Wildfire Fund

439 created in Section 65A-8-216, \$4,000,000 each fiscal year until an aggregate

440 amount of \$20,000,000 is transferred under this Subsection (2)(a)(i); and

441 (ii) [to the Wildland Fire Suppression Fund created in Section 65A-8-204] for a fiscal

442 year ending after the requirements of Subsection (2)(a)(i) are met, to the Utah

443 Wildfire Fund created in Section 65A-8-216, an amount equal to the lesser of:

444 [(i) (A) \$4,000,000; or

445 [(ii) (B) an amount necessary to make the balance in the [Wildland Fire

446 Suppression] Utah Wildfire Fund equal to [\$12,000,000;] \$70,000,000; and

447 [(b) if no money is transferred to the Wildland Fire Suppression Fund under Subsection

448 (2)(a), to the Wildland-urban Interface Prevention, Preparedness, and Mitigation

449 Fund created in Section 65A-8-215 an amount equal to the lesser of:]

450 [(i) \$4,000,000; and]

451 [(ii) the amount necessary to make the balance in the Wildland-urban Interface

452 Prevention, Preparedness, and Mitigation Fund equal to \$12,000,000; and]

453 [(e)] (b) an amount into the State Disaster Recovery Restricted Account, created in

454 Section 53-2a-603, from the General Fund revenue surplus as defined in Section

455 63J-1-312, calculated by:

456 (i) determining the amount of General Fund revenue surplus after the transfer to the

457 Medicaid Growth Reduction and Budget Stabilization Account under Section

458 63J-1-315, the General Fund Budget Reserve Account under Section 63J-1-312,

459 and the transfer to the ~~[Wildland Fire Suppression]~~ Utah Wildfire Fund as

460 described in Subsection (2)(a);

461 (ii) calculating an amount equal to the lesser of:

462 (A) 25% of the amount determined under Subsection ~~[(2)(e)(i)]~~ (2)(b)(i); or

463 (B) 6% of the total of the General Fund appropriation amount for the fiscal year in

464 which the surplus occurs; and

465 (iii) adding to the amount calculated under Subsection ~~[(2)(e)(ii)]~~ (2)(b)(ii) an amount

466 equal to the lesser of:

467 (A) 25% more of the amount described in Subsection ~~[(2)(e)(i)]~~ (2)(b)(i); or

468 (B) the amount necessary to replace, in accordance with this Subsection ~~[(2)(e)(iii)]~~

469 (2)(b)(iii), any amount appropriated from the State Disaster Recovery

470 Restricted Account within 10 fiscal years before the fiscal year in which the

471 surplus occurs if:
 472 (I) a surplus exists; and
 473 (II) the Legislature appropriates money from the State Disaster Recovery
 474 Restricted Account that is not replaced by appropriation or as provided in
 475 this Subsection [~~(2)(e)(iii)~~] (2)(b)(iii).

476 (3)(a) Notwithstanding Subsection (2), if, at the end of a fiscal year, the Division of
 477 Finance determines that an operating deficit exists, the division shall reduce the
 478 transfer to the State Disaster Recovery Restricted Account by an amount necessary to
 479 eliminate the operating deficit, up to the full amount of the transfer.

480 (b) If, after reducing the transfer to the State Disaster Recovery Account to zero under
 481 Subsection (3)(a), the Division of Finance determines that an operating deficit still
 482 exists, the division shall reduce the transfer to the [~~Wildland Fire Suppression~~] Utah
 483 Wildfire Fund by an amount necessary to eliminate the operating deficit, up to the
 484 full amount of the transfer.

485 (4) Notwithstanding Subsection (2):

486 (a) for the period beginning July 1, 2015, and ending June 30, 2020, the Division of
 487 Finance shall transfer to the Local Government Emergency Response Loan Fund
 488 25% of the amount to be transferred into the State Disaster Recovery Restricted
 489 Account as provided in Subsection [~~(2)(e)(ii)~~] (2)(b)(ii);

490 (b) on and after July 1, 2020, the Division of Finance shall transfer to the Local
 491 Government Emergency Response Loan Fund 10% of the amount to be transferred
 492 into the State Disaster Recovery Restricted Account as provided in Subsection [~~(2)(e)~~]-
 493 (2)(b); and

494 (c) on and after July 1, 2023, the Division of Finance shall transfer to the Response,
 495 Recovery, and Post-disaster Mitigation Restricted Account 25% of the amount to be
 496 transferred into the State Disaster Recovery Restricted Account as provided in
 497 Subsection [~~(2)(e)~~] (2)(b).

498 Section 5. Section **63J-1-315** is amended to read:

499 **63J-1-315 . Medicaid Growth Reduction and Budget Stabilization Account --**
 500 **Transfers of Medicaid growth savings -- Base budget adjustments.**

501 (1) As used in this section:

502 (a) "Department" means the Department of Health and Human Services created in
 503 Section 26B-1-201.

