

EMERGENCY RESPONSE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill modifies provisions regarding emergency management by renumbering and amending the sections.

Highlighted Provisions:

This bill:

- ▶ renumbers and moves Title 63K, Emergency Management, and Title 53, Chapter 2, into one chapter;

- ▶ amends and cross-references to coincide with the renumbering of sections;

- ▶ provides for a state recovery officer to represent the governor and work with a federal recovery officer during a federally declared disaster;

- ▶ modifies the minimum meeting requirement for the Emergency Management Administration Council from quarterly to semiannually;

- ▶ repeals the provisions of Section 63K-3-101 and Section 63K-3-102; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 28 **13-41-102**, as last amended by Laws of Utah 2010, Chapter 378
- 29 **17B-1-605**, as last amended by Laws of Utah 2009, Chapter 77
- 30 **20A-1-204**, as last amended by Laws of Utah 2012, Chapter 359
- 31 **23-19-42**, as last amended by Laws of Utah 2007, Chapter 187
- 32 **26-49-102**, as last amended by Laws of Utah 2010, Chapter 370
- 33 **39-5-2**, as last amended by Laws of Utah 2008, Chapter 382
- 34 **41-22-34**, as enacted by Laws of Utah 1997, Chapter 281
- 35 **53-1-104**, as last amended by Laws of Utah 2011, Chapter 55
- 36 **53-1-106**, as last amended by Laws of Utah 2011, Chapters 77 and 131
- 37 **53-1-108**, as last amended by Laws of Utah 2010, Chapter 218
- 38 **63J-1-314**, as last amended by Laws of Utah 2012, Chapter 141
- 39 **63J-1-602.3**, as last amended by Laws of Utah 2012, Chapters 71, 341, and 398
- 40 **63J-3-103**, as last amended by Laws of Utah 2010, Chapter 137
- 41 **63J-5-103**, as last amended by Laws of Utah 2012, Chapter 41
- 42 **63J-7-102**, as last amended by Laws of Utah 2012, Chapters 201 and 212
- 43 **63M-4-201**, as last amended by Laws of Utah 2011, Chapters 55 and 375
- 44 **73-18-24**, as enacted by Laws of Utah 1997, Chapter 281
- 45 **76-8-317**, as last amended by Laws of Utah 2010, Chapter 370

46 ENACTS:

- 47 **53-2a-701**, Utah Code Annotated 1953
- 48 **53-2a-901**, Utah Code Annotated 1953
- 49 **53-2a-1101**, Utah Code Annotated 1953

50 RENUMBERS AND AMENDS:

- 51 **53-2a-101**, (Renumbered from 53-2-101, as last amended by Laws of Utah 2007,
- 52 Chapter 66)
- 53 **53-2a-102**, (Renumbered from 53-2-102, as last amended by Laws of Utah 2011,
- 54 Chapter 55)
- 55 **53-2a-103**, (Renumbered from 53-2-103, as last amended by Laws of Utah 2011,
- 56 Chapter 55)
- 57 **53-2a-104**, (Renumbered from 53-2-104, as last amended by Laws of Utah 2011,
- 58 Chapter 55)

- 59 **53-2a-105**, (Renumbered from 63K-3-201, as last amended by Laws of Utah 2011,
60 Chapter 55)
- 61 **53-2a-201**, (Renumbered from 63K-4-101, as enacted by Laws of Utah 2008, Chapter
62 382)
- 63 **53-2a-202**, (Renumbered from 63K-4-102, as renumbered and amended by Laws of
64 Utah 2008, Chapter 382)
- 65 **53-2a-203**, (Renumbered from 63K-4-103, as last amended by Laws of Utah 2010,
66 Chapter 334)
- 67 **53-2a-204**, (Renumbered from 63K-4-201, as last amended by Laws of Utah 2010,
68 Chapter 370)
- 69 **53-2a-205**, (Renumbered from 63K-4-202, as renumbered and amended by Laws of
70 Utah 2008, Chapter 382)
- 71 **53-2a-206**, (Renumbered from 63K-4-203, as last amended by Laws of Utah 2010,
72 Chapter 370)
- 73 **53-2a-207**, (Renumbered from 53-2-106, as last amended by Laws of Utah 2011,
74 Chapter 340)
- 75 **53-2a-208**, (Renumbered from 63K-4-301, as last amended by Laws of Utah 2011,
76 Chapter 105)
- 77 **53-2a-209**, (Renumbered from 63K-4-401, as last amended by Laws of Utah 2010,
78 Chapter 370)
- 79 **53-2a-210**, (Renumbered from 63K-4-406, as enacted by Laws of Utah 2010, Chapter
80 370)
- 81 **53-2a-211**, (Renumbered from 63K-4-402, as last amended by Laws of Utah 2011,
82 Chapter 55)
- 83 **53-2a-212**, (Renumbered from 63K-4-403, as renumbered and amended by Laws of
84 Utah 2008, Chapter 382)
- 85 **53-2a-213**, (Renumbered from 63K-4-404, as renumbered and amended by Laws of
86 Utah 2008, Chapter 382)
- 87 **53-2a-214**, (Renumbered from 63K-4-405, as last amended by Laws of Utah 2011,
88 Chapter 160)
- 89 **53-2a-301**, (Renumbered from 53-2-501, as enacted by Laws of Utah 2007, Chapter

- 90 331)
- 91 **53-2a-302**, (Renumbered from 53-2-502, as last amended by Laws of Utah 2011,
- 92 Chapter 55)
- 93 **53-2a-303**, (Renumbered from 53-2-503, as enacted by Laws of Utah 2007, Chapter
- 94 331)
- 95 **53-2a-304**, (Renumbered from 53-2-504, as enacted by Laws of Utah 2007, Chapter
- 96 331)
- 97 **53-2a-305**, (Renumbered from 53-2-505, as last amended by Laws of Utah 2011,
- 98 Chapter 55)
- 99 **53-2a-306**, (Renumbered from 53-2-506, as last amended by Laws of Utah 2011,
- 100 Chapter 55)
- 101 **53-2a-307**, (Renumbered from 53-2-507, as last amended by Laws of Utah 2011,
- 102 Chapter 55)
- 103 **53-2a-308**, (Renumbered from 53-2-508, as last amended by Laws of Utah 2009,
- 104 Chapter 58)
- 105 **53-2a-309**, (Renumbered from 53-2-509, as last amended by Laws of Utah 2011,
- 106 Chapter 55)
- 107 **53-2a-310**, (Renumbered from 53-2-510, as enacted by Laws of Utah 2007, Chapter
- 108 331)
- 109 **53-2a-401**, (Renumbered from 53-2-201, as enacted by Laws of Utah 2001, Chapter 42)
- 110 **53-2a-402**, (Renumbered from 53-2-202, as enacted by Laws of Utah 2001, Chapter 42)
- 111 **53-2a-403**, (Renumbered from 53-2-301, as enacted by Laws of Utah 2001, Chapter 42)
- 112 **53-2a-501**, (Renumbered from 63K-5-101, as enacted by Laws of Utah 2010, Chapter
- 113 22)
- 114 **53-2a-502**, (Renumbered from 63K-5-102, as enacted by Laws of Utah 2010, Chapter
- 115 22)
- 116 **53-2a-503**, (Renumbered from 63K-5-201, as enacted by Laws of Utah 2010, Chapter
- 117 22)
- 118 **53-2a-504**, (Renumbered from 63K-5-301, as enacted by Laws of Utah 2010, Chapter
- 119 22)
- 120 **53-2a-505**, (Renumbered from 63K-5-302, as enacted by Laws of Utah 2010, Chapter

121 22)
122 **53-2a-506**, (Renumbered from 63K-5-303, as enacted by Laws of Utah 2010, Chapter
123 22)
124 **53-2a-507**, (Renumbered from 63K-5-401, as enacted by Laws of Utah 2010, Chapter
125 22)
126 **53-2a-508**, (Renumbered from 63K-5-402, as enacted by Laws of Utah 2010, Chapter
127 22)
128 **53-2a-601**, (Renumbered from 53-2-401, as enacted by Laws of Utah 2007, Chapter
129 328)
130 **53-2a-602**, (Renumbered from 53-2-402, as last amended by Laws of Utah 2009,
131 Chapter 77)
132 **53-2a-603**, (Renumbered from 53-2-403, as last amended by Laws of Utah 2011,
133 Chapter 342)
134 **53-2a-604 (Effective 05/01/13)**, (Renumbered from 53-2-404 (Effective 05/01/13), as
135 last amended by Laws of Utah 2012, Chapter 347)
136 **53-2a-604 (Superseded 05/01/13)**, (Renumbered from 53-2-404 (Superseded
137 05/01/13), as last amended by Laws of Utah 2011, Chapter 342)
138 **53-2a-605**, (Renumbered from 53-2-405, as last amended by Laws of Utah 2011,
139 Chapter 342)
140 **53-2a-606**, (Renumbered from 53-2-406, as last amended by Laws of Utah 2010,
141 Chapters 323 and 370)
142 **53-2a-702**, (Renumbered from 63K-3-301, as last amended by Laws of Utah 2010,
143 Chapter 286)
144 **53-2a-703**, (Renumbered from 53-2-105, as last amended by Laws of Utah 2011,
145 Chapter 340)
146 **53-2a-801**, (Renumbered from 63K-1-101, as renumbered and amended by Laws of
147 Utah 2008, Chapter 382)
148 **53-2a-802**, (Renumbered from 63K-1-102, as last amended by Laws of Utah 2012,
149 Chapter 212)
150 **53-2a-803**, (Renumbered from 63K-1-201, as renumbered and amended by Laws of
151 Utah 2008, Chapter 382)

- 152 **53-2a-804**, (Renumbered from 63K-1-202, as renumbered and amended by Laws of
- 153 Utah 2008, Chapter 382)
- 154 **53-2a-805**, (Renumbered from 63K-1-301, as last amended by Laws of Utah 2011,
- 155 Chapter 55)
- 156 **53-2a-806**, (Renumbered from 63K-1-302, as renumbered and amended by Laws of
- 157 Utah 2008, Chapter 382)
- 158 **53-2a-807**, (Renumbered from 63K-1-401, as renumbered and amended by Laws of
- 159 Utah 2008, Chapter 382)
- 160 **53-2a-808**, (Renumbered from 63K-1-501, as renumbered and amended by Laws of
- 161 Utah 2008, Chapter 382)
- 162 **53-2a-809**, (Renumbered from 63K-1-502, as renumbered and amended by Laws of
- 163 Utah 2008, Chapter 382)
- 164 **53-2a-810**, (Renumbered from 63K-1-503, as renumbered and amended by Laws of
- 165 Utah 2008, Chapter 382)
- 166 **53-2a-811**, (Renumbered from 63K-1-504, as renumbered and amended by Laws of
- 167 Utah 2008, Chapter 382)
- 168 **53-2a-812**, (Renumbered from 63K-1-601, as renumbered and amended by Laws of
- 169 Utah 2008, Chapter 382)
- 170 **53-2a-813**, (Renumbered from 63K-1-602, as renumbered and amended by Laws of
- 171 Utah 2008, Chapter 382)
- 172 **53-2a-902**, (Renumbered from 53-2-110, as last amended by Laws of Utah 2008,
- 173 Chapter 382)
- 174 **53-2a-1001**, (Renumbered from 63K-2-101, as enacted by Laws of Utah 2008, Chapter
- 175 382)
- 176 **53-2a-1002**, (Renumbered from 63K-2-102, as renumbered and amended by Laws of
- 177 Utah 2008, Chapter 382)
- 178 **53-2a-1003**, (Renumbered from 63K-2-103, as renumbered and amended by Laws of
- 179 Utah 2008, Chapter 382)
- 180 **53-2a-1004**, (Renumbered from 63K-2-201, as renumbered and amended by Laws of
- 181 Utah 2008, Chapter 382)
- 182 **53-2a-1005**, (Renumbered from 63K-2-202, as renumbered and amended by Laws of

183 Utah 2008, Chapter 382)
 184 **53-2a-1006**, (Renumbered from 63K-2-203, as renumbered and amended by Laws of
 185 Utah 2008, Chapter 382)
 186 **53-2a-1007**, (Renumbered from 63K-2-204, as renumbered and amended by Laws of
 187 Utah 2008, Chapter 382)
 188 **53-2a-1008**, (Renumbered from 63K-2-205, as renumbered and amended by Laws of
 189 Utah 2008, Chapter 382)
 190 **53-2a-1009**, (Renumbered from 63K-2-206, as renumbered and amended by Laws of
 191 Utah 2008, Chapter 382)
 192 **53-2a-1010**, (Renumbered from 63K-2-301, as renumbered and amended by Laws of
 193 Utah 2008, Chapter 382)
 194 **53-2a-1011**, (Renumbered from 63K-2-302, as renumbered and amended by Laws of
 195 Utah 2008, Chapter 382)
 196 **53-2a-1012**, (Renumbered from 63K-2-303, as renumbered and amended by Laws of
 197 Utah 2008, Chapter 382)
 198 **53-2a-1102**, (Renumbered from 53-2-107, as last amended by Laws of Utah 2011,
 199 Chapter 248)
 200 **53-2a-1103**, (Renumbered from 53-2-108, as last amended by Laws of Utah 2011,
 201 Chapter 55)
 202 **53-2a-1104**, (Renumbered from 53-2-109, as last amended by Laws of Utah 2011,
 203 Chapter 342)
 204 REPEALS:
 205 **63K-3-101**, as enacted by Laws of Utah 2008, Chapter 382
 206 **63K-3-102**, as last amended by Laws of Utah 2010, Chapter 334

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

209 Section 1. Section **13-41-102** is amended to read:

210 **13-41-102. Definitions.**

211 For purposes of this chapter:

- 212 (1) "Consumer" means a person who acquires a good or service for consumption.
- 213 (2) "Division" means the Division of Consumer Protection.

214 (3) (a) "Emergency territory" means the geographical area:
 215 (i) for which there has been a state of emergency declared; and
 216 (ii) that is directly affected by the events giving rise to a state of emergency.

