

Derrin R. Owens proposes the following substitute bill:

Forestry and Fire Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Troy Shelley

Senate Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill addresses forestry and fire related issues.

Highlighted Provisions:

This bill:

- provides for the Division of Forestry, Fire, and State Lands enforcement and investigatory powers related to wildland fires and heritage trees;
- addresses use of money related to cooperative agreements for forest management; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

65A-3-3, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

65A-8-217, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

65A-8-308, as last amended by Laws of Utah 2024, Chapter 80

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

Section 1. Section **65A-3-3** is amended to read:

65A-3-3 . Enforcement of laws -- City, county, or district attorney to prosecute.

(1) It is the duty of the Division of Law Enforcement, county sheriffs, county sheriff deputies, peace officers, ~~[and]~~ other law enforcement officers within the law enforcement jurisdiction, and the division to enforce the provisions of this chapter and to investigate and gather evidence that may indicate a violation under this chapter.

(2)(a) The city attorney, county attorney, or district attorney, as appropriate under

30 Sections 10-3-928, 17-68-302, and 17-68-303, shall prosecute any criminal violations
31 of this chapter.

32 (b) The counsel for an eligible entity, as defined in Section 65A-8-203, shall initiate a
33 civil action to recover suppression costs incurred by the eligible entity for
34 suppression of fire on private land.

35 Section 2. Section **65A-8-217** is amended to read:

36 **65A-8-217 . Utah Wildfire Fund.**

37 (1) As used in this section:

38 (a) "Cooperative agreement for forest management" means an instrument used when a
39 state agency agrees to substantial involvement with other government agencies
40 during the performance of a project related to forest management that may include:
41 (i) the transfer or match of money to carry out a public purpose; and
42 (ii) close collaboration through joint operational, technical, or scientific involvement.

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

44 [~~(b)~~] (c) "Fund" means the Utah Wildfire Fund created by this section.

45 [~~(e)~~] (d) "Wildfire" means a fire that consumes:

46 (i) wildland; or

47 (ii) wildland urban interface.

48 [~~(d)~~] (e) "Wildfire costs" means costs associated with the suppression of a wildfire or
49 rehabilitation efforts after a wildfire is suppressed as further defined by the division
50 by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
51 Rulemaking Act, including costs for an eligible entity that has entered into a
52 cooperative agreement, as described in Section 65A-8-203.

53 [~~(e)~~] (f) "Wildfire prevention costs" means costs for prevention, preparedness, or
54 mitigation efforts before a wildfire, as defined by the division by rule made in
55 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
56 including costs of an eligible entity that has entered into a cooperative agreement, as
57 described in Section 65A-8-203.

58 (2)(a) There is created an expendable special revenue fund known as the "Utah Wildfire
59 Fund."

60 (b) The fund shall consist of:

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

62 (ii) money appropriated by the Legislature to the fund;

63 (iii) federal funds received by the division for wildfire management costs, as defined

- 64 by the division by rule made in accordance with Title 63G, Chapter 3, Utah
 65 Administrative Rulemaking Act;
- 66 (iv) suppression costs billed to an eligible entity that does not participate in a
 67 cooperative agreement;
- 68 (v) suppression costs paid to the division by another state agency;
- 69 (vi) costs recovered from a settlement or a civil or administrative action related to
 70 wildfire suppression;
- 71 (vii) restitution payments ordered by a court following a criminal adjudication;
- 72 (viii) voluntary contributions received by the division;
- 73 (ix) money received as direct payment from cooperative wildfire system participation
 74 commitments;
- 75 (x) money deposited by the Division of Finance, [~~pursuant to~~] in accordance with
 76 Section 59-21-2;
- 77 (xi) money transferred by the Division of Finance, [~~pursuant to~~] in accordance with
 78 Section 63J-1-314; and
- 79 (xii) money deposited by the Division of Forestry, Fire, and State Lands, [~~pursuant to~~]
 80 in accordance with Section 17E-7-401.
- 81 (c) The state treasurer shall:
- 82 (i) invest the money in the fund in accordance with Title 51, Chapter 7, State Money
 83 Management Act; and
- 84 (ii) deposit interest or other earnings derived from each investment described in
 85 Subsection (2)(c)(i) into the fund.
- 86 (3)(a) The division shall administer the fund to:
- 87 (i) pay wildfire costs on:
- 88 (A) state lands; or
- 89 (B) if delegated fire management authority, as described in Section 65A-8-203.1,
 90 private land located in an unincorporated area;
- 91 (ii) subject to Subsection (4), [~~make~~] issue one or more grants for the purpose of
 92 assisting one or more local fire departments or volunteer fire departments in
 93 building capacity for the suppression of wildfire; [~~and~~]
- 94 (iii) subject to Subsection (5), pay wildfire prevention costs[-] ; and
- 95 (iv) subject to Subsection (6), pay costs incurred by the state under a cooperative
 96 agreement for forest management.
- 97 (b) The division may disburse money from the fund only upon written order of the state

98 forester or the state forester's authorized representative.

99 (c) If the state forester determines money in the fund may be insufficient to cover
100 eligible costs in a fire season, the state forester may:

101 (i) delay making disbursements from the fund until the close of the fire season; and

102 (ii) request supplemental appropriations from the Legislature.

103 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
104 division shall make rules to administer the fund consistent with the requirements of
105 this section.

106 (4)(a) The division may not issue in a fiscal year an aggregate of grants described in
107 Subsection (3)(a)(ii) that exceed \$300,000.

108 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
109 division shall make rules establishing criteria for receiving a grant under Subsection
110 (3)(a)(ii).

111 (5)(a) Except as provided in Subsection (5)(b), the division shall pay wildfire
112 prevention costs during that fiscal year in an amount that is the greater of:

113 (i) \$10,000,000; or

114 (ii) the sum of:

115 (A) \$3,000,000; and

116 (B) 10% of the money deposited into the fund but not expended in the previous
117 fiscal year for wildfire costs.

118 (b) In a case of catastrophic need, as determined by the state forester, the division may
119 use money described in Subsection (5)(a) to pay wildfire costs.

120 (6) The division may expend money under Subsection (3)(a)(iv) to fund rehabilitation after
121 a wildfire:

122 (a) on federal land; and

123 (b) if the state forester determines that the post-fire rehabilitation on the federal land
124 directly benefits state and private lands.

125 [~~6~~] (7) Beginning with the fiscal year ending June 30, 2026, the division shall, by no later
126 than the October 31 immediately following the fiscal year, annually report to the Natural
127 Resources, Agriculture, and Environmental Quality Appropriations Subcommittee:

128 (a) the balance in the fund at the end of the fiscal year;

129 (b) the amount of expenditures under Subsections (3)(a)(i), (ii), [~~and~~] (iii), and (iv)
130 during the fiscal year; and

131 (c) the revenues deposited into the fund under Subsection (2) during the fiscal year.

132 Section 3. Section **65A-8-308** is amended to read:

133 **65A-8-308 . Enforcement -- Prosecution of violations.**

134 (1) The Division of Law Enforcement, county sheriffs, police, [~~and~~] other law enforcement
135 officers within their respective jurisdictions, and the division are responsible for the
136 enforcement of this part.

137 (2) The county attorney or district attorney shall prosecute any violation of this part.

138 Section 4. **Effective Date.**

139 This bill takes effect on May 6, 2026.