504 (b) "Division" means the Division of Integrated Healthcare created in Section 26B-3-102.

- 505 (c) "General Fund revenue surplus" means a situation where actual General Fund
506 revenues collected in a completed fiscal year exceed the estimated revenues for the
507 General Fund for that fiscal year that were adopted by the Executive Appropriations
508 Committee of the Legislature.
- 509 (d) "Medicaid growth savings" means the Medicaid growth target minus Medicaid
510 program expenditures, if Medicaid program expenditures are less than the Medicaid
511 growth target.
- 512 (e) "Medicaid growth target" means Medicaid program expenditures for the previous
513 year multiplied by 1.08.
- 514 (f) "Medicaid program" is as defined in Section 26B-3-101.
- 515 (g) "Medicaid program expenditures" means total state revenue expended for the
516 Medicaid program from the General Fund, including restricted accounts within the
517 General Fund, during a fiscal year.
- 518 (h) "Medicaid program expenditures for the previous year" means total state revenue
519 expended for the Medicaid program from the General Fund, including restricted
520 accounts within the General Fund, during the fiscal year immediately preceding a
521 fiscal year for which Medicaid program expenditures are calculated.
- 522 (i) "Operating deficit" means that, at the end of the fiscal year, the unassigned fund
523 balance in the General Fund is less than zero.
- 524 (j) "State revenue" means revenue other than federal revenue.
- 525 (k) "State revenue expended for the Medicaid program" includes money transferred or
526 appropriated to the Medicaid Growth Reduction and Budget Stabilization Account
527 only to the extent the money is appropriated for the Medicaid program by the
528 Legislature.
- 529 (2) There is created within the General Fund a restricted account to be known as the
530 Medicaid Growth Reduction and Budget Stabilization Account.
- 531 (3)(a) The following shall be deposited into the Medicaid Growth Reduction and Budget
532 Stabilization Account:
- 533 (i) deposits described in Subsection (4);
- 534 (ii) beginning July 1, 2024, any general funds appropriated to the department for the
535 state plan for medical assistance or for Medicaid administration by the Division of
536 Integrated Healthcare that are not expended by the department in the fiscal year
537 for which the general funds were appropriated and which are not otherwise
538 designated as nonlapsing shall lapse into the Medicaid Growth Reduction and

- 539 Budget Stabilization Account;
- 540 (iii) beginning July 1, 2024, any unused state funds that are associated with the
- 541 Medicaid program from the Department of Workforce Services;
- 542 (iv) beginning July 1, 2024, any penalties imposed and collected under:
- 543 (A) Section 17B-2a-818.5;
- 544 (B) Section 19-1-206;
- 545 (C) Section 63A-5b-607;
- 546 (D) Section 63C-9-403;
- 547 (E) Section 72-6-107.5; or
- 548 (F) Section 79-2-404; and
- 549 (v) at the close of fiscal year 2024, the Division of Finance shall transfer any existing
- 550 balance in the Medicaid Restricted Account created in Section 26B-1-309 into the
- 551 Medicaid Growth Reduction and Budget Stabilization Account.
- 552 (b) In addition to the deposits described in Subsection (3)(a), the Legislature may
- 553 appropriate money into the Medicaid Growth Reduction and Budget Stabilization
- 554 Account.
- 555 (4)(a)(i) Except as provided in Subsection (7), if, at the end of a fiscal year, there is a
- 556 General Fund revenue surplus, the Division of Finance shall transfer an amount
- 557 equal to Medicaid growth savings from the General Fund to the Medicaid Growth
- 558 Reduction and Budget Stabilization Account.
- 559 (ii) If the amount transferred is reduced to prevent an operating deficit, as provided in
- 560 Subsection (7), the Legislature shall include, to the extent revenue is available, an
- 561 amount equal to the reduction as an appropriation from the General Fund to the
- 562 account in the base budget for the second fiscal year following the fiscal year for
- 563 which the reduction was made.
- 564 (b) If, at the end of a fiscal year, there is not a General Fund revenue surplus, the
- 565 Legislature shall include, to the extent revenue is available, an amount equal to
- 566 Medicaid growth savings as an appropriation from the General Fund to the account in
- 567 the base budget for the second fiscal year following the fiscal year for which the
- 568 reduction was made.
- 569 (c) Subsections (4)(a) and (4)(b) apply only to the fiscal year in which the department
- 570 implements the proposal developed under Section 26B-3-202 to reduce the long-term
- 571 growth in state expenditures for the Medicaid program, and to each fiscal year after
- 572 that year.