217 (b) "Emergency territory" does not include a geographical area that is affected by the
 218 events giving rise to a state of emergency only by economic market forces.

219 (4) "Excessive price" means a price for a good or service that exceeds by more than
 220 10% the average price charged by that person for that good or service in the 30-day period
 221 immediately preceding the day on which the state of emergency is declared.

222 (5) "Good" means any personal property displayed, held, or offered for sale by a
 223 merchant that is necessary for consumption or use as a direct result of events giving rise to a
 224 state of emergency.

225 (6) "Retail" means the level of distribution where a good or service is typically sold
 226 directly, or otherwise provided, to a member of the public who is an end user and does not
 227 resell the good or service.

228 (7) "Service" means any activity that is performed in whole or in part for the purpose of
 229 financial gain including personal service, professional service, rental, leasing, or licensing for
 230 use that is necessary for consumption or use as a direct result of events giving rise to a state of
 231 emergency.

232 (8) "State of emergency" means a declaration of:
 233 (a) an emergency or major disaster by the president of the United States of America; or
 234 (b) a state of emergency by the governor under Section [~~63K-4-203~~] 53-2a-206.

235 Section 2. Section **17B-1-605** is amended to read:

236 **17B-1-605. Budget required for certain funds -- Capital projects fund.**

237 (1) The budget officer of each local district shall prepare for each budget year a budget
 238 for each of the following funds:

- 239 (a) the General Fund;
- 240 (b) special revenue funds;
- 241 (c) debt service funds;
- 242 (d) capital projects funds;
- 243 (e) proprietary funds, in accordance with Section 17B-1-629;
- 244 (f) if the local district has a local fund, as defined in Section [~~53-2-402~~] 53-2a-602, the

245 local fund; and

246 (g) any other fund or funds for which a budget is required by the uniform system of
247 budgeting, accounting, and reporting.

248 (2) (a) Major capital improvements financed by general obligation bonds, capital
249 grants, or interfund transfers shall use a capital projects fund budget unless the improvements
250 financed are to be used for proprietary type activities.

251 (b) The local district shall prepare a separate budget for the term of the projects as well
252 as the annual budget required under Subsection (1).

253 Section 3. Section **20A-1-204** is amended to read:

254 **20A-1-204. Date of special election -- Legal effect.**

255 (1) (a) The governor, Legislature, or the legislative body of a local political subdivision
256 calling a statewide special election or local special election under Section 20A-1-203 shall
257 schedule the special election to be held on:

258 (i) the fourth Tuesday in June;

259 (ii) the first Tuesday after the first Monday in November; or

260 (iii) for an election of town officers of a newly incorporated town under Section
261 10-2-128, on any date that complies with the requirements of that subsection.

262 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
263 body of a local political subdivision calling a statewide special election or local special election
264 under Section 20A-1-203 may not schedule a special election to be held on any other date.

265 (c) (i) Notwithstanding the requirements of Subsection (1)(b), the legislative body of a
266 local political subdivision may call a local special election on a date other than those specified
267 in this section if the legislative body:

268 (A) determines and declares that there is a disaster, as defined in Section [~~63K-3-102~~]
269 53-2a-102, requiring that a special election be held on a date other than the ones authorized in
270 statute;

271 (B) identifies specifically the nature of the disaster, as defined in Section [~~63K-3-102~~]
272 53-2a-102, and the reasons for holding the special election on that other date; and

273 (C) votes unanimously to hold the special election on that other date.

274 (ii) The legislative body of a local political subdivision may not call a local special
275 election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for

276 Utah's Western States Presidential Primary.

277 (d) Nothing in this section prohibits:

278 (i) the governor or Legislature from submitting a matter to the voters at the regular
279 general election if authorized by law; or

280 (ii) a local government from submitting a matter to the voters at the regular municipal
281 election if authorized by law.

282 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a
283 special election within a county on the same day as:

284 (i) another special election;

285 (ii) a regular general election; or

286 (iii) a municipal general election.

287 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

288 (i) polling places;

289 (ii) ballots;

290 (iii) election officials; and

291 (iv) other administrative and procedural matters connected with the election.

292 Section 4. Section **23-19-42** is amended to read:

293 **23-19-42. Search and rescue surcharge.**

294 (1) In addition to the fees imposed under this chapter, there is imposed a 25 cent
295 surcharge on each fishing, hunting, or combination license.

296 (2) This surcharge shall be deposited in the General Fund as a dedicated credit for the
297 Search and Rescue Financial Assistance Program created under Section [~~53-2-107~~]
298 53-2a-1101.

299 Section 5. Section **26-49-102** is amended to read:

300 **26-49-102. Definitions.**

301 As used in this chapter:

302 (1) "Department of Health" shall have the meaning provided for in Section 26-1-4.

303 (2) "Disaster relief organization" means an entity that:

304 (a) provides emergency or disaster relief services that include health or veterinary
305 services provided by volunteer health practitioners;

306 (b) is designated or recognized as a provider of the services described in Subsection

307 (2)(a) under a disaster response and recovery plan adopted by:

308 (i) an agency of the federal government;

309 (ii) the state Department of Health; or

310 (iii) a local health department; and

311 (c) regularly plans and conducts its activities in coordination with:

312 (i) an agency of the federal government;

313 (ii) the Department of Health; or

314 (iii) a local health department.

315 (3) "Emergency" means a "state of emergency" as defined in Section [~~63K-4-103~~
316 53-2a-203].

317 (4) "Emergency declaration" means a declaration made in accordance with Section
318 [~~63K-4-203 or 63K-4-301~~] 53-2a-206 or 53-2a-208.

319 (5) "Emergency Management Assistance Compact" means the interstate compact
320 approved by Congress by Public Law No. 104-321, 110 Stat. 3877 and adopted by Utah in Title
321 53, Chapter [~~2~~] 2a, Part [~~2~~] 4, Emergency Management Assistance Compact.

322 (6) "Entity" means a person other than an individual.

323 (7) "Health facility" means an entity licensed under the laws of this or another state to
324 provide health or veterinary services.

325 (8) "Health practitioner" means an individual licensed under Utah law or another state
326 to provide health or veterinary services.

327 (9) "Health services" means the provision of treatment, care, advice, guidance, other
328 services, or supplies related to the health or death of individuals or human populations, to the
329 extent necessary to respond to an emergency, including:

330 (a) the following, concerning the physical or mental condition or functional status of an
331 individual or affecting the structure or function of the body:

332 (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; or

333 (ii) counseling, assessment, procedures, or other services;

334 (b) selling or dispensing a drug, a device, equipment, or another item to an individual
335 in accordance with a prescription; and

336 (c) funeral, cremation, cemetery, or other mortuary services.

337 (10) "Host entity":

338 (a) means an entity operating in Utah that:
339 (i) uses volunteer health practitioners to respond to an emergency; and
340 (ii) is responsible during an emergency, for actually delivering health services to
341 individuals or human populations, or veterinary services to animals or animal populations; and
342 (b) may include disaster relief organizations, hospitals, clinics, emergency shelters,
343 health care provider offices, or any other place where volunteer health practitioners may
344 provide health or veterinary services.

345 (11) (a) "License" means authorization by a state to engage in health or veterinary
346 services that are unlawful without authorization.

347 (b) "License" includes authorization under this title to an individual to provide health
348 or veterinary services based upon a national or state certification issued by a public or private
349 entity.

350 (12) "Local health department" shall have the meaning provided for in Subsection
351 26A-1-102(5).

352 (13) "Person" means an individual, corporation, business trust, trust, partnership,
353 limited liability company, association, joint venture, public corporation, government or
354 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

355 (14) "Scope of practice" means the extent of the authorization to provide health or
356 veterinary services granted to a health practitioner by a license issued to the practitioner in the
357 state in which the principal part of the practitioner's services are rendered, including any
358 conditions imposed by the licensing authority.

359 (15) "State" means:

- 360 (a) a state of the United States;
- 361 (b) the District of Columbia;
- 362 (c) Puerto Rico;
- 363 (d) the United States Virgin Islands; or
- 364 (e) any territory or insular possession subject to the jurisdiction of the United States.

365 (16) "Veterinary services" shall have the meaning provided for in Subsection
366 58-28-102(11).

367 (17) (a) "Volunteer health practitioner" means a health practitioner who provides health
368 or veterinary services, whether or not the practitioner receives compensation for those services.

369 (b) "Volunteer health practitioner" does not include a practitioner who receives
370 compensation under a preexisting employment relationship with a host entity or affiliate that
371 requires the practitioner to provide health services in Utah, unless the practitioner is:

- 372 (i) not a Utah resident; and
- 373 (ii) employed by a disaster relief organization providing services in Utah while an
374 emergency declaration is in effect.

375 Section 6. Section **39-5-2** is amended to read:

376 **39-5-2. Form of compact.**

377 The compact shall be in substantially the following form:

378 The contracting states solemnly agree:

379 Article 1

380 PURPOSE OF ACT -- UTILIZATION OF RESOURCES --

381 DIRECTORS ACT AS COMMITTEE

382 The purpose of this compact is to provide mutual aid among the States in meeting any
383 emergency or disaster as defined in Section [~~63K-3-102~~] 53-2a-102, from enemy attack or
384 other cause, natural or otherwise, including sabotage and subversive acts and direct attacks by
385 bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons.
386 The prompt, full, and effective utilization of the resources of the respective States, including
387 resources available from the United States Government or any other source, are essential to the
388 safety, care, and welfare of the people in the event of an emergency, and any other resources,
389 including personnel, equipment, or supplies, shall be incorporated into a plan or plans of
390 mutual aid to be developed among the Civil Defense agencies or similar bodies of the States
391 that are parties to this compact. The Directors of Civil Defense of all party States shall
392 constitute a committee to formulate plans and take all necessary steps for the implementation
393 of this compact.

394 Article 2

395 CIVIL DEFENSE PLANS -- CONSULTATIONS --

396 UNIFORMITY OF ACTION

397 It is the duty of each party State to formulate civil defense plans and programs for
398 application within each State. There shall be frequent consultation between the representatives
399 of the States and with the United States Government and the free exchange of information and

400 plans, including inventories of any materials and equipment available for civil defense. In
401 carrying out these civil defense plans and programs, the party States shall, if possible, provide
402 and follow uniform standards, practices, and rules and regulations including:

403 (1) insignia, arm bands, and other distinctive articles to designate and distinguish the
404 different civil defense services;

405 (2) blackouts and practice blackouts, air raid drills, mobilization of civil defense forces,
406 and other tests and exercises;

407 (3) warnings and signals for drills or attacks and the mechanical devices to be used in
408 connection with them;

409 (4) the effective screening or extinguishing of all lights, lighting devices, and
410 appliances;

411 (5) shutting off water mains, gas mains, electric power connections, and the suspension
412 of all other utility services;

413 (6) all materials or equipment used or to be used for civil defense purposes in order to
414 assure that the materials and equipment will be easily and freely interchangeable when used in
415 or by any other party State;

416 (7) the conduct of civilians and the movement and cessation of movement of
417 pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;

418 (8) the safety of public meetings or gatherings; and

419 (9) mobile support units.

420 Article 3

421 DUTIES OF MEMBER STATES

422 Any party State requested to render mutual aid shall take any action necessary to
423 provide and make available the resources covered by this compact in accordance with its terms;
424 provided that it is understood that the State rendering aid may withhold resources to the extent
425 necessary to provide reasonable protection for itself. Each party State shall extend to the civil
426 defense forces of any other party State, while operating within its State limits under the terms
427 and conditions of this compact, the same powers, except that of arrest unless specifically
428 authorized by the receiving State, duties, rights, privileges, and immunities as if they were
429 performing their duties in the State in which normally employed or rendering services. Civil
430 defense forces will continue under the command and control of their regular leaders but the

431 organizational units will come under the operational control of the civil defense authorities of
432 the State receiving assistance.

433 Article 4

434 EFFECT OF STATE LICENSE, CERTIFICATE

435 OR PERMIT IN OTHER STATES

436 Any person holding a license, certificate, or other permit issued by any State evidencing
437 the meeting of qualifications for professional, mechanical, or other skills, may render aid
438 involving the skill in any party State to meet an emergency or disaster and that State shall
439 recognize the license, certificate, or other permit as if issued in the State in which aid is
440 rendered.

441 Article 5

442 RESTRICTION ON LIABILITY

443 No party State or its officers or employees rendering aid in another State pursuant to
444 this compact shall be liable on account of any act or omission in good faith on the part of its
445 forces while engaged, or on account of the maintenance or use of any equipment or supplies in
446 connection with giving aid.

447 Article 6

448 BASIC CONSIDERATIONS AND AUXILIARY ACTION

449 (1) Since it is probable that the pattern and detail of the machinery for mutual aid
450 among two or more States may differ from that appropriate among other States party to this
451 compact, this instrument contains elements of a broad base common to all States, and nothing
452 contained in it shall preclude any State from entering into supplementary agreements with
453 another State or States. Any supplementary agreements may comprehend, but shall not be
454 limited to provisions for evacuation and reception of injured and other persons, and the
455 exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and
456 communications personnel, equipment, and supplies.

457 (2) Any supplementary agreement made to implement this Article may not be
458 construed to abridge, impair, or supersede any other provision of this compact or any obligation
459 undertaken by a State pursuant to the terms of this compact. A supplementary agreement
460 implementing this Article may modify, expand, or add to any obligation among the parties to
461 the supplementary agreement.

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Article 7

COMPENSATION AND BENEFITS

Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of the forces of that State in case the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within that State.

Article 8

CONTRIBUTIONS AND REIMBURSEMENTS

Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving aid for any loss or damage to or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with the requests; provided that any aiding party State may assume in whole or in part any loss, damage, expense, or other cost, or may loan any equipment or donate any services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party States receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence, and maintenance expenses of its forces during the time of the rendition of aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment, or facilities so utilized or consumed.

