WILDLAND FIRE SUPPRESSION FUND AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Joel K. Briscoe

LONG TITLE

General Description:

This bill modifies provisions relating to the Wildland Fire Suppression Fund.

Highlighted Provisions:

This bill:

- ▸ clarifies the amount of General Fund revenue surplus that is transferred to the Wildland Fire Suppression Fund; and
- ▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63J-1-314, as last amended by Laws of Utah 2016, Chapters 134 and 183

65A-8-204, as last amended by Laws of Utah 2016, Chapters 174 and 183

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

Section 1. Section **63J-1-314** is amended to read:

63J-1-314. Deposits related to the Wildland Fire Suppression Fund and the Disaster Recovery Funding Act.

(1) As used in this section, "operating deficit" means that, at the end of the fiscal year, the unassigned fund balance in the General Fund is less than zero.

(2) Except as provided under Subsections (3) and (4), at the end of each fiscal year, the Division of Finance shall, after the transfer of General Fund revenue surplus has been made to the Medicaid Growth Reduction and Budget Stabilization Account, as provided in Section 63J-1-315, and the General Fund Budget Reserve Account, as provided in Section 63J-1-312, transfer:

(a) [~~$4,000,000~~] to the Wildland Fire Suppression Fund created in Section 65A-8-204[~~, not to exceed the cap described in Subsection 65A-8-204(5)~~] an amount equal to the lesser of:

(i) $4,000,000; or

(ii) an amount necessary to make the balance in the Wildland Fire Suppression Fund equal to $12,000,000; and

(b) an amount into the State Disaster Recovery Restricted Account, created in Section 53-2a-603, from the General Fund revenue surplus as defined in Section 63J-1-312, calculated by:

(i) determining the amount of General Fund revenue surplus after the transfer to the Medicaid Growth Reduction and Budget Stabilization Account under Section 63J-1-315, the General Fund Budget Reserve Account under Section 63J-1-312, and the transfer to the Wildland Fire Suppression Fund as described in Subsection (2)(a);

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

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

(B) 6% of the total of the General Fund appropriation amount for the fiscal year in which the surplus occurs; and

(iii) adding to the amount calculated under Subsection (2)(b)(ii) an amount equal to the lesser of:

(A) 25% more of the amount described in Subsection (2)(b)(i); or

(B) the amount necessary to replace, in accordance with this Subsection (2)(b)(iii), any amount appropriated from the State Disaster Recovery Restricted Account within 10 fiscal years before the fiscal year in which the surplus occurs if:

(I) a surplus exists; and

(II) the Legislature appropriates money from the State Disaster Recovery Restricted Account that is not replaced by appropriation or as provided in this Subsection (2)(b)(iii).

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

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

(4) Notwithstanding Subsection (2):

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

(b) on and after July 1, 2020, the Division of Finance shall transfer to the Local Government Emergency Response Loan Fund 10% of the amount to be transferred into the State Disaster Recovery Restricted Account as provided in Subsection (2)(b).

Section 2. Section **65A-8-204** is amended to read:

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

(1) There is created an expendable special revenue fund known as the "Wildland Fire Suppression Fund."

(2) The fund shall be administered by the division to pay wildfire suppression costs on eligible lands, including for an eligible entity that has entered into a cooperative agreement, as described in Section 65A-8-203.

(3) The contents of the fund shall include:

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

(b) money appropriated by the Legislature;

(c) costs recovered from successful investigations;

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

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

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

(g) costs recovered from settlements and civil actions related to wildfire suppression;

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

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

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

(k) money transferred by the Division of Finance, pursuant to Section [~~63J-1-312~~] 63J-1-314.

(4) Fund money shall be invested by the state treasurer with the earnings and interest accruing to the fund.

[~~(5) A maximum level of $12,000,000 is established for the fund.~~]