- 573 (5) The Division of Finance shall calculate the amount to be transferred under Subsection
574 (4):
- 575 (a) before transferring revenue from the General Fund revenue surplus to:
- 576 (i) the General Fund Budget Reserve Account under Section 63J-1-312;
- 577 ~~[(ii)(A) the Wildland Fire Suppression Fund created in Section 65A-8-204, as~~
578 ~~described in Section 63J-1-314; or]~~
- 579 ~~[(B) the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund~~
580 ~~under Section 63J-1-314; and]~~
- 581 (ii) the Utah Wildfire Fund created in Section 65A-8-216, as described in Section
582 63J-1-314; and
- 583 (iii) the State Disaster Recovery Restricted Account under Section 63J-1-314;
- 584 (b) before earmarking revenue from the General Fund revenue surplus to the Industrial
585 Assistance Account under Section 63N-3-106; and
- 586 (c) before making any other year-end contingency appropriations, year-end set-asides, or
587 other year-end transfers required by law.
- 588 (6)(a) If, at the close of any fiscal year, there appears to be insufficient money to pay
589 additional debt service for any bonded debt authorized by the Legislature, the
590 Division of Finance may hold back from any General Fund revenue surplus money
591 sufficient to pay the additional debt service requirements resulting from issuance of
592 bonded debt that was authorized by the Legislature.
- 593 (b) The Division of Finance may not spend the hold back amount for debt service under
594 Subsection (6)(a) unless and until it is appropriated by the Legislature.
- 595 (c) If, after calculating the amount for transfer under Subsection (4), the remaining
596 General Fund revenue surplus is insufficient to cover the hold back for debt service
597 required by Subsection (6)(a), the Division of Finance shall reduce the transfer to the
598 Medicaid Growth Reduction and Budget Stabilization Account by the amount
599 necessary to cover the debt service hold back.
- 600 (d) Notwithstanding Subsections (4) and (5), the Division of Finance shall hold back the
601 General Fund balance for debt service authorized by this Subsection (6) before
602 making any transfers to the Medicaid Growth Reduction and Budget Stabilization
603 Account or any other designation or allocation of General Fund revenue surplus.
- 604 (7) Notwithstanding Subsections (4) and (5), if, at the end of a fiscal year, the Division of
605 Finance determines that an operating deficit exists and that holding back earmarks to the
606 Industrial Assistance Account under Section 63N-3-106, transfers to the [~~Wildland Fire~~

607 ~~Suppression Fund]~~ Utah Wildfire Fund and State Disaster Recovery Restricted Account
 608 under Section 63J-1-314, transfers to the General Fund Budget Reserve Account under
 609 Section 63J-1-312, or earmarks and transfers to more than one of those accounts, in that
 610 order, does not eliminate the operating deficit, the Division of Finance may reduce the
 611 transfer to the Medicaid Growth Reduction and Budget Stabilization Account by the
 612 amount necessary to eliminate the operating deficit.

613 (8) The Legislature may appropriate money from the Medicaid Growth Reduction and
 614 Budget Stabilization Account only:

615 (a) for the Medicaid program; and

616 (b)(i) if Medicaid program expenditures for the fiscal year for which the
 617 appropriation is made are estimated to be 108% or more of Medicaid program
 618 expenditures for the previous year; or

619 (ii) if the amount of the appropriation is equal to or less than the balance in the
 620 Medicaid Growth Reduction and Budget Stabilization Account that comprises
 621 deposits described in Subsections (3)(a)(ii) through (v) and appropriations
 622 described in Subsection (3)(b).

623 (9) The Division of Finance shall deposit interest or other earnings derived from investment
 624 of Medicaid Growth Reduction and Budget Stabilization Account money into the
 625 General Fund.

626 Section 6. Section **63J-3-103** is amended to read:

627 **63J-3-103 . Definitions.**

628 As used in this chapter:

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

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

633 (c) "Appropriations" does not mean:

634 (i) public education expenditures;

635 (ii) Utah Education and Telehealth Network expenditures in support of public
 636 education;

637 (iii) Utah Board of Higher Education expenditures in support of public education;

638 (iv) State Tax Commission expenditures related to collection of income taxes in
 639 support of public education;

640 (v) debt service expenditures;

- 641 (vi) emergency expenditures;
- 642 (vii) expenditures from all other fund or subfund sources;
- 643 (viii) transfers or appropriations from the Income Tax Fund to the Uniform School
644 Fund;
- 645 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve
646 Account established in Section 63J-1-312;
- 647 (x) transfers into, or appropriations made to, the Income Tax Fund Budget Reserve
648 Account established in Section 63J-1-313;
- 649 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to [
650 ~~the Wildland Fire Suppression Fund created in Section 65A-8-204, the~~
651 ~~Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created~~
652 ~~in Section 65A-8-215,]~~ the Utah Wildfire Fund created in Section 65A-8-216 or
653 the State Disaster Recovery Restricted Account created in Section 53-2a-603;
- 654 (xii) money appropriated to fund the total one-time project costs for the construction
655 of capital development projects as defined in Section 63A-5b-401;
- 656 (xiii) transfers or deposits into or appropriations made to the Centennial Highway
657 Fund created by Section 72-2-118;
- 658 (xiv) transfers or deposits into or appropriations made to the Transportation
659 Investment Fund of 2005 created by Section 72-2-124;
- 660 (xv) transfers or deposits into or appropriations made to:
- 661 (A) the Department of Transportation from any source; or
- 662 (B) any transportation-related account or fund from any source; or
- 663 (xvi) supplemental appropriations from the General Fund to the Division of Forestry,
664 Fire, and State Lands to provide money for wildland fire control expenses
665 incurred during the current or previous fire years.
- 666 (2) "Base year real per capita appropriations" means the result obtained for the state by
667 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
- 668 (a) the state's July 1, 1983 population; and
- 669 (b) the fiscal year 1983 inflation index divided by 100.
- 670 (3) "Calendar year" means the time period beginning on January 1 of any given year and
671 ending on December 31 of the same year.
- 672 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
673 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special
674 Session, Chapter 4.