Article 9

PLANS FOR EVACUATION AND RECEPTION OF POPULATIONS

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas. Any plans shall include the manner of transporting evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of evacuees to other areas or the bringing in of additional materials, supplies, and

493 all other relevant factors. Any plans shall provide that the party State receiving evacuees shall
494 be reimbursed generally for the out of pocket expenses incurred in receiving and caring for the
495 evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and
496 like items. Any expenditures shall be reimbursed by the party State of which the evacuees are
497 residents, or by the United States Government under plans approved by it. After the
498 termination of the emergency or disaster, the party State of which the evacuees are residents
499 shall assume the responsibility for the ultimate support or repatriation of the evacuees.

500 Article 10

501 MEMBER STATES

502 This compact shall be available to any state of the United States and the District of
503 Columbia.

504 Article 11

505 COMMITTEE ACTION AND REQUESTS

506 The committee established pursuant to Article 1 of this compact may request the Civil
507 Defense Agency of the United States Government to act as an informational and coordinating
508 body under this compact, and representatives of that agency of the United States Government
509 may attend meetings of the committee.

510 Article 12

511 WHEN COMPACT EFFECTIVE

512 This compact shall become operative immediately upon its ratification by any of the
513 States and Territories enumerated in Article 10 of this compact as between it and the State of
514 Utah and any other of the States or Territories ratifying it and shall be subject to approval by
515 Congress unless prior Congressional approval has been given. Duly authenticated copies of
516 this compact and of any supplementary agreements entered into shall, at the time of their
517 approval, be deposited with each of the party States and with the Civil Defense Agency and
518 other appropriate agencies of the United States Government.

519 Article 13

520 DURATION OF COMPACT

521 This compact shall continue in force and remain binding on each party State until the
522 Legislature or the Governor of the party State takes action to withdraw from it. Any action to
523 withdraw shall not be effective until 30 days after notice of the action has been sent by the

524 Governor of the party State desiring to withdraw to the Governors of all other party States.

525 Article 14

526 CONSTRUCTION OF COMPACT -- CONSTITUTIONALITY

527 This compact shall be construed to effectuate the purposes stated in Article 1. If any
528 provision of this compact is declared unconstitutional, or the applicability to any person or
529 circumstance is held invalid, the constitutionality of the remainder of this compact and the
530 applicability to other persons and circumstances shall not be affected.

531 Article 15

532 SCOPE OF COMPACT

533 (1) In addition to the situations in Article 1, this compact shall apply to:

534 (a) searches for and rescue of persons who are lost, marooned, or otherwise in danger;

535 (b) actions useful in coping with any disasters or designed to increase the capability to
536 cope with any disasters;

537 (c) incidents, or the threat of incidents, which endanger the health or safety of the
538 public and which require the use of special equipment, trained personnel, or personnel in larger
539 numbers than are locally available in order to reduce, counteract, or remove the danger;

540 (d) giving and receiving aid between political subdivisions of party States; and

541 (e) exercises, drills, or other training or practice activities designed to aid personnel to
542 prepare for, cope with, or prevent any disaster or other emergency to which this compact
543 applies.

544 (2) Except as expressly limited by this compact or a supplementary agreement, any aid
545 authorized by this compact or a supplementary agreement may be furnished by any agency of a
546 party State, a political subdivision of the State, or by a joint agency of any two or more party
547 States or of their subdivisions. Any joint agency providing aid shall be entitled to
548 reimbursement to the same extent and in the same manner as a state. The personnel of a joint
549 agency, when rendering aid under this compact shall have the same rights, authority, and
550 immunity as personnel of party States.

551 (3) Nothing in this Article shall be construed to exclude from coverage under Articles
552 1 through 14 of this compact any matter which, in the absence of this Article, could reasonably
553 be construed to be covered.

554 Section 7. Section **41-22-34** is amended to read:

555 **41-22-34. Search and rescue fee -- Amount -- Deposition.**

556 (1) In addition to the fees imposed under Sections 41-22-8 and 41-22-33, there is
557 imposed a search and rescue fee of 50 cents on each off-highway vehicle required to be
558 registered or renewed under Section 41-22-3.

559 (2) The fees imposed under this section shall be collected in the same manner and by
560 the same agency designated to collect the fees imposed under this chapter.

561 (3) The fees collected under this section shall be deposited in the General Fund as
562 dedicated credits for the Search and Rescue Financial Assistance Program created under
563 Section [~~53-2-107~~] 53-2a-1101.

564 Section 8. Section **53-1-104** is amended to read:

565 **53-1-104. Boards, bureaus, councils, divisions, and offices.**

566 (1) The following are the policymaking boards within the department:

- 567 (a) the Driver License Medical Advisory Board, created in Section 53-3-303;
568 (b) the Concealed Firearm Review Board, created in Section 53-5-703;
569 (c) the Utah Fire Prevention Board, created in Section 53-7-203;
570 (d) the Liquified Petroleum Gas Board, created in Section 53-7-304; and
571 (e) the Private Investigator Hearing and Licensure Board, created in Section 53-9-104.

572 (2) The following are the councils within the department:

- 573 (a) the Peace Officer Standards and Training Council, created in Section 53-6-106; and
574 (b) the Motor Vehicle Safety Inspection Advisory Council, created in Section
575 53-8-203.

576 (3) The following are the divisions within the department:

- 577 (a) the Administrative Services Division, created in Section 53-1-203;
578 (b) the Management Information Services Division, created in Section 53-1-303;
579 (c) the Division of Emergency Management, created in Section [~~53-2-103~~] 53-2a-103;
580 (d) the Driver License Division, created in Section 53-3-103;
581 (e) the Criminal Investigations and Technical Services Division, created in Section
582 53-10-103;
583 (f) the Peace Officers Standards and Training Division, created in Section 53-6-103;
584 (g) the State Fire Marshal Division, created in Section 53-7-103; and
585 (h) the Utah Highway Patrol Division, created in Section 53-8-103.

586 (4) The Office of Executive Protection is created in Section 53-1-112.

587 (5) The following are the bureaus within the department:

588 (a) the Bureau of Criminal Identification, created in Section 53-10-201;

589 (b) the State Bureau of Investigation, created in Section 53-10-301;

590 (c) the Bureau of Forensic Services, created in Section 53-10-401; and

591 (d) the Bureau of Communications, created in Section 53-10-501.

592 Section 9. Section **53-1-106** is amended to read:

593 **53-1-106. Department duties -- Powers.**

594 (1) In addition to the responsibilities contained in this title, the department shall:

595 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic
596 Code, including:

597 (i) setting performance standards for towing companies to be used by the department,
598 as required by Section 41-6a-1406; and

599 (ii) advising the Department of Transportation regarding the safe design and operation
600 of school buses, as required by Section 41-6a-1304;

601 (b) make rules to establish and clarify standards pertaining to the curriculum and
602 teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;

603 (c) aid in enforcement efforts to combat drug trafficking;

604 (d) meet with the Department of Technology Services to formulate contracts, establish
605 priorities, and develop funding mechanisms for dispatch and telecommunications operations;

606 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for
607 Victims of Crime in conducting research or monitoring victims' programs, as required by
608 Section 63M-7-505;

609 (f) develop sexual assault exam protocol standards in conjunction with the Utah
610 Hospital Association;

611 (g) engage in emergency planning activities, including preparation of policy and
612 procedure and rulemaking necessary for implementation of the federal Emergency Planning
613 and Community Right to Know Act of 1986, as required by Section [~~63K-3-301~~] 53-2a-702;
614 and

615 (h) implement the provisions of Section [~~53-2-202~~] 53-2a-402, the Emergency
616 Management Assistance Compact.

617 (2) (a) The department may establish a schedule of fees as required or allowed in this
618 title for services provided by the department.

619 (b) The fees shall be established in accordance with Section 63J-1-504.

620 (3) The department may establish or contract for the establishment of an Organ
621 Procurement Donor Registry in accordance with Section 26-28-120.

622 Section 10. Section **53-1-108** is amended to read:

623 **53-1-108. Commissioner's powers and duties.**

624 (1) In addition to the responsibilities contained in this title, the commissioner shall:

625 (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility
626 of Motor Vehicle Owners and Operators Act;

627 (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as
628 required to properly discharge the duties of the department;

629 (c) make rules:

630 (i) governing emergency use of signal lights on private vehicles; and

631 (ii) allowing privately owned vehicles to be designated for part-time emergency use, as
632 provided in Section 41-6a-310;

633 (d) set standards for safety belt systems, as required by Section 41-6a-1803;

634 (e) serve as the cochair of the Emergency Management Administration Council, as
635 required by Section [~~63K-3-201~~] 53-2a-105;

636 (f) designate vehicles as "authorized emergency vehicles," as required by Section
637 41-6a-102; and

638 (g) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
639 detention, or search of any person when the action is solely motivated by considerations of
640 race, color, ethnicity, age, or gender.

641 (2) The commissioner may:

642 (a) subject to the approval of the governor, establish division headquarters at various
643 places in the state;

644 (b) issue to a special agent a certificate of authority to act as a peace officer and revoke
645 that authority for cause, as authorized in Section 56-1-21.5;

646 (c) create specialized units within the commissioner's office for conducting internal
647 affairs and aircraft operations as necessary to protect the public safety;

648 (d) cooperate with any recognized agency in the education of the public in safety and
649 crime prevention and participate in public or private partnerships, subject to Subsection (3);

650 (e) cooperate in applying for and distributing highway safety program funds; and

651 (f) receive and distribute federal funding to further the objectives of highway safety in
652 compliance with the Federal Assistance Management Program Act.

653 (3) (a) Money may not be expended under Subsection (2)(d) for public safety education
654 unless it is specifically appropriated by the Legislature for that purpose.

655 (b) Any recognized agency receiving state money for public safety shall file with the
656 auditor of the state an itemized statement of all its receipts and expenditures.

657 Section 11. Section **53-2a-101**, which is renumbered from Section 53-2-101 is
658 renumbered and amended to read:

659 **CHAPTER 2a. EMERGENCY MANAGEMENT ACT**

660 **Part 1. Emergency Management Act**

661 ~~[53-2-101].~~ **53-2a-101. Title.**

662 This part is known as the "Emergency Management Act~~[- Search and Rescue Advisory~~
663 ~~Board]."~~

664 Section 12. Section **53-2a-102**, which is renumbered from Section 53-2-102 is
665 renumbered and amended to read:

666 ~~[53-2-102].~~ **53-2a-102. Definitions.**

667 As used in this ~~[part]~~ chapter:

668 (1) "Attack" means a nuclear, cyber conventional, biological, act of terrorism, or
669 chemical warfare action against the United States of America or this state.

670 (2) "Commissioner" means the commissioner of the Department of Public Safety or the
671 commissioner's designee.

672 ~~[(2)]~~ (3) "Director" means the division director appointed under Section ~~[53-2-103]~~
673 53-2a-103 or the director's designee.

674 ~~[(3)]~~ (4) "Disaster" means ~~[a situation causing, or threatening to cause, widespread~~
675 ~~damage, social disruption, or injury or loss of life or property resulting from attack, internal~~
676 ~~disturbance, natural phenomena, or technological hazard.]~~ an event that:

677 (a) causes, or threatens to cause, loss of life, human suffering, public or private
678 property damage, or economic or social disruption resulting from attack, internal disturbance,

679 natural phenomena, or technological hazard; and

680 (b) requires resources that are beyond the scope of local agencies in routine responses
681 to emergencies and accidents and may be of a magnitude or involve unusual circumstances that
682 require response by government, not for profit, or private entities.

683 ~~[(4)]~~ (5) "Division" means the Division of Emergency Management created in Section
684 ~~[53-2-103]~~ 53-2a-103.

685 ~~[(5)]~~ (6) "Energy" includes the energy resources defined in ~~[Section 63K-2-103]~~ this
686 chapter.

687 ~~[(6) "Expenses" means actual labor costs of government and volunteer personnel;~~
688 ~~including workers' compensation benefits, fringe benefits, administrative overhead, cost of~~
689 ~~equipment, cost of equipment operation, cost of materials, and the cost of any contract labor~~
690 ~~and materials.]~~

691 (7) "Hazardous materials emergency" means a sudden and unexpected release of any
692 substance that because of its quantity, concentration, or physical, chemical, or infectious
693 characteristics presents a direct and immediate threat to public safety or the environment and
694 requires immediate action to mitigate the threat.

695 (8) "Internal disturbance" means a riot, prison break, terrorism, or strike.

696 (9) "Natural phenomena" means any earthquake, tornado, storm, flood, landslide,
697 avalanche, forest or range fire, drought, or epidemic.

698 (10) "State of emergency" means a condition in any part of this state that requires state
699 government emergency assistance to supplement the local efforts of the affected political
700 subdivision to save lives and to protect property, public health, welfare, or safety in the event
701 of a disaster, or to avoid or reduce the threat of a disaster.

702 (11) "Technological hazard" means any hazardous materials accident, mine accident,
703 train derailment, air crash, radiation incident, pollution, structural fire, or explosion.

704 (12) "Terrorism" means activities or the threat of activities that:

705 (a) involve acts dangerous to human life;

706 (b) are a violation of the criminal laws of the United States or of this state; and

707 (c) to a reasonable person, would appear to be intended to:

708 (i) intimidate or coerce a civilian population;

709 (ii) influence the policy of a government by intimidation or coercion; or

710 (iii) affect the conduct of a government by mass destruction, assassination, or
711 kidnapping.

712 (13) "Urban search and rescue" means the location, extrication, and initial medical
713 stabilization of victims trapped in a confined space as the result of a structural collapse,
714 transportation accident, mining accident, or collapsed trench.

715 Section 13. Section **53-2a-103**, which is renumbered from Section 53-2-103 is
716 renumbered and amended to read:

717 **[53-2-103]. 53-2a-103. Division of Emergency Management -- Creation --**
718 **Director -- Appointment -- Term -- Compensation.**

719 (1) There is created within the [~~department~~] Department of Public Safety the Division
720 of Emergency Management.

721 (2) The division shall be administered by a director appointed by the commissioner
722 with the approval of the governor.

723 (3) The director is the executive and administrative head of the division and shall be
724 experienced in administration and possess additional qualifications as determined by the
725 commissioner and as provided by law.

726 (4) The director acts under the supervision and control of the commissioner and may be
727 removed from the position at the will of the commissioner.

728 (5) The director shall receive compensation as provided by Title 67, Chapter 19, Utah
729 State Personnel Management Act.

730 Section 14. Section **53-2a-104**, which is renumbered from Section 53-2-104 is
731 renumbered and amended to read:

732 **[53-2-104]. 53-2a-104. Division duties -- Powers.**

733 (1) The division shall:

734 (a) respond to the policies of the governor and the Legislature;

735 (b) perform functions relating to emergency management as directed by the governor
736 or by the commissioner, including:

737 (i) coordinating with state agencies and local governments the use of personnel and
738 other resources of these governmental entities as agents of the state during an interstate disaster
739 in accordance with the Emergency Management Assistance Compact described in Section

740 [~~53-2-202~~] 53-2a-402;

741 (ii) coordinating the requesting, activating, and allocating of state resources during an
742 intrastate disaster or a local state of emergency;

743 (iii) receiving and disbursing federal resources provided to the state in a declared
744 disaster; ~~[and]~~

745 (iv) appointing a state coordinating officer who is the governor's representative and
746 who shall work with a federal coordinating officer during a federally declared disaster; and

747 (v) appointing a state recovery officer who is the governor's representative and who
748 shall work with a federal recovery officer during a federally declared disaster;

749 (c) prepare, implement, and maintain programs and plans to provide for:

750 (i) prevention and minimization of injury and damage caused by disasters;

751 (ii) prompt and effective response to and recovery from disasters;

752 (iii) identification of areas particularly vulnerable to disasters;

753 (iv) coordination of hazard mitigation and other preventive and preparedness measures
754 designed to eliminate or reduce disasters;

755 (v) assistance to local officials, state agencies, and the business and public sectors, in
756 developing emergency action plans;

757 (vi) coordination of federal, state, and local emergency activities;

758 (vii) coordination of emergency operations plans with emergency plans of the federal
759 government;

760 (viii) coordination of urban search and rescue activities;

761 (ix) coordination of rapid and efficient communications in times of emergency; and

762 (x) other measures necessary, incidental, or appropriate to this part;

763 (d) coordinate with local officials, state agencies, and the business and public sectors in
764 developing, implementing, and maintaining a state energy emergency plan in accordance with
765 Section ~~[53-2-110]~~ 53-2a-902; and

766 (e) administer Part ~~[4]~~ 6, Disaster Recovery Funding Act, in accordance with that part.

767 (2) (a) The ~~[department]~~ Department of Public Safety shall designate state geographical
768 regions and allow the political subdivisions within each region to:

769 (i) coordinate planning with other political subdivisions, tribal governments, and as
770 appropriate, other entities within that region and with state agencies as appropriate, or as
771 designated by the division;

772 (ii) coordinate grant management and resource purchases; and
773 (iii) organize joint emergency response training and exercises.

774 (b) The political subdivisions within a region designated in Subsection (2)(a) may not
775 establish the region as a new government entity in the [~~federal~~] emergency disaster declaration
776 process[~~, which runs in the following order:~~] under Section 53-2a-208.

777 [~~(i) local governmental entities;~~]

778 [~~(ii) counties;~~]

779 [~~(iii) the state; and~~]

780 [~~(iv) the federal government.~~]

781 (3) The division may make rules in accordance with Title 63G, Chapter 3, Utah
782 Administrative Rulemaking Act, to:

783 (a) establish protocol for prevention, mitigation, preparedness, response, recovery, and
784 the activities described in Subsection (2);

785 (b) coordinate federal, state, and local resources in a declared disaster or local
786 emergency; and

787 (c) implement provisions of the Emergency Management Assistance Compact as
788 provided in Section [~~53-2-202~~] 53-2a-402 and Title 53, Chapter [~~2~~] 2a, Part [~~5~~] 3, Statewide
789 Mutual Aid Act.

790 (4) The division may consult with the Legislative Management Committee, the Judicial
791 Council, and legislative and judicial staff offices to assist [~~them~~] the division in preparing
792 emergency succession plans and procedures under Title [~~63K~~] 53, Chapter [~~1~~] 2a, Part 8,
793 Emergency Interim Succession Act.

794 Section 15. Section **53-2a-105**, which is renumbered from Section 63K-3-201 is
795 renumbered and amended to read:

796 [~~63K-3-201~~]. **53-2a-105. Emergency Management Administration Council**
797 **created -- Function -- Composition -- Expenses.**

798 (1) There is created the Emergency Management Administration Council to provide
799 advice and coordination for state and local government agencies on government emergency
800 prevention, mitigation, preparedness, response, and recovery actions and activities.

801 (2) The council shall meet at the call of the chair, but at least [~~quarterly~~] semiannually.

802 (3) The council shall be made up of the:

- 803 (a) lieutenant governor, or the lieutenant governor's designee;
- 804 (b) attorney general, or the attorney general's designee;
- 805 (c) heads of the following state agencies, or their designees:
 - 806 (i) Department of Public Safety;
 - 807 (ii) Division of Emergency Management;
 - 808 (iii) Department of Transportation;
 - 809 (iv) Department of Health;
 - 810 (v) Department of Environmental Quality;
 - 811 (vi) Department of Community and Economic Development; and
 - 812 (vii) Department of Natural Resources;
- 813 (d) adjutant general of the National Guard or the adjutant general's designee;
- 814 (e) commissioner of agriculture and food or the commissioner's designee;
- 815 (f) two representatives with expertise in emergency management appointed by the Utah
- 816 League of Cities and Towns;
- 817 (g) two representatives with expertise in emergency management appointed by the
- 818 Utah Association of Counties;
- 819 (h) up to four additional members with expertise in emergency management, critical
- 820 infrastructure, or key resources as these terms are defined under 6 U.S. Code Section 101
- 821 appointed from the private sector, by the chair of the council; and
 - 822 (i) two representatives appointed by the Utah Emergency Management Association.
- 823 (4) The commissioner [~~of Public Safety~~] and the lieutenant governor [~~shall~~] serve as
- 824 cochairs of the council.
- 825 (5) A member may not receive compensation or benefits for the member's service, but
- 826 may receive per diem and travel expenses in accordance with:
 - 827 (a) Section 63A-3-106;
 - 828 (b) Section 63A-3-107; and
 - 829 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 - 830 63A-3-107.
- 831 (6) The council shall coordinate with existing emergency management related entities
- 832 including:
 - 833 (a) the [~~Homeland Security~~] Emergency Management Regional Committees

834 established by the Department of Public Safety;

835 (b) the Statewide Mutual Aid Committee established under Section ~~[53-2-503]~~

836 53-2a-303; and

837 (c) the Hazardous Chemical Emergency Response Commission designated under

838 Section ~~[63K-3-301]~~ 53-2a-703.

839 (7) The council may establish other committees and task forces as determined

840 necessary by the council to carry out the duties of the council.

841 Section 16. Section **53-2a-201**, which is renumbered from Section 63K-4-101 is

842 renumbered and amended to read:

843 **Part 2. Disaster Response and Recovery Act**

844 ~~[63K-4-101]~~. **53-2a-201. Title.**

845 This ~~[chapter]~~ part is known as the "Disaster Response and Recovery Act."

846 Section 17. Section **53-2a-202**, which is renumbered from Section 63K-4-102 is

847 renumbered and amended to read:

848 ~~[63K-4-102]~~. **53-2a-202. Legislative findings -- Purpose -- Short title.**

849 (1) The Legislature finds that existing and increasing threats of the occurrence of
850 destructive disasters resulting from attack, internal disturbance, natural phenomenon or
851 technological hazard could greatly affect the health, safety, and welfare of the people of this
852 state, and it is therefore necessary to grant to the governor of this state and its political
853 subdivisions special emergency disaster authority.

854 (2) It is the purpose of this act to assist the governor of this state and its political
855 subdivisions to effectively provide emergency disaster response and recovery assistance in
856 order to protect the lives and property of the people. This ~~[act shall be]~~ part is known ~~[and~~
857 ~~cited]~~ as the "Disaster Response and Recovery Act."

858 Section 18. Section **53-2a-203**, which is renumbered from Section 63K-4-103 is

859 renumbered and amended to read:

860 ~~[63K-4-103]~~. **53-2a-203. Definitions.**

861 ~~[(1) "Attack" means a nuclear, conventional, biological, or chemical warfare action~~
862 ~~against the United States of America or this state.]~~

863 ~~[(2)]~~ (1) "Chief executive officer" means:

864 (a) for a municipality:

865 (i) the mayor for a municipality operating under all forms of municipal government
866 except the council-manager form of government; or

867 (ii) the city manager for a municipality operating under the council-manager form of
868 government; [or]

869 (b) for a county:

870 (i) the chair of the county commission for a county operating under the county
871 commission or expanded county commission form of government;

872 (ii) the county executive officer for a county operating under the county-executive
873 council form of government; or

874 (iii) the county manager for a county operating under the council-manager form of
875 government[-]; or

876 [~~(3) "Disaster" means a situation causing, or threatening to cause, widespread damage,
877 social disruption, or injury or loss of life or property resulting from attack, internal disturbance,
878 natural phenomenon or technological hazard.~~]

879 [~~(4) "Internal disturbance" means a riot, prison break, terrorism, or strike.~~]

880 (c) for a special service district:

881 (i) the governing body as defined in Section 17D-1-301; or

882 (ii) the administrative control board as defined in Section 17D-1-301.

883 [~~(5)~~ (2) "Local emergency" means a condition in any political subdivision of the state
884 which requires that emergency assistance be provided by the affected political subdivision to
885 save lives and protect property within its jurisdiction in response to a disaster, or to avoid or
886 reduce the threat of a disaster.

887 [~~(6) "Natural phenomenon" means any earthquake, tornado, storm, flood, landslide,
888 avalanche, forest or range fire, drought, or epidemic.~~]

889 [~~(7)~~ (3) "Political subdivision" means municipality or county.

890 [~~(8) "State of emergency" means a condition in any part of this state which requires
891 state government emergency assistance to supplement the local efforts of the affected political
892 subdivision to save lives and to protect property, public health, welfare, and safety in the event
893 of a disaster or to avoid or reduce the threat of a disaster.~~]

894 [~~(9) "Technological hazard" means any hazardous materials accident, mine accident,
895 train derailment, truck wreck, air crash, radiation incident, pollution, structural fire or~~

896 explosion.]

897 Section 19. Section **53-2a-204**, which is renumbered from Section 63K-4-201 is
898 renumbered and amended to read:

899 ~~[63K-4-201]~~. **53-2a-204. Authority of governor -- Federal assistance --**
900 **Fraud or willful misstatement in application for financial assistance -- Penalty.**

901 (1) In addition to any other authorities conferred upon the governor, if the governor
902 issues an executive order declaring a state of emergency, the governor may:

903 (a) utilize all available resources of state government as reasonably necessary to cope
904 with a state of emergency;

905 (b) employ measures and give direction to state and local officers and agencies ~~[which]~~
906 that are reasonable and necessary for the purpose of securing compliance with the provisions of
907 this ~~[act]~~ part and with orders, rules, and regulations made pursuant to this act;

908 (c) recommend and advise the evacuation of all or part of the population from any
909 stricken or threatened area within the state if necessary for the preservation of life;

910 (d) recommend routes, modes of transportation, and destination in connection with
911 evacuation;

912 (e) in connection with evacuation, suspend or limit the sale, dispensing, or
913 transportation of alcoholic beverages, explosives, and combustibles, not to include the lawful
914 bearing of arms;

915 (f) control ingress and egress to and from a disaster area, the movement of persons
916 within the area, and recommend the occupancy or evacuation of premises in a disaster area;

917 (g) clear or remove from publicly or privately owned land or water debris or wreckage
918 that is an immediate threat to public health, public safety, or private property, including
919 allowing an employee of a state department or agency designated by the governor to enter upon
920 private land or waters and perform any tasks necessary for the removal or clearance operation if
921 the political subdivision, corporation, organization, or individual that is affected by the removal
922 of the debris or wreckage:

923 (i) presents an unconditional authorization for removal of the debris or wreckage from
924 private property; and

925 (ii) agrees to indemnify the state against any claim arising from the removal of the
926 debris or wreckage;

- 927 (h) enter into agreement with any agency of the United States:
- 928 (i) for temporary housing units to be occupied by victims of a state of emergency or
929 persons who assist victims of a state of emergency; and
- 930 (ii) to make the housing units described in Subsection (1)(h)(i) available to a political
931 subdivision of this state;
- 932 (i) assist any political subdivision of this state to acquire sites and utilities necessary for
933 temporary housing units described in Subsection (1)(h)(i) by passing through any funds made
934 available to the governor by an agency of the United States for this purpose;
- 935 (j) subject to Sections [~~63K-4-401~~] 53-2a-209 and [~~63K-4-406~~] 53-2a-214, temporarily
936 suspend or modify by executive order, during the state of emergency, any public health, safety,
937 zoning, transportation, or other requirement of a statute or administrative rule within this state
938 if such action is essential to provide temporary housing described in Subsection (1)(h)(i);
- 939 (k) upon determination that a political subdivision of the state will suffer a substantial
940 loss of tax and other revenues because of a state of emergency and the political subdivision so
941 affected has demonstrated a need for financial assistance to perform its governmental
942 functions, in accordance with Utah Constitution, Article XIV, Sections 3 and 4, and Section
943 10-8-6:
- 944 (i) apply to the federal government for a loan on behalf of the political subdivision if
945 the amount of the loan that the governor applies for does not exceed 25% of the annual
946 operating budget of the political subdivision for the fiscal year in which the state of emergency
947 occurs; and
- 948 (ii) receive and disburse the amount of the loan to the political subdivision;
- 949 (l) accept funds from the federal government and make grants to any political
950 subdivision for the purpose of removing debris or wreckage from publicly owned land or
951 water;
- 952 (m) upon determination that financial assistance is essential to meet expenses related to
953 a state of emergency of individuals or families adversely affected by the state of emergency that
954 cannot be sufficiently met from other means of assistance, apply for, accept, and expend a grant
955 by the federal government to fund the financial assistance, subject to the terms and conditions
956 imposed upon the grant; or
- 957 (n) recommend to the Legislature other actions the governor considers to be necessary

958 to address a state of emergency.