- 675 (5) "Fiscal year" means the time period beginning on July 1 of any given year and ending
676 on June 30 of the subsequent year.
- 677 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital
678 and operations appropriations from General Fund and non-Uniform School Fund income
679 tax revenue sources, less debt money.
- 680 (7) "Inflation index" means the change in the general price level of goods and services as
681 measured by the Gross National Product Implicit Price Deflator of the Bureau of
682 Economic Analysis, U.S. Department of Commerce calculated as provided in Section
683 63J-3-202.
- 684 (8)(a) "Maximum allowable appropriations limit" means the appropriations that could
685 be, or could have been, spent in any given year under the limitations of this chapter.
686 (b) "Maximum allowable appropriations limit" does not mean actual appropriations
687 spent or actual expenditures.
- 688 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two
689 fiscal years previous to the fiscal year for which the maximum allowable inflation and
690 population appropriations limit is being computed under this chapter.
- 691 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal years
692 previous to the fiscal year for which the maximum allowable inflation and population
693 appropriations limit is being computed under this chapter.
- 694 (11) "Population" means the number of residents of the state as of July 1 of each year as
695 calculated by the Governor's Office of Planning and Budget according to the procedures
696 and requirements of Section 63J-3-202.
- 697 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other
698 monetary exaction and interest connected with it that are recorded as unrestricted
699 revenue of the General Fund and from non-Uniform School Fund income tax revenues,
700 except as specifically exempted by this chapter.
- 701 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether
702 or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an
703 "indebtedness" within the meaning of any provision of the constitution or laws of this
704 state.

705 Section 7. Section **63N-3-106** is amended to read:

706 **63N-3-106 . Structure of loans, grants, and assistance -- Repayment -- Earned**
707 **credits.**

- 708 (1)(a) Subject to Subsection (1)(b), the administrator has authority to determine the

- 709 structure, amount, and nature of any loan, grant, or other financial assistance from the
710 restricted account.
- 711 (b) Loans made under this part shall be structured so the intended repayment or return to
712 the state, including cash or credit, equals at least the amount of the assistance
713 together with an annual interest charge as negotiated by the administrator.
- 714 (c) Payments resulting from grants awarded from the restricted account shall be made
715 only after the administrator has determined that the company has satisfied the
716 conditions upon which the payment or earned credit was based.
- 717 (2)(a) The administrator may provide for a system of earned credits that may be used to
718 support grant payments or in lieu of cash repayment of a restricted account loan
719 obligation.
- 720 (b) The value of the credits described in Subsection (2)(a) shall be based on factors
721 determined by the administrator, including:
722 (i) the number of Utah jobs created;
723 (ii) the increased economic activity in Utah; or
724 (iii) other events and activities that occur as a result of the restricted account
725 assistance.
- 726 (3)(a) A cash loan repayment or other cash recovery from a company receiving
727 assistance under this section, including interest, shall be deposited into the restricted
728 account.
- 729 (b) The administrator and the Division of Finance shall determine the manner of
730 recognizing and accounting for the earned credits used in lieu of loan repayments or
731 to support grant payments as provided in Subsection (2).
- 732 (4)(a)(i) At the end of each fiscal year, the Division of Finance shall transfer the
733 balance of the General Fund revenue surplus as defined in Section 63J-1-312 after
734 the transfers of General Fund revenue surplus described in Subsection (4)(b) to the
735 Industrial Assistance Account in an amount equal to any credit that has accrued
736 under this part.
- 737 (ii) The transfer under Subsection (4)(a)(i) is capped at \$50,000,000 and the Division
738 of Finance shall deposit any interest accrued above the \$50,000,000 cap into the
739 General Fund.
- 740 (b) The Division of Finance shall make the transfer required by Subsection (4)(a) after
741 the Division of Finance transfers the General Fund revenue ~~[surplusto]~~ surplus to:
742 (i) the Medicaid Growth Reduction and Budget Stabilization Restricted Account, as

- 743 provided in Section 63J-1-315;
- 744 (ii) the General Fund Budget Reserve Account, as provided in Section 63J-1-312; and
- 745 (iii) as provided in Section 63J-1-314:
- 746 (A) the [~~Wildland Fire Suppression Fund or the Wildland-urban Interface~~
- 747 ~~Prevention, Preparedness, and Mitigation Fund~~] Utah Wildfire Fund; and
- 748 (B) the State Disaster Recovery Restricted Account.
- 749 (c) These credit amounts may not be used for purposes of the restricted account as
- 750 provided in this part until appropriated by the Legislature.