959 (2) A person who fraudulently or willfully makes a misstatement of fact in connection
960 with an application for financial assistance under this section shall, upon conviction of each
961 offense, be subject to a fine of not more than \$5,000 or imprisonment for not more than one
962 year, or both.

963 Section 20. Section **53-2a-205**, which is renumbered from Section 63K-4-202 is
964 renumbered and amended to read:

965 ~~[63K-4-202]~~. **53-2a-205. Authority of chief executive officers of political**
966 **subdivisions -- Ordering of evacuations.**

967 (1) (a) In order to protect life and property when a state of emergency or local
968 emergency has been declared, the chief executive officer of each political subdivision of the
969 state is authorized to:

970 (i) carry out, in the chief executive officer's jurisdiction, the measures as may be
971 ordered by the governor under this ~~[chapter]~~ part; and

972 (ii) take any additional measures the chief executive officer may consider necessary,
973 subject to the limitations and provisions of this ~~[chapter]~~ part.

974 (b) The chief executive officer may not take an action that is inconsistent with any
975 order, rule, regulation, or action of the governor.

976 (2) When a state of emergency or local emergency is declared, the authority of the chief
977 executive officer includes:

978 (a) utilizing all available resources of the political subdivision as reasonably necessary
979 to manage a state of emergency or local emergency;

980 (b) employing measures and giving direction to local officers and agencies which are
981 reasonable and necessary for the purpose of securing compliance with the provisions of this
982 ~~[chapter]~~ part and with orders, rules, and regulations made under this ~~[chapter]~~ part;

983 (c) if necessary for the preservation of life, issuing an order for the evacuation of all or
984 part of the population from any stricken or threatened area within the political subdivision;

985 (d) recommending routes, modes of transportation, and destinations in relation to an
986 evacuation;

987 (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages,
988 explosives, and combustibles in relation to an evacuation, except that the chief executive

989 officer may not restrict the lawful bearing of arms;

990 (f) controlling ingress and egress to and from a disaster area, controlling the movement
991 of persons within a disaster area, and ordering the occupancy or evacuation of premises in a
992 disaster area;

993 (g) clearing or removing debris or wreckage that may threaten public health, public
994 safety, or private property from publicly or privately owned land or waters, except that where
995 there is no immediate threat to public health or safety, the chief executive officer shall not
996 exercise this authority in relation to privately owned land or waters unless:

997 (i) the owner authorizes the employees of designated local agencies to enter upon the
998 private land or waters to perform any tasks necessary for the removal or clearance; and

999 (ii) the owner provides an unconditional authorization for removal of the debris or
1000 wreckage and agrees to indemnify the local and state government against any claim arising
1001 from the removal; and

1002 (h) invoking the provisions of any mutual aid agreement entered into by the political
1003 subdivision.

1004 (3) (a) If the chief executive is unavailable to issue an order for evacuation under
1005 Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area may issue
1006 an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for
1007 the preservation of life.

1008 (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement
1009 officer's order.

1010 (4) Notice of an order or the ratification, modification, or revocation of an order issued
1011 under this section shall be:

1012 (a) given to the persons within the jurisdiction by the most effective and reasonable
1013 means available; and

1014 (b) filed in accordance with Subsection [~~63K-4-401~~] 53-2a-209(1).

1015 Section 21. Section **53-2a-206**, which is renumbered from Section 63K-4-203 is
1016 renumbered and amended to read:

1017 ~~[63K-4-203]~~. **53-2a-206. State of emergency -- Declaration -- Termination**
1018 **-- Commander in chief of military forces.**

1019 (1) A state of emergency may be declared by executive order of the governor if the

1020 governor finds a disaster has occurred or the occurrence or threat of a disaster is imminent in
1021 any area of the state in which state government assistance is required to supplement the
1022 response and recovery efforts of the affected political subdivision or political subdivisions.

1023 (2) A state of emergency shall continue until the governor finds the threat or danger has
1024 passed or the disaster reduced to the extent that emergency conditions no longer exist.

1025 (3) A state of emergency may not continue for longer than 30 days unless extended by
1026 joint resolution of the Legislature, which may also terminate a state of emergency by joint
1027 resolution at any time.

1028 (4) The governor shall issue an executive order ending the state of emergency on
1029 receipt of the Legislature's resolution.

1030 (5) An executive order described in this section shall state:

1031 (a) the nature of the state of emergency;

1032 (b) the area or areas threatened; and

1033 (c) the conditions creating such an emergency or those conditions allowing termination
1034 of the state of emergency.

1035 (6) During the continuance of any state of emergency the governor is commander in
1036 chief of the military forces of the state in accordance with Utah Constitution Article VII,
1037 Section 4, and Title 39, Chapter 1, State Militia.

1038 Section 22. Section **53-2a-207**, which is renumbered from Section 53-2-106 is
1039 renumbered and amended to read:

1040 ~~[53-2-106].~~ **53-2a-207. Expenditures authorized by "state of emergency"**
1041 **declaration.**

1042 (1) (a) The director may use funds authorized under [~~Title 63K, Chapter 4, Disaster~~
1043 ~~Response and Recovery Act,~~] this part to provide:

1044 (i) transportation to and from the disaster scene;

1045 (ii) accommodations at the disaster scene for prolonged incidents; and

1046 (iii) emergency purchase of response equipment and supplies in direct support of a
1047 disaster.

1048 (b) The commissioner may authorize the use of funds accrued under Title [~~63K~~] 53,
1049 Chapter [~~2~~] 2a, Part 10, Energy Emergency Powers of the Governor Act, only if the governor
1050 declares a state of emergency as provided [~~in Title 63K, Chapter 4, Disaster Response and~~

1051 Recovery Act] under this part.

1052 (2) These funds may not be allocated to a political subdivision unless the political
1053 subdivision has demonstrated that it is beyond its capability to respond to the disaster and that
1054 no other resources are available in sufficient amount to meet the disaster.

1055 Section 23. Section **53-2a-208**, which is renumbered from Section 63K-4-301 is
1056 renumbered and amended to read:

1057 ~~[63K-4-301].~~ **53-2a-208. Local emergency -- Declarations.**

1058 (1) (a) A local emergency may be declared by proclamation of the chief executive
1059 officer of a political subdivision.

1060 (b) A local emergency shall not be continued or renewed for a period in excess of 30
1061 days except by or with the consent of the governing body of the political subdivision.

1062 (c) Any order or proclamation declaring, continuing, or terminating a local emergency
1063 shall be filed promptly with the office of the clerk of the affected political subdivision.

1064 (2) A declaration of a local emergency:

1065 (a) constitutes an official recognition that a disaster situation exists within the affected
1066 political subdivision;

1067 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance
1068 from other cities, counties, or from the state or federal government;

1069 (c) activates the response and recovery aspects of any and all applicable local disaster
1070 emergency plans; and

1071 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

1072 (3) A local emergency proclamation issued under this section shall state:

1073 (a) the nature of the local emergency;

1074 (b) the area or areas that are affected or threatened; and

1075 (c) the conditions which caused the emergency.

1076 (4) The emergency declaration process within the state shall be as follows:

1077 (a) a city, town, or township shall declare to the county;

1078 (b) a county shall declare to the state;

1079 (c) the state shall declare to the federal government; and

1080 (d) a tribe, as defined in Section 23-13-12.5, shall declare as determined under the

1081 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

1082 (5) Nothing in this part affects:

1083 (a) the governor's authority to declare a state of emergency under Section [~~63K-4-203~~
1084 53-2a-206; or

1085 (b) the duties, requests, reimbursements, or other actions taken by a political
1086 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter [~~2~~
1087 2a, Part [~~5~~] 3, Statewide Mutual Aid Act.

1088 Section 24. Section **53-2a-209**, which is renumbered from Section 63K-4-401 is
1089 renumbered and amended to read:

1090 [~~63K-4-401~~]. **53-2a-209. Orders, rules, and regulations having force of law**
1091 **-- Filing requirements -- Suspension of state agency rules -- Suspension of enforcement of**
1092 **certain statutes during a state of emergency.**

1093 (1) All orders, rules, and regulations promulgated by the governor, a political
1094 subdivision, or other agency authorized by this [~~act~~] part to make orders, rules, and regulations,
1095 not in conflict with existing laws except as specifically provided herein, shall have the full
1096 force and effect of law during the state of emergency, when a copy of the order, rule, or
1097 regulation is filed with:

1098 (a) the Division of Administrative Rules, if issued by the governor or a state agency; or

1099 (b) the office of the clerk of the political subdivision, if issued by the chief executive
1100 officer of a political subdivision of the state or agency of the state.

1101 (2) The governor may suspend the provisions of any order, rule, or regulation of any
1102 state agency, if the strict compliance with the provisions of the order, rule, or regulation would
1103 substantially prevent, hinder, or delay necessary action in coping with the emergency or
1104 disaster.

1105 (3) (a) Except as provided in Subsection (3)(b) and subject to Subsections (3)(c) and
1106 (d), the governor may by executive order suspend the enforcement of a statute if:

1107 (i) the governor declares a state of emergency in accordance with Section [~~63K-4-203~~
1108 53-2a-206;

1109 (ii) the governor determines that suspending the enforcement of the statute is:

1110 (A) directly related to the state of emergency described in Subsection (3)(a)(i); and

1111 (B) necessary to address the state of emergency described in Subsection (3)(a)(i);

1112 (iii) the executive order:

- 1113 (A) describes how the suspension of the enforcement of the statute is:
- 1114 (I) directly related to the state of emergency described in Subsection (3)(a)(i); and
- 1115 (II) necessary to address the state of emergency described in Subsection (3)(a)(i); and
- 1116 (B) provides the citation of the statute that is the subject of suspended enforcement;
- 1117 (iv) the governor acts in good faith;
- 1118 (v) the governor provides written notice of the suspension of the enforcement of the
- 1119 statute to the speaker of the House of Representatives and the president of the Senate no later
- 1120 than 24 hours after suspending the enforcement of the statute; and
- 1121 (vi) the governor makes the report required by Section [~~63K-4-406~~] 53-2a-214.
- 1122 (b) (i) Except as provided in Subsection (3)(b)(ii), the governor may not suspend the
- 1123 enforcement of a criminal penalty created in statute.
- 1124 (ii) The governor may suspend the enforcement of a misdemeanor or infraction if:
- 1125 (A) the misdemeanor or infraction relates to food, health, or transportation; and
- 1126 (B) the requirements of Subsection (3)(a) are met.
- 1127 (c) A suspension described in this Subsection (3) terminates no later than the date the
- 1128 governor terminates the state of emergency in accordance with Section [~~63K-4-203~~] 53-2a-206
- 1129 to which the suspension relates.
- 1130 (d) The governor:
- 1131 (i) shall provide the notice required by Subsection (3)(a)(v) using the best available
- 1132 method under the circumstances as determined by the governor; and
- 1133 (ii) may provide the notice required by Subsection (3)(a)(v) in electronic format.
- 1134 Section 25. Section **53-2a-210**, which is renumbered from Section 63K-4-406 is
- 1135 renumbered and amended to read:
- 1136 ~~[63K-4-406]~~. **53-2a-210. Reporting on the suspension or modification of**
- 1137 **certain statutes or rules or the suspension of the enforcement of a statute.**
- 1138 (1) The governor and the Department of Public Safety shall report the following to the
- 1139 Legislative Management Committee:
- 1140 (a) a suspension or modification of a statute or rule under Subsection [~~63K-4-201~~]
- 1141 53-2a-204(1)(j); or
- 1142 (b) a suspension of the enforcement of a statute under Subsection [~~63K-4-401~~]
- 1143 53-2a-209(3).

1144 (2) The governor and the Department of Public Safety shall make the report required
1145 by this section on or before the sooner of:

1146 (a) the day on which the governor calls the Legislature into session [~~in accordance with~~
1147 ~~Section 63K-1-302~~]; or

1148 (b) seven days after the date the governor declares the state of emergency to which the
1149 suspension or modification relates.

1150 (3) The Legislative Management Committee shall review the suspension or
1151 modification of a statute or rule or the suspension of the enforcement of a statute described in
1152 Subsection (1) and may:

1153 (a) recommend:

1154 (i) that the governor continue the suspension or modification of the statute or rule or
1155 the suspension of the enforcement of the statute; and

1156 (ii) the length of the suspension or modification of the statute or rule or the suspension
1157 of the enforcement of the statute;

1158 (b) recommend that the governor terminate the suspension or modification of the
1159 statute or rule or the suspension of the enforcement of the statute; or

1160 (c) recommend to the governor that the governor call a special session of the
1161 Legislature to review and approve or reject the suspension or modification of the statute or rule
1162 or the suspension of the enforcement of the statute.

1163 Section 26. Section **53-2a-211**, which is renumbered from Section 63K-4-402 is
1164 renumbered and amended to read:

1165 ~~[63K-4-402]~~. **53-2a-211. Acquisition of property for public use --**

1166 **Compensation of owners.**

1167 (1) (a) Upon proclamation of a state of emergency, the governor may purchase or lease
1168 public or private property for public use including:

1169 (i) food and medical supplies;

1170 (ii) clothing;

1171 (iii) shelter;

1172 (iv) means of transportation;

1173 (v) fuels;

1174 (vi) oils; or

1175 (vii) buildings or lands.

1176 (b) The governor may not purchase private home storage nor privately owned arms.

1177 (2) (a) The governor may use property purchased under authority of this section for any
1178 purpose to meet the needs of an emergency, including its use to relieve want, distress, and
1179 disease.

1180 (b) Any property used by the governor to meet the needs of an emergency is a public
1181 use.

1182 (3) (a) The governor shall compensate the owner of property taken or used under
1183 authority of this section by complying with the procedures established in Title 78B, Chapter 6,
1184 Part 5, Eminent Domain.

1185 (b) The governor shall pay for those purchases or leases from the funds available to the
1186 Division of Emergency Management under:

1187 (i) this ~~chapter~~ part; or

1188 (ii) Title 53, Chapter ~~2~~ 2a, Part ~~4~~ 6, Disaster Recovery Funding Act, to the extent
1189 provided for in that ~~chapter~~ part.

1190 (4) Nothing in this section applies to or authorizes compensation for the destruction or
1191 damage of standing timber or other property in order to provide a fire break or to the release of
1192 waters or the breach of impoundments in order to reduce pressure or other danger from actual
1193 or threatened flood.

1194 Section 27. Section **53-2a-212**, which is renumbered from Section 63K-4-403 is
1195 renumbered and amended to read:

1196 ~~[63K-4-403]~~. **53-2a-212. Interstate agreements authorized -- Termination**
1197 **-- Mutual-aid compacts between subdivisions.**

1198 (1) The governor is authorized to execute an interstate agreement or compact on behalf
1199 of this state with any other state or states only consistent with the powers herein granted
1200 concerning matters relating to a disaster affecting or likely to affect this state.

1201 (2) The agreement or compact shall continue in force and remain binding on each party
1202 state until the Legislature or the governor of ~~such~~ a party state takes action to withdraw
1203 ~~[therefrom. Such action shall not be].~~ The action is not effective until 30 days after notice
1204 thereof has been sent by the governor of such party state desiring to withdraw to the governors
1205 of all other party states.

1206 (3) Political subdivisions are authorized to enter into mutual-aid compacts with other
1207 political subdivisions within the state of Utah concerning matters involving cooperative
1208 disaster response and recovery assistance support, consistent with this [act] chapter.

1209 Section 28. Section **53-2a-213**, which is renumbered from Section 63K-4-404 is
1210 renumbered and amended to read:

1211 ~~[63K-4-404]~~. **53-2a-213. Authority additional to other emergency**
1212 **authority.**

1213 The special disaster emergency authority vested in the governor and political
1214 subdivisions of the state pursuant to this [act] part shall be in addition to, and not in lieu of, any
1215 other emergency authority otherwise constitutionally or statutorily vested in the governor and
1216 political subdivisions of the state.

1217 Section 29. Section **53-2a-214**, which is renumbered from Section 63K-4-405 is
1218 renumbered and amended to read:

1219 ~~[63K-4-405]~~. **53-2a-214. Prohibition of restrictions on and confiscation of**
1220 **a firearm or ammunition during an emergency.**

1221 (1) As used in this section:

1222 (a) (i) "Confiscate" means for an individual in Utah to intentionally deprive another of
1223 a privately owned firearm.

1224 (ii) "Confiscate" does not include the taking of a firearm from an individual:

1225 (A) in self-defense;

1226 (B) possessing a firearm while the individual is committing a felony or misdemeanor;

1227 or

1228 (C) who may not, under state or federal law, possess the firearm.

1229 (b) "Firearm" has the same meaning as defined in Section 76-10-501.

1230 (2) During a declared state of emergency or local emergency under this [~~chapter~~] part:

1231 (a) neither the governor nor an agency of a governmental entity or political subdivision
1232 of the state may impose restrictions, which were not in force before the declared state of
1233 emergency, on the lawful possession, transfer, sale, transport, storage, display, or use of a
1234 firearm or ammunition; and

1235 (b) an individual, while acting or purporting to act on behalf of the state or a political
1236 subdivision of the state, may not confiscate a privately owned firearm of another individual.

1237 (3) A law or regulation passed during a declared state of emergency that does not relate
1238 specifically to the lawful possession or use of a firearm and that has attached criminal penalties
1239 may not be used to justify the confiscation of a firearm from an individual acting in defense of
1240 self, property, or others when on:

- 1241 (a) the individual's private property; or
- 1242 (b) the private property of another as an invitee.

1243 (4) (a) An individual who has a firearm confiscated in violation of Subsection (2) may
1244 bring a civil action in a court having the appropriate jurisdiction:

1245 (i) for damages, in the maximum amount of \$10,000, against a person who violates
1246 Subsection (2);

1247 (ii) for a civil penalty, in the amount of \$5,000 per violation, against a person who
1248 violates Subsection (2); and

1249 (iii) for return of the confiscated firearm.

1250 (b) As used in this Subsection (4), "person" means an individual, the governmental
1251 entity on whose behalf the individual is acting or purporting to act, or both the individual and
1252 the governmental entity.

1253 (5) (a) A law enforcement officer is not subject to disciplinary action for refusing to
1254 confiscate a firearm under this section if:

1255 (i) ordered or directed to do so by a superior officer; and

1256 (ii) by obeying the order or direction, the law enforcement officer would be committing
1257 a violation of this section.

1258 (b) For purposes of this Subsection (5), disciplinary action might include:

1259 (i) dismissal, suspension, or demotion;

1260 (ii) loss of or decrease in benefits, pay, privileges or conditions of employment; and

1261 (iii) any type of written or electronic indication, permanent or temporary, on the
1262 officer's personnel record of the officer's refusal to obey the unlawful order.

1263 (6) (a) If a law enforcement officer commits a violation of this section, the officer's
1264 liability in an action brought under Subsection (4)(a) is limited to 5% of the damages and civil
1265 penalty allowed under Subsection (4)(a) if the officer can show by clear and convincing
1266 evidence that the officer was obeying a direct and unlawful order from a superior officer or
1267 authority.

1268 (b) The court shall assess the balance of the damages and civil penalty, the remaining
1269 95%, against the superior officer or authority who ordered or directed the confiscation in
1270 violation of this section.

1271 Section 30. Section **53-2a-301**, which is renumbered from Section 53-2-501 is
1272 renumbered and amended to read:

1273 **Part 3. Statewide Mutual Aid Act**

1274 ~~[53-2-501].~~ **53-2a-301. Title.**

1275 This part is known as the "Statewide Mutual Aid Act."

1276 Section 31. Section **53-2a-302**, which is renumbered from Section 53-2-502 is
1277 renumbered and amended to read:

1278 ~~[53-2-502].~~ **53-2a-302. Definitions.**

1279 As used in this part:

1280 ~~[(1) "Committee" means the statewide mutual aid committee established in Section~~
1281 ~~53-2-503.]~~

1282 ~~[(2) "Director" means the director of the division, appointed under Section 53-2-103 or~~
1283 ~~the director's designee.]~~

1284 ~~[(3) "Division" means the Division of Emergency Management, created under Section~~
1285 ~~53-2-103.]~~

1286 ~~[(4)]~~ (1) "Emergency responder":

1287 (a) means a person in the public or private sector:

1288 (i) who has special skills, qualification, training, knowledge, or experience, whether or
1289 not possessing a license, certificate, permit, or other official recognition for the skills,
1290 qualification, training, knowledge, or experience, that would benefit a participating political
1291 subdivision in responding to a locally declared emergency or in an authorized drill or exercise;
1292 and

1293 (ii) whom a participating political subdivision requests or authorizes to assist in
1294 responding to a locally declared emergency or in an authorized drill or exercise; and

1295 (b) includes:

1296 (i) a law enforcement officer;

1297 (ii) a firefighter;

1298 (iii) an emergency medical services worker;

- 1299 (iv) a physician, nurse, or other public health worker;
 1300 (v) an emergency management official;
 1301 (vi) a public works worker;
 1302 (vii) a building inspector;
 1303 (viii) an architect, engineer, or other design professional; or
 1304 (ix) a person with specialized equipment operations skills or training or with any other
 1305 skills needed to provide aid in a declared emergency.

1306 ~~[(5)]~~ (2) "Participating political subdivision" means each county, municipality, public
 1307 safety district, and public safety interlocal entity that has not adopted a resolution under Section
 1308 ~~[53-2-506]~~ 53-2a-306 withdrawing itself from the statewide mutual aid system.

1309 ~~[(8)]~~ (3) "Public safety district" means a local district under Title 17B, Limited Purpose
 1310 Local Government Entities - Local Districts, or special service district under Title 17D,
 1311 Chapter 1, Special Service District Act, that provides public safety service.

1312 ~~[(6)]~~ (4) "Public safety interlocal entity" means an interlocal entity under Title 11,
 1313 Chapter 13, Interlocal Cooperation Act, that provides public safety service.

1314 ~~[(7)]~~ (5) "Public safety service" means a service provided to the public to protect life
 1315 and property and includes fire protection, police protection, emergency medical service, and
 1316 hazardous material response service.

1317 ~~[(9)]~~ (6) "Requesting political subdivision" means a participating political subdivision
 1318 that requests emergency assistance under Section ~~[53-2-507]~~ 53-2a-207 from one or more other
 1319 participating political subdivisions.

1320 ~~[(10)]~~ (7) "Responding political subdivision" means a participating political
 1321 subdivision that responds to a request under Section ~~[53-2-507]~~ 53-2a-307 from a requesting
 1322 political subdivision.

1323 ~~[(11)]~~ (8) "State" means the state of Utah.

1324 ~~[(12)]~~ (9) "Statewide mutual aid system" or "system" means the aggregate of all
 1325 participating political subdivisions and the state.

1326 Section 32. Section **53-2a-303**, which is renumbered from Section 53-2-503 is
 1327 renumbered and amended to read:

1328 ~~[53-2-503].~~ **53-2a-303. Statewide mutual aid committee.**

1329 (1) (a) There is established a statewide mutual aid committee consisting of:

- 1330 (i) the director, who shall chair the committee;
- 1331 (ii) one or more representatives from state agencies that provide public safety service,
1332 appointed by the director;
- 1333 (iii) one or more representatives of counties, appointed by the director after considering
1334 recommendations from the Utah Association of Counties;
- 1335 (iv) one or more representatives of municipalities, appointed by the director after
1336 considering recommendations from the Utah League of Cities and Towns; and
- 1337 (v) one or more representatives of public safety districts and public safety interlocal
1338 entities, appointed by the director after considering recommendations from the Utah
1339 Association of Special Districts.
- 1340 (b) The term of each member appointed under Subsections (1)(a)(ii) through (v) shall
1341 be two years.
- 1342 (c) A committee member may not receive compensation for service on the committee
1343 in addition to any compensation received as an employee or official of a state agency or
1344 participating political subdivision.
- 1345 (2) The committee shall meet at least annually to:
- 1346 (a) review the progress and status of the statewide mutual aid system;
- 1347 (b) assist in developing methods to track and evaluate activation of the system; and
- 1348 (c) examine issues facing participating political subdivisions regarding implementation
1349 of this part.
- 1350 (3) The committee shall develop comprehensive guidelines and procedures that address
1351 the operation of the system, including:
- 1352 (a) projected or anticipated costs of responding to emergencies;
- 1353 (b) checklists for requesting and providing assistance;
- 1354 (c) record keeping for participating political subdivisions;
- 1355 (d) reimbursement procedures and other necessary implementation elements and
1356 necessary forms for requests; and
- 1357 (e) other records documenting deployment and return of assets.
- 1358 (4) The committee may prepare an annual report on the condition and effectiveness of
1359 the statewide mutual aid system, make recommendations for correcting any deficiencies, and
1360 submit the report to an appropriate legislative committee.

1361 Section 33. Section **53-2a-304**, which is renumbered from Section 53-2-504 is
1362 renumbered and amended to read:

1363 ~~[53-2-504].~~ **53-2a-304. Withdrawal from the statewide mutual aid system.**

1364 A county, municipality, public safety district, or public safety interlocal entity may
1365 withdraw from the statewide mutual aid system by:

- 1366 (1) enacting a resolution declaring that it elects not to participate in the system; and
- 1367 (2) delivering a copy of the resolution to the director.

1368 Section 34. Section **53-2a-305**, which is renumbered from Section 53-2-505 is
1369 renumbered and amended to read:

1370 ~~[53-2-505].~~ **53-2a-305. Agreements not affected by this part.**

1371 Nothing in this part may be construed:

- 1372 (1) to limit the state, a county, municipality, local district, special service district, or
1373 interlocal entity from entering into an agreement allowed by law for public safety and related
1374 purposes; or
- 1375 (2) to affect an agreement to which the state, a county, municipality, local district,
1376 special service district, or interlocal entity is a party.

1377 Section 35. Section **53-2a-306**, which is renumbered from Section 53-2-506 is
1378 renumbered and amended to read:

1379 ~~[53-2-506].~~ **53-2a-306. Duties of the Division of Emergency Management and**
1380 **participating political subdivisions.**

1381 (1) The division shall:

- 1382 (a) receive and maintain an inventory of the state and local services, equipment,
1383 supplies, personnel, and other resources related to participation in Title 53, Chapter [2] 2a, Part
1384 [2] 4, Emergency Management Assistance Compact, and [~~Title 53, Chapter 2, Part 5, Statewide~~
1385 ~~Mutual Aid Act~~] this part; and

- 1386 (b) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1387 Rulemaking Act, to prepare and coordinate a process and plans so that the division may assist
1388 political subdivisions that are acting as agents of the state in mobilizing or demobilizing
1389 available assets in response to an intrastate or interstate disaster as provided in Title 53,
1390 Chapter [2] 2a, Part [2] 4, Emergency Management Assistance Compact.

1391 (2) Each participating political subdivision in the Statewide Mutual Aid Act shall:

1392 (a) identify potential hazards that could affect the participating political subdivision;

1393 (b) conduct joint planning, intelligence sharing, and threat assessment development
1394 with contiguous participating political subdivisions and conduct joint training with them at
1395 least biennially;

1396 (c) identify and inventory the services, equipment, supplies, personnel, and other
1397 resources related to participating political subdivision's planning, prevention, mitigation,
1398 response, and recovery activities; and

1399 (d) adopt and implement the standardized incident management system approved by
1400 the division.