751 Section 8. Section **65A-1-1** is amended to read:

752 **65A-1-1 . Definitions.**

753 As used in this title:

- 754 (1) "Division" means the Division of Forestry, Fire, and State Lands.
- 755 (2) "Division of Law Enforcement" means the division within the Department of Natural
- 756 Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.
- 757 (3) "Fire service provider" means a public or private entity that fulfills the duties of
- 758 Subsection 11-7-1(1).
- 759 [(3)] (4) "Initial attack" means action taken by the first resource to arrive at a wildland fire
- 760 incident, including evaluating the wildland fire, patrolling, monitoring, holding action,
- 761 or aggressive suppression action.
- 762 [(4)] (5) "Multiple use" means the management of various surface and subsurface resources
- 763 in a manner that will best meet the present and future needs of the people of this state.
- 764 [(5)] (6) "Municipality" means a city or town.
- 765 [(6)] (7) "Public trust assets" means those lands and resources, including sovereign lands,
- 766 administered by the division.
- 767 [(7)] (8) "Sovereign lands" means those lands lying below the ordinary high water mark of
- 768 navigable bodies of water at the date of statehood and owned by the state by virtue of its
- 769 sovereignty.
- 770 [(8)] (9) "State lands" means all lands administered by the division.
- 771 [(9)] (10) "Sustained yield" means the achievement and maintenance of high level annual or
- 772 periodic output of the various renewable resources of land without impairment of the
- 773 productivity of the land.
- 774 [(10)] (11) "Wildland" means an area where:
- 775 (a) development is essentially non-existent, except for roads, railroads, powerlines, or
- 776 similar transportation facilities; and

777 (b) structures, if any, are widely scattered.

778 [~~(H)~~] (12) "Wildland fire" means a fire that consumes:

779 (a) wildland; or

780 (b) wildland-urban interface~~[, as defined in Section 65A-8a-102].~~

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

783 Section 9. Section **65A-8-203** is amended to read:

784 **65A-8-203 . Cooperative fire protection agreements.**

785 (1) As used in this section[;]

786 [~~(a)~~] "~~Eligible~~ ", "eligible entity" means:

787 [~~(i)~~] (a) a county, a municipality, or a special service district, special district, or service
 788 area with:

789 [~~(A)~~] (i) wildland fire suppression responsibility as described in Section 11-7-1; and

790 [~~(B)~~] (ii) wildland fire suppression cost responsibility and taxing authority for a
 791 specific geographic jurisdiction; or

792 [~~(ii)~~] (b) upon approval by the director, a political subdivision established by a county,
 793 municipality, special service district, special district, or service area that is
 794 responsible for:

795 [~~(A)~~] (i) providing wildland fire suppression services; and

796 [~~(B)~~] (ii) paying for the cost of wildland fire suppression services.

797 [~~(b)~~] "~~Fire service provider" means a public or private entity that fulfills the duties of~~
 798 ~~Subsection 11-7-1(1).~~]

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

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

804 (3)(a) The state shall assume an eligible entity's cost of suppressing catastrophic wildfire
 805 as defined in the cooperative agreement if the eligible entity has entered into, and is
 806 in full compliance with, a cooperative agreement with the division, as described in
 807 this section.

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

- 811 (4) To enter into a cooperative agreement with the division, the eligible entity shall:
- 812 (a) if the eligible entity is a county, adopt and enforce on unincorporated land a wildland
813 fire ordinance based upon minimum standards established by the division or Uniform
814 Building Code Commission;
- 815 (b) require that the fire department or equivalent fire service provider under contract
816 with, or delegated by, the eligible entity on unincorporated land meet minimum
817 standards for wildland fire training, certification, and suppression equipment based
818 upon nationally accepted standards as specified by the division;
- 819 (c) invest in prevention, preparedness, and mitigation efforts, as agreed to with the
820 division, that will reduce the eligible entity's risk of catastrophic wildfire;
- 821 (d)(i) file with the division an annual accounting of wildfire prevention,
822 preparedness, mitigation actions, and associated costs;
- 823 (ii) meet the eligibility entity's participation commitment by making direct payments
824 to the division; or
- 825 (iii) do a combination of Subsections (4)(d)(i) and (ii);
- 826 (e) return the financial statement described in Subsection (6), signed by the chief
827 executive of the eligible entity, to the division on or before the date set by the
828 division; and
- 829 (f) if the eligible entity is a county, have a designated fire warden as described in Section
830 65A-8-209.1.
- 831 (5)(a) The state forester may execute a cooperative agreement with the eligible entity.
- 832 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
833 Administrative Rulemaking Act, governing the:
- 834 (i) cooperative agreements described in this section;
- 835 (ii) manner in which an eligible entity shall provide proof of compliance with
836 Subsection (4);
- 837 (iii) manner by which the division may revoke a cooperative agreement if an eligible
838 entity ceases to meet the requirements described in this section;
- 839 (iv) accounting system for determining suppression costs;
- 840 (v) manner in which the division shall determine the eligible entity's participation
841 commitment; and
- 842 (vi) manner in which an eligible entity may appeal a division determination of
843 participation commitment.
- 844 (6)(a) The division shall send a financial statement to each eligible entity participating in