1401 Section 36. Section **53-2a-307**, which is renumbered from Section 53-2-507 is
1402 renumbered and amended to read:

1403 **~~[53-2-507].~~ 53-2a-307. Requests for disaster assistance or assistance with an**
1404 **authorized drill or exercise.**

1405 (1) The state or a participating political subdivision may request another participating
1406 political subdivision to assist:

1407 (a) in preventing, mitigating, responding to, or recovering from a disaster, if the
1408 requesting political subdivision declares a local emergency or the state has declared a state of
1409 emergency; or

1410 (b) with a drill or exercise that the state or requesting political subdivision has
1411 authorized.

1412 (2) Each request under Subsection (1) shall be:

1413 (a) made by the chief executive officer of the state or participating political
1414 subdivision[;] or the officer's designee; and

1415 (b) reported as soon as practical to the director.

1416 (3) (a) A request under Subsection (1) may be communicated orally or in writing.

1417 (b) Each request communicated orally shall be reduced to writing and delivered to the
1418 other participating political subdivision:

1419 (i) as soon as practical; or

1420 (ii) within the number of days specified by the director.

1421 (4) In responding to a request under Subsection (1), a responding political subdivision
1422 may:

- 1423 (a) donate assets of any kind to a requesting political subdivision; and
- 1424 (b) withhold its resources to the extent necessary to provide reasonable protection and
- 1425 services for its own residents.

1426 (5) The emergency response personnel, equipment, and other assets of a responding
1427 political subdivision or the state shall be under the operational control of the incident
1428 management system of the state or requesting political subdivision, except to the extent that the
1429 exercise of operational control would result in a violation of a policy, standard, procedure, or
1430 protocol of the responding political subdivision or of the state.

1431 Section 37. Section **53-2a-308**, which is renumbered from Section 53-2-508 is
1432 renumbered and amended to read:

1433 ~~[53-2-508]~~. **53-2a-308. Reimbursement -- Resolving reimbursement disputes.**

1434 (1) (a) Each requesting political subdivision shall reimburse each responding political
1435 subdivision providing assistance to the requesting political subdivision for any loss or damage
1436 suffered or expense or cost incurred by a responding political subdivision in the operation of
1437 equipment or in providing a service in response to a request under Section ~~[53-2-507]~~
1438 53-2a-307.

1439 (b) Notwithstanding Subsection (1)(a), a responding political subdivision may, in its
1440 discretion:

- 1441 (i) assume some or all of the loss, damage, expense, or cost; or
- 1442 (ii) loan equipment or donate services to the requesting political subdivision without
- 1443 charge.

1444 (2) (a) A responding political subdivision may request reimbursement from a
1445 requesting political subdivision for the costs of providing disaster relief assistance.

1446 (b) Each request for reimbursement shall comply with the procedures and criteria
1447 developed by the committee.

1448 (3) If a dispute concerning reimbursement arises between a requesting political
1449 subdivision and a responding political subdivision:

1450 (a) the requesting political subdivision and responding political subdivision shall make
1451 every effort to resolve the dispute within 30 days after either provides written notice to the
1452 other of the other's noncompliance with applicable procedures or criteria; and

1453 (b) if the dispute is not resolved within 90 days after the notice under Subsection (3)(a),

1454 either party may submit the dispute to the committee, whose decision shall be final.

1455 Section 38. Section **53-2a-309**, which is renumbered from Section 53-2-509 is
1456 renumbered and amended to read:

1457 **[53-2-509]. 53-2a-309. Personnel responding to requests for assistance.**

1458 (1) Each person or entity holding a license, certificate, or other permit evidencing
1459 qualification in a professional, mechanical, or other skill and responding to a request from a
1460 requesting political subdivision shall, while providing assistance during a declared emergency
1461 or during an authorized drill or exercise, be considered to be licensed, certified, or permitted in
1462 the requesting political subdivision, except as limited by the chief executive officer of the
1463 requesting political subdivision.

1464 (2) Each law enforcement officer rendering aid as provided in this part under the
1465 authority of a state of emergency declared by the governor, whether inside or outside the
1466 officer's jurisdiction, has all law enforcement powers and the same privileges and immunities
1467 that the officer has in the officer's own jurisdiction.

1468 (3) Each employee of a responding political subdivision responding to a request by or
1469 giving assistance to a requesting political subdivision or the state as provided in this part:

1470 (a) is entitled to:

1471 (i) all applicable workers compensation benefits for injury or death occurring as a
1472 result of the employee's participation in the response or assistance; and

1473 (ii) any additional state or federal benefits available for line of duty injury or death; and

1474 (b) is, for purposes of liability, considered to be an employee of the requesting political
1475 subdivision.

1476 (4) Each responding political subdivision and its employees are immune from liability
1477 arising out of their actions in responding to a request from a requesting political subdivision to
1478 the extent provided in Section 63G-7-201.

1479 Section 39. Section **53-2a-310**, which is renumbered from Section 53-2-510 is
1480 renumbered and amended to read:

1481 **[53-2-510]. 53-2a-310. Severability.**

1482 A court order declaring any provision of this part unconstitutional or invalid may not be
1483 construed to affect the validity of any other provision of this part.

1484 Section 40. Section **53-2a-401**, which is renumbered from Section 53-2-201 is

1485 renumbered and amended to read:

1486 **Part 4. Emergency Management Assistance Compact**

1487 **[~~53-2-201~~]. 53-2a-401. Title.**

1488 This part is known as the "Emergency Management Assistance Compact."

1489 Section 41. Section **53-2a-402**, which is renumbered from Section 53-2-202 is
1490 renumbered and amended to read:

1491 **[~~53-2-202~~]. 53-2a-402. Compact.**

1492 (1) Article I. Purposes and Authorities.

1493 (1) (a) This compact is made and entered into by and between the participating member
1494 states which enact this compact, hereinafter called party states. For the purposes of this
1495 agreement, the term "states" is taken to mean the several states, the Commonwealth of Puerto
1496 Rico, the District of Columbia, and all U.S. territorial possessions.

1497 (b) The purpose of this compact is to provide for mutual assistance between the states
1498 entering into this compact in managing any emergency or disaster that is duly declared by the
1499 governor of the affected state, whether arising from natural disaster, technological hazard,
1500 man-made disaster, civil emergency aspects of resources shortages, community disorders,
1501 insurgency, or enemy attack.

1502 (c) This compact shall also provide for mutual cooperation in emergency-related
1503 exercises, testing, or other training activities using equipment and personnel simulating
1504 performance of any aspect of the giving and receiving of aid by party states or subdivisions of
1505 party states during emergencies, such actions occurring outside actual declared emergency
1506 periods. Mutual assistance in this compact may include the use of the states' national guard
1507 forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual
1508 agreement between states.

1509 (2) Article II. General Implementation.

1510 (2) (a) Each party state entering into this compact recognizes many emergencies
1511 transcend political jurisdictional boundaries and that intergovernmental coordination is
1512 essential in managing these and other emergencies under this compact. Each state further
1513 recognizes that there will be emergencies which require immediate access and present
1514 procedures to apply outside resources to make a prompt and effective response to such an
1515 emergency. This is because few, if any, individual states have all the resources they may need

1516 in all types of emergencies or the capability of delivering resources to areas where emergencies
1517 exist.

1518 (b) The prompt, full, and effective utilization of resources of the participating states,
1519 including any resources on hand or available from the federal government or any other source,
1520 that are essential to the safety, care, and welfare of the people in the event of any emergency or
1521 disaster declared by a party state, shall be the underlying principle on which all articles of this
1522 compact shall be understood.

1523 (c) On behalf of the governor of each state participating in the compact, the legally
1524 designated state official who is assigned responsibility for emergency management will be
1525 responsible for formulation of the appropriate interstate mutual aid plans and procedures
1526 necessary to implement this compact.

1527 (3) Article III. Party State Responsibilities.

1528 (3) (a) It shall be the responsibility of each party state to formulate procedural plans
1529 and programs for interstate cooperation in the performance of the responsibilities listed in this
1530 article. In formulating such plans, and in carrying them out, the party states, insofar as
1531 practical, shall:

1532 (i) review individual state hazards analyses and, to the extent reasonably possible,
1533 determine all those potential emergencies the party states might jointly suffer, whether due to
1534 natural disaster, technological hazard, man-made disaster, emergency aspects of resource
1535 shortages, civil disorders, insurgency, or enemy attack;

1536 (ii) review party states' individual emergency plans and develop a plan which will
1537 determine the mechanism for the interstate management and provision of assistance concerning
1538 any potential emergency;

1539 (iii) develop interstate procedures to fill any identified gaps and to resolve any
1540 identified inconsistencies or overlaps in existing or developed plans;

1541 (iv) assist in warning communities adjacent to or crossing the state boundaries;

1542 (v) protect and assure uninterrupted delivery of services, medicines, water, food,
1543 energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both
1544 human and material;

1545 (vi) inventory and set procedures for the interstate loan and delivery of human and
1546 material resources, together with procedures for reimbursement or forgiveness; and

1547 (vii) provide, to the extent authorized by law, for temporary suspension of any statutes.

1548 (b) The authorized representative of a party state may request assistance of another
1549 party state by contacting the authorized representative of that state. The provisions of this
1550 agreement shall only apply to requests for assistance made by and to authorized representatives.
1551 Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing
1552 within 30 days of the verbal request. Requests shall provide the following information:

1553 (i) a description of the emergency service function for which assistance is needed, such
1554 as, but not limited to, fire services, law enforcement, emergency medical, transportation,
1555 communications, public works and engineering, building inspection, planning and information
1556 assistance, mass care, resource support, health and medical services, and search and rescue;

1557 (ii) the amount and type of personnel, equipment, materials and supplies needed, and a
1558 reasonable estimate of the length of time they will be needed; and

1559 (iii) the specific place and time for staging of the assisting party's response and a point
1560 of contact at that location.

1561 (c) There shall be frequent consultation between state officials who have assigned
1562 emergency management responsibilities and other appropriate representatives of the party
1563 states with affected jurisdictions and the United States government, with free exchange of
1564 information, plans, and resource records relating to emergency capabilities.

1565 (4) Article IV. Limitations.

1566 (4) (a) Any party state requested to render mutual aid or conduct exercises and training
1567 for mutual aid shall take such action as is necessary to provide and make available the
1568 resources covered by this compact in accordance with the terms hereof; provided that it is
1569 understood that the state rendering aid may withhold resources to the extent necessary to
1570 provide reasonable protection for such state.

1571 (b) Each party state shall afford to the emergency forces of any party state, while
1572 operating within its state limits under the terms and conditions of this compact, the same
1573 powers, except that of arrest unless specifically authorized by the receiving state, duties, rights,
1574 and privileges as are afforded forces of the state in which they are performing emergency
1575 services. Emergency forces will continue under the command and control of their regular
1576 leaders, but the organizational units will come under the operational control of the emergency
1577 services authorities of the state receiving assistance. These conditions may be activated, as

1578 needed, only subsequent to a declaration of a state of emergency or disaster by the governor of
1579 the party state that is to receive assistance or commencement of exercises or training for mutual
1580 aid and shall continue so long as the exercises or training for mutual aid are in progress, the
1581 state of emergency or disaster remains in effect, or loaned resources remain in the receiving
1582 state, whichever is longer.

1583 (5) Article V. Licenses and Permits.

1584 Whenever any person holds a license, certificate, or other permit issued by any state
1585 party to the compact evidencing the meeting of qualifications for professional, mechanical, or
1586 other skills, and when such assistance is requested by the receiving party state, such person
1587 shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid
1588 involving such skill to meet a declared emergency or disaster, subject to such limitations and
1589 conditions as the governor of the requesting state may prescribe by executive order or
1590 otherwise.

1591 (6) Article VI. Liability.

1592 Officers or employees of a party state rendering aid in another state pursuant to this
1593 compact shall be considered agents of the requesting state for tort liability and immunity
1594 purposes; and no party state or its officers or employees rendering aid in another state pursuant
1595 to this compact shall be liable on account of any act or omission in good faith on the part of
1596 such forces while so engaged or on account of the maintenance or use of any equipment or
1597 supplies in connection therewith. Good faith in this article shall not include willful
1598 misconduct, gross negligence, or recklessness.

1599 (7) Article VII. Supplementary Agreements.

1600 Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid
1601 among two or more states may differ from that among the states that are party hereto, this
1602 instrument contains elements of a broad base common to all states, and nothing herein
1603 contained shall preclude any state from entering into supplementary agreements with another
1604 state or affect any other agreements already in force between states. Supplementary agreements
1605 may comprehend, but shall not be limited to, provisions for evacuation and reception of injured
1606 and other persons and the exchange of medical, fire, police, public utility, reconnaissance,
1607 welfare, transportation and communications personnel, and equipment and supplies.

1608 (8) Article VIII. Compensation.

1609 Each party state shall provide for the payment of compensation and death benefits to
1610 injured members of the emergency forces of that state and representatives of deceased members
1611 of such forces in case such members sustain injuries or are killed while rendering aid pursuant
1612 to this compact, in the same manner and on the same terms as if the injury or death were
1613 sustained within their own state.

1614 (9) Article IX. Reimbursement.

1615 Any party state rendering aid in another state pursuant to this compact shall be
1616 reimbursed by the party state receiving such aid for any loss or damage to or expense incurred
1617 in the operation of any equipment and the provision of any service in answering a request for
1618 aid and for the costs incurred in connection with such requests; provided, that any aiding party
1619 state may assume in whole or in part such loss, damage, expense, or other cost, or may loan
1620 such equipment or donate such services to the receiving party state without charge or cost; and
1621 provided further, that any two or more party states may enter into supplementary agreements
1622 establishing a different allocation of costs among those states. Article VIII expenses shall not
1623 be reimbursable under this provision.