- 845 a cooperative agreement that details the eligible entity's participation commitment for
846 the coming fiscal year, including the prevention, preparedness, and mitigation actions
847 agreed to under Subsection (4)(c).
- 848 (b) Each eligible entity participating in a cooperative agreement shall:
- 849 (i) have the chief executive of the eligible entity sign the financial statement, or the
850 legislative body of the eligible entity approve the financial statement by
851 resolution, confirming the eligible entity's participation for the upcoming year; and
852 (ii) return the financial statement to the division, on or before a date set by the
853 division.
- 854 (c) A financial statement shall be effective for one calendar year, beginning on the date
855 set by the division, as described in Subsection (6)(b).
- 856 (7)(a) An eligible entity may revoke a cooperative agreement before the end of the
857 cooperative agreement's term by:
- 858 (i) informing the division, in writing, of the eligible entity's intention to revoke the
859 cooperative agreement; or
860 (ii) failing to sign and return its annual financial statement, as described in
861 Subsection (6)(b), unless the director grants an extension.
- 862 (b) An eligible entity may not revoke a cooperative agreement before the end of the term
863 of a signed annual financial statement, as described in Subsection (6)(c).
- 864 (8)(a) The division shall develop and maintain a wildfire risk assessment mapping tool
865 that is online and publicly accessible.
- 866 (b)[(†)] The division shall analyze adding an additional high-risk category within the
867 wildfire risk assessment mapping tool described in Subsection (8)(a):
- 868 [(A)] (i) using a scientific assessment; and
869 [(B)] (ii) that is focused on the risk to dwellings within the wildland-urban interface
870 area.
- 871 [~~(ii) The division shall report the results of the division's analysis under this
872 Subsection (8)(b) to the Natural Resources, Agriculture, and Environment Interim
873 Committee by no later than the 2024 November interim meeting of that committee.]~~
- 874 (c) With regard to the categories used within the wildfire risk assessment mapping tool
875 described in Subsection (8)(a), the division may adjust the assessment for
876 participation commitments if the adjustment is based on the Consumer Price Index
877 for All Urban Consumers as published by the Bureau of Labor Statistics of the
878 United States Department of Labor, in accordance with a formula established by the

879 division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
880 Rulemaking Act.

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

885 (i) qualitative and quantitative; and

886 (ii) leads to reduced wildfire risk.

887 (b) An eligible entity shall agree to implement prevention, preparedness, and mitigation
888 actions identified in a community wildfire preparedness plan addressing
889 wildland-urban interface that is approved by the division.

890 Section 10. Section **65A-8-203.1** is amended to read:

891 **65A-8-203.1 . Delegation of fire management authority.**

892 (1) As used in this section, "delegation of fire management authority" means the acceptance
893 by the division of responsibility for:

894 (a) managing a wildfire; and

895 (b) [~~the cost of fire suppression, as described in Section 65A-8-203]~~ wildfire costs and
896 wildfire prevention costs as defined in Section 65A-8-216.

897 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
898 Administrative Rulemaking Act, governing the process for delegation of fire
899 management authority.

900 (3) Upon delegation of fire management authority, the division and its named designee
901 becomes the primary incident commander.

902 (4) The division may take action to recover costs described in Subsection (1)(b) upon
903 delegation of fire management authority.

904 *The following section is affected by a coordination clause at the end of this bill.*

905 Section 11. Section **65A-8-216** is enacted to read:

906 **65A-8-216 . Utah Wildfire Fund.**

907 (1) As used in this section:

908 (a) "Eligible entity" means the same as that term is defined in Section 65A-8-203.

909 (b) "Fund" means the Utah Wildfire Fund created by this section.

910 (c) "Wildfire" means a fire that consumes:

911 (i) wildland; or

912 (ii) wildland-urban interface.

- 913 (d) "Wildfire costs" means costs associated with the suppression of a wildfire or
914 rehabilitation efforts after a wildfire is suppressed as further defined by the division
915 by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
916 Rulemaking Act, including costs for an eligible entity that has entered into a
917 cooperative agreement, as described in Section 65A-8-203.
- 918 (e) "Wildfire prevention costs" means costs for prevention, preparedness, or mitigation
919 efforts before a wildfire, as defined by the division by rule made in accordance with
920 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including costs of an
921 eligible entity that has entered into a cooperative agreement, as described in Section
922 65A-8-203.
- 923 (2)(a) There is created an expendable special revenue fund known as the "Utah Wildfire
924 Fund."
- 925 (b) The fund shall consist of:
- 926 (i) interest and earnings from the investment of fund money;
927 (ii) money appropriated by the Legislature to the fund;
928 (iii) federal funds received by the division for wildfire management costs, as defined
929 by the division by rule made in accordance with Title 63G, Chapter 3, Utah
930 Administrative Rulemaking Act;
931 (iv) suppression costs billed to an eligible entity that does not participate in a
932 cooperative agreement;
933 (v) suppression costs paid to the division by another state agency;
934 (vi) costs recovered from a settlement or a civil or administrative action related to
935 wildfire suppression;
936 (vii) restitution payments ordered by a court following a criminal adjudication;
937 (viii) voluntary contributions received by the division;
938 (ix) money received as direct payment from cooperative wildfire system participation
939 commitments;
940 (x) money deposited by the Division of Finance, pursuant to Section 59-21-2; and
941 (xi) money transferred by the Division of Finance, pursuant to Section 63J-1-314.
- 942 (c) The state treasurer shall:
- 943 (i) invest the money in the fund in accordance with Title 51, Chapter 7, State Money
944 Management Act; and
945 (ii) deposit interest or other earnings derived from each investment described in
946 Subsection (2)(c)(i) into the fund.

- 947 (3)(a) ~~§~~ → [~~Subject to appropriation, the~~
947a ~~The~~ ← ~~§~~ division shall administer the fund to:
948 (i) pay wildfire costs on:
949 (A) state lands; or
950 (B) if delegated fire management authority, as described in Section 65A-8-203.1,
951 private land located in an unincorporated area;
952 (ii) subject to Subsection (4), make one or more grants from money appropriated
953 from the fund for the purpose of assisting one or more local fire departments or
954 volunteer fire departments in building capacity for the suppression of wildfire; and
955 (iii) subject to Subsection (5), pay wildfire prevention costs.
956 (b) The division may disburse money from the fund only upon written order of the state
957 forester or the state forester's authorized representative.
958 (c) If the state forester determines money in the fund may be insufficient to cover
959 eligible costs in a fire season, the state forester may:
960 (i) delay making disbursements from the fund until the close of the fire season; and
961 (ii) request supplemental appropriations from the Legislature.
962 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
963 division shall make rules to administer the fund consistent with the requirements of
964 this section.
965 (4)(a) The division may not issue in a fiscal year an aggregate of grants described in
966 Subsection (3)(a)(ii) that exceed \$300,000.
967 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
968 division shall make rules establishing criteria for receiving a grant under Subsection
969 (3)(a)(ii).
970 (5)(a) Except as provided in Subsection (5)(b), the division shall pay wildfire
971 prevention costs during that fiscal year in an amount that is the greater of:
972 (i) \$10,000,000; or
973 (ii) the sum of:
974 (A) \$3,000,000; and
975 (B) 10% of the money deposited into the fund but not expended in the previous
976 fiscal year for wildfire costs.
977 (b) In a case of catastrophic need, as determined by the state forester, the division may
978 use money described in Subsection (5)(a) to pay wildfire costs.
979 (6) Beginning with the fiscal year ending June 30, 2026, the division shall, by no later than

- 980 the October 31 immediately following the fiscal year, annually report to the Natural
 981 Resources, Agriculture, and Environmental Quality Appropriations Subcommittee:
 982 (a) the balance in the fund at the end of the fiscal year;
 983 (b) the amount of expenditures under Subsections (3)(a)(i), (ii), and (iii) during the fiscal
 984 year; and
 985 (c) the revenues deposited into the fund under Subsection (2) during the fiscal year.

986 Section 12. Section **65A-8a-102** is amended to read:

987 **65A-8a-102 . Definitions.**

988 As used in this chapter:

- 989 (1) "Commercial tree species" means:
- 990 (a) *Abies concolor* (white fir);
 - 991 (b) *Abies lasiocarpa* (subalpine fir);
 - 992 (c) *Juniperus osteosperma* (Utah juniper);
 - 993 (d) *Juniperus scopulorum* (Rocky Mountain juniper);
 - 994 (e) *Picea engelmannii* (Engelmann spruce);
 - 995 (f) *Picea pungens* (blue spruce);
 - 996 (g) *Pinus contorta* (lodgepole pine);
 - 997 (h) *Pinus edulis* (piñon pine);
 - 998 (i) *Pinus flexilis* (limber pine);
 - 999 (j) *Pinus longaeva* (bristlecone pine);
 - 1000 (k) *Pinus monophylla* (singleleaf piñon);
 - 1001 (l) *Pinus ponderosa* (ponderosa pine);
 - 1002 (m) *Populus tremuloides* (quaking aspen);
 - 1003 (n) *Pseudotsuga menziesii* (Douglas fir); or
 - 1004 (o) *Quercus gambelii* (gambel oak).
- 1005 (2)(a) "Forest practice" means, except as provided in Subsection (2)(b):
- 1006 (i) the harvesting of commercial tree species;
 - 1007 (ii) new road construction associated with harvesting or accessing trees;
 - 1008 (iii) site preparation for regeneration of a timber stand;
 - 1009 (iv) reforestation; or
 - 1010 (v) the management of logging slash.
- 1011 (b) "Forest practice" does not include:
- 1012 (i) the operation of a nursery or Christmas tree farm;
 - 1013 (ii) the harvest of Christmas trees;

- 1014 (iii) the harvest of trees for the noncommercial, personal use by the owner of forested
 1015 land from which the trees are harvested;
- 1016 (iv) a harvesting operation encompassing fewer than five contiguous acres of forested
 1017 land;
- 1018 (v) clearing land for defensible space in a wildland-urban interface; or
- 1019 (vi) fuel reduction for a wildland-urban interface or hazardous fuel reduction project.
- 1020 (3) "Forested land" means land, except land owned by the federal government or located
 1021 within an incorporated city, growing commercial tree species that are, or could be at
 1022 maturity, capable of furnishing raw material used in the manufacture of lumber or other
 1023 forest products.
- 1024 (4) "Forest Water Quality Guidelines" means the field-applicable practice guidelines
 1025 adopted by the division for use during forestry activities to protect water quality and
 1026 contained within a nonpoint source management plan.
- 1027 (5) "Landowner" means a person who holds an ownership interest in forested land.
- 1028 (6) "Operator" means a person who:
- 1029 (a) is responsible for conducting forest practices; or
- 1030 (b) through a contractual agreement with the landowner, is obligated to or entitled to
 1031 conduct forest practices or to carry out a timber sale.

1032 [~~(7) "Wildland-urban interface" means the zone where structures and other human
 1033 development meets, or intermingles with, undeveloped wildland.~~]

1034 Section 13. **Repealer.**

1035 This bill repeals:

1036 Section **65A-8-204, Wildland Fire Suppression Fund created.**

1037 Section **65A-8-206, Disbursements from the Wildland Fire Suppression Fund.**

1038 Section **65A-8-207, Division to administer Wildland Fire Suppression Fund --**

1039 **Rulemaking -- Procedures.**

1040 Section **65A-8-213, Creation of the Wildland Fire Preparedness Grants Fund --**

1041 **Awarding of grants -- Rulemaking.**

1042 Section **65A-8-215, Wildland-urban interface fire prevention, preparedness, and
 1043 mitigation.**

1044 Section 14. **FY 2026 Appropriations.**

1045 The following sums of money are appropriated for the fiscal year beginning July 1,
 1046 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for
 1047 fiscal year 2026.

1048 Subsection 14(a). **Restricted Fund and Account Transfers**

1049 The Legislature authorizes the State Division of Finance to transfer the following
 1050 amounts between the following funds or accounts as indicated. Expenditures and outlays from
 1051 the funds to which the money is transferred must be authorized by an appropriation.

1052 ITEM 1 To Utah Wildfire Fund

1053	From Wildland-Urban Interface Prevention,	
1054	Preparedness, and Mitigation Fund, One-time	3,549,800
1055	From Wildland Fire Preparedness Grants Fund	140,200
1056	From Wildland Fire Suppression Fund, One-time	146,332,500

1057 Schedule of Programs:

1058	Utah Wildfire Fund	150,022,500
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1059 The Legislature intends that the Division of
 1060 Finance, after completing the appropriation in this
 1061 section, transfer any remaining balances in the Wildland
 1062 Fire Suppression Fund, Wildland Fire Preparedness
 1063 Grants Fund, and the Wildland-urban Prevention,
 1064 Preparedness, and Mitigation Fund, into the Utah
 1065 Wildfire Fund.

1066 Section 15. **Effective Date.**

1067 This bill takes effect on July 1, 2025.

1068 Section 16. **Coordinating H.B. 307 with H.B. 48.**

1069 If H.B. 307, Wildfire Funding Amendments, and H.B. 48, Wildland Urban Interface
 1070 Modifications, both pass and become law, the Legislature intends that, on January 1, 2026:
 1071 (1) "Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created in
 1072 Section 65A-8-215" be replaced with "Utah Wildfire Fund created in Section 65A-8-216" in
 1073 Subsection 17-16-22(3)(b)(i) enacted in H.B. 48; and
 1074 (2) the following language be inserted as Subsection 65A-8-216(2)(b)(xii) in H.B. 307:
 1075 "(xii) money deposited by the Division of Forestry, Fire, and State Lands, pursuant to Section
 1076 17-16-22."