1624 (10) Article X. Evacuation.

1625 (10) (a) Plans for the orderly evacuation and interstate reception of portions of the
1626 civilian population as the result of any emergency or disaster of sufficient proportions to so
1627 warrant shall be worked out and maintained between the party states and the emergency
1628 management or services directors of the various jurisdictions where any type of incident
1629 requiring evacuations might occur.

1630 (b) Such plans shall be put into effect by request of the state from which evacuees
1631 come and shall include the manner of transporting such evacuees, the number of evacuees to be
1632 received in different areas, the manner in which food, clothing, housing, and medical care will
1633 be provided, the registration of the evacuees, the providing of facilities for the notification of
1634 relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of
1635 additional materials, supplies, and all other relevant factors.

1636 (c) Such plans shall provide that the party state receiving evacuees and the party state
1637 from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket
1638 expenses incurred in receiving and caring for such evacuees, for expenditures for
1639 transportation, food, clothing, medicines and medical care, and like items. Such expenditures

1640 shall be reimbursed as agreed by the party state from which the evacuees come. After the
1641 termination of the emergency or disaster, the party state from which the evacuees come shall
1642 assume the responsibility for the ultimate support of repatriation of such evacuees.

1643 (11) Article XI. Implementation.

1644 (11) (a) This compact shall become operative immediately upon its enactment into law
1645 by any two states; thereafter, this compact shall become effective as to any other state upon its
1646 enactment by such state.

1647 (b) Any party state may withdraw from this compact by enacting a statute repealing the
1648 same, but no such withdrawal shall take effect until 30 days after the governor of the
1649 withdrawing state has given notice in writing of such withdrawal to the governors of all other
1650 party states. Such action shall not relieve the withdrawing state from obligations assumed
1651 hereunder prior to the effective date of withdrawal.

1652 (c) Duly authenticated copies of this compact and of such supplementary agreements as
1653 may be entered into shall, at the time of their approval, be deposited with each of the party
1654 states and with the federal emergency management agency and other appropriate agencies of
1655 the United States government.

1656 (12) Article XII. Validity.

1657 This ~~[act]~~ part shall be construed to effectuate the purposes stated in Article I hereof. If
1658 any provision of this compact is declared unconstitutional, or the applicability thereof to any
1659 person or circumstances is held invalid, the constitutionality of the remainder of this ~~[act]~~ part
1660 and the applicability thereof to other persons and circumstances shall not be affected thereby.

1661 (13) Article XIII. Additional Provisions.

1662 Nothing in this compact shall authorize or permit the use of military force by the
1663 National Guard of a state at any place outside that state in any emergency for which the
1664 President is authorized by law to call into federal service the militia, or for any purpose for
1665 which the use of the Army or the Air Force would in the absence of express statutory
1666 authorization be prohibited under Section 1385 of Title 18, United States Code.

1667 Section 42. Section **53-2a-403**, which is renumbered from Section 53-2-301 is
1668 renumbered and amended to read:

1669 ~~[53-2-301]~~. **53-2a-403. Authority of governor to join compact.**

1670 The governor of Utah is authorized and directed to execute a compact on behalf of this

1671 state with any other state or states joining the Emergency Management Assistance Compact as
 1672 provided in Section [~~53-2-202~~] 53-2a-402.

1673 Section 43. Section **53-2a-501**, which is renumbered from Section 63K-5-101 is
 1674 renumbered and amended to read:

Part 5. Interstate Emergency Responder Mutual Aid Agreement

~~[63K-5-101]~~. **53-2a-501. Title.**

1677 This [~~chapter~~] part is known as "Interstate Emergency Responder Mutual Aid
 1678 Agreement."

1679 Section 44. Section **53-2a-502**, which is renumbered from Section 63K-5-102 is
 1680 renumbered and amended to read:

~~[63K-5-102]~~. **53-2a-502. Definitions.**

As used in this [~~chapter~~] part:

(1) "Claim" has the same definition as in the following sections, as applicable:

(a) Section 6-902, Idaho Code; or

(b) Section 63G-7-102, Utah Code Annotated.

(2) "Emergency":

(a) means a situation where it reasonably appears that the life or safety of a person is at
 1688 peril or real or personal property is at risk of destruction or loss;

(b) includes disasters, fires, persons who are lost or missing, boats that are sinking or
 1690 are in danger of sinking, medical situations where care is needed, and transportation of persons
 1691 by ambulance; and

(c) is not limited in duration to a discrete period of time.

(3) (a) "Emergency responder" means a person whose duties include providing services
 1694 to protect property or the life or safety of any person and who is:

(i) employed by a governmental entity of another state;

(ii) temporarily employed by a governmental entity; or

(iii) a volunteer who is serving at the request of a governmental entity.

(b) "Emergency responder" includes:

(i) law enforcement officers, fire fighters, search and rescue personnel, emergency
 1700 medical technicians, ambulance personnel, Department of Natural Resources employees, park
 1701 rangers, public utilities workers, and volunteers participating in search and rescue and other

1702 emergency management operations; and

1703 (ii) persons and parties identified in the interstate mutual aid agreement.

1704 (4) "Interstate mutual aid agreement" means an agreement that establishes procedures
1705 for claims against an out-of-state emergency responder, and that:

1706 (a) is established reciprocally between the Utah Highway Patrol and the Idaho State
1707 Police;

1708 (b) is on file with the Utah Highway Patrol; and

1709 (c) has a duration of one year from the time the agreement is entered into by Utah and
1710 Idaho.

1711 Section 45. Section **53-2a-503**, which is renumbered from Section 63K-5-201 is
1712 renumbered and amended to read:

1713 ~~[63K-5-201].~~ **53-2a-503. Notice of claim requirements.**

1714 (1) Any claim against an emergency responder or the responder's employer shall be
1715 treated for the purpose of a notice of claim as a claim against the state.

1716 (2) The person making the claim shall comply with:

1717 (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah; and

1718 (b) any notice of claim requirements of the state where the emergency responder
1719 resides or is employed as an emergency responder.

1720 (3) The person filing the claim shall provide a copy of the notice of claim with the
1721 Idaho secretary of state if the claim is filed in Utah, or with the Utah attorney general if the
1722 claim is filed in Idaho.

1723 Section 46. Section **53-2a-504**, which is renumbered from Section 63K-5-301 is
1724 renumbered and amended to read:

1725 ~~[63K-5-301].~~ **53-2a-504. Emergency responder entering Utah to respond**
1726 **to an emergency.**

1727 An emergency responder who enters into Utah in response to a request for assistance by
1728 an official or emergency responder of Utah or pursuant to an agreement providing for interstate
1729 mutual aid is considered to be responding to an emergency.

1730 Section 47. Section **53-2a-505**, which is renumbered from Section 63K-5-302 is
1731 renumbered and amended to read:

1732 ~~[63K-5-302].~~ **53-2a-505. Privileges and immunities of law enforcement**

1733 **officers.**

1734 Any law enforcement officer of another state and the officer's employer are specifically
1735 entitled to the application of this [~~chapter~~] part if the law enforcement officer is empowered to
1736 act under Section 19-701, Idaho Code, or an interstate mutual aid agreement.

1737 Section 48. Section **53-2a-506**, which is renumbered from Section 63K-5-303 is
1738 renumbered and amended to read:

1739 ~~[63K-5-303].~~ **53-2a-506. Privileges and immunities of emergency**
1740 **responders.**

1741 (1) Any emergency responder from another state who enters into this state while
1742 responding to an emergency has the same authority to act, including providing care, as does any
1743 emergency responder of this state.

1744 (2) All privileges and immunities from liability, exemption from law, ordinances, and
1745 rules, and any other benefits, which apply to an emergency responder while performing duties
1746 in the responder's state of residence or state of employment as a responder, apply when the
1747 emergency responder is acting as an emergency responder in Utah.

1748 Section 49. Section **53-2a-507**, which is renumbered from Section 63K-5-401 is
1749 renumbered and amended to read:

1750 ~~[63K-5-401].~~ **53-2a-507. Legislative findings -- Comity with Idaho.**

1751 (1) The Legislature finds, with regard to emergency responders, that:

1752 (a) Title 6, Chapter 9, of the Idaho Code, regarding the governmental immunity laws of
1753 Idaho, is consistent with the public policy of Utah; and

1754 (b) based on the legislative finding under Subsection (1)(a), the governmental
1755 immunity laws of Idaho apply to any claim, including any lawsuit, brought against an
1756 emergency responder, who resides in or is employed as an emergency responder in Idaho, and
1757 the emergency responder's employer, based on the emergency responder's actions in Utah when
1758 acting as an emergency responder.

1759 (2) The Legislature finds:

1760 (a) the damage caps in the governmental immunity laws of Idaho, although not
1761 identical to the damage caps under Section 63G-7-604, Utah Code Annotated, are consistent
1762 with the public policy of Utah; and

1763 (b) the damage caps of Idaho apply to any claim, including any lawsuit, brought against

1764 an emergency responder, who resides in or is employed as an emergency responder in Idaho,
1765 and the emergency responder's employer, based on the emergency responder's actions in Utah
1766 when acting as an emergency responder.

1767 Section 50. Section **53-2a-508**, which is renumbered from Section 63K-5-402 is
1768 renumbered and amended to read:

1769 ~~[63K-5-402].~~ **53-2a-508. Chapter takes effect when Idaho provisions**
1770 **enacted.**

1771 (1) This chapter takes effect when statutory provisions are enacted by Idaho that are
1772 reciprocal to the provisions of this ~~[chapter]~~ part.

1773 (2) This ~~[chapter]~~ part remains in effect as long as the statutory provisions enacted by
1774 Idaho under Subsection (1) are in effect.

1775 Section 51. Section **53-2a-601**, which is renumbered from Section 53-2-401 is
1776 renumbered and amended to read:

Part 6. Disaster Recovery Funding Act

1777 ~~[53-2-401].~~ **53-2a-601. Title.**

1778 This part is known as the "Disaster Recovery Funding Act."

1780 Section 52. Section **53-2a-602**, which is renumbered from Section 53-2-402 is
1781 renumbered and amended to read:

1782 ~~[53-2-402].~~ **53-2a-602. Definitions.**

1783 (1) Unless otherwise defined in this section, the terms defined in Part 1, [~~Homeland~~
1784 ~~Security]~~ Emergency Management Act, shall have the same meaning for this part.

1785 (2) As used in this part:

1786 (a) "Declared disaster" means one or more events:

1787 (i) within the state;

1788 (ii) that occur within a limited period of time;

1789 (iii) that involve:

1790 (A) a significant number of persons being at risk of bodily harm, sickness, or death; or

1791 (B) a significant portion of real property at risk of loss;

1792 (iv) that are sudden in nature and generally occur less frequently than every three years;

1793 and

1794 (v) that results in:

1795 (A) the president of the United States declaring an emergency or major disaster in the
1796 state;

1797 (B) the governor declaring a state of emergency under Title [~~63K~~] 53, Chapter [~~4~~] 2a,
1798 Part 2, Disaster Response and Recovery Act; or

1799 (C) the chief executive officer of a local government declaring a local emergency under
1800 Title [~~63K~~] 53, Chapter [~~4~~] 2a, Part 2, Disaster Response and Recovery Act.

1801 (b) "Disaster recovery fund" means the State Disaster Recovery Restricted Account
1802 created in Section [~~53-2-403~~] 53-2a-603.

1803 (c) "Emergency preparedness" means the following done for the purpose of being
1804 prepared for an emergency as defined by the division by rule made in accordance with Title
1805 63G, Chapter 3, Utah Administrative Rulemaking Act:

1806 (i) the purchase of equipment;

1807 (ii) the training of personnel; or

1808 (iii) the obtaining of a certification.

1809 (d) (i) "Emergency disaster services" means the following that are of a temporary basis:

1810 (A) evacuation;

1811 (B) shelter;

1812 (C) medical triage;

1813 (D) emergency transportation;

1814 (E) repair of infrastructure;

1815 (F) safety services, including fencing or roadblocks;

1816 (G) sandbagging;

1817 (H) emergency debris removal;

1818 (I) temporary bridges;

1819 (J) procurement and distribution of food, water, or ice;

1820 (K) procurement and deployment of generators;

1821 (L) rescue or recovery; or

1822 (M) services similar to those described in Subsections (2)(d)(i)(A) through (L), as
1823 defined by the division by rule, that are generally required within the first 96 hours of a
1824 declared disaster.

1825 (ii) "Emergency disaster services" does not include:

- 1826 (A) emergency preparedness; or
- 1827 (B) notwithstanding whether or not a county participates in the Wildland Fire
- 1828 Suppression Fund created in Section 65A-8-204, any fire suppression or presuppression costs
- 1829 that may be paid for from the Wildland Fire Suppression Fund if the county participates in the
- 1830 Wildland Fire Suppression Fund.
- 1831 (e) "Governing body" means:
- 1832 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 1833 (ii) for a local district, the board of trustees of the local district; and
- 1834 (iii) for a special service district:
- 1835 (A) the legislative body of the county, city, or town that established the special service
- 1836 district, if no administrative control board has been appointed under Section 17D-1-301; or
- 1837 (B) the administrative control board of the special service district, if an administrative
- 1838 control board has been appointed under Section 17D-1-301.
- 1839 (f) "Local district" has the same meaning as defined in Section 17B-1-102.
- 1840 (g) "Local fund" means a local government disaster fund created in accordance with
- 1841 Section ~~[53-2-405]~~ 53-2a-605.
- 1842 (h) "Local government" means:
- 1843 (i) a county;
- 1844 (ii) a city or town; or
- 1845 (iii) a local district or special service district that:
- 1846 (A) operates a water system;
- 1847 (B) provides transportation service;
- 1848 (C) provides, operates, and maintains correctional and rehabilitative facilities and
- 1849 programs for municipal, state, and other detainees and prisoners;
- 1850 (D) provides consolidated 911 and emergency dispatch service;
- 1851 (E) operates an airport; or
- 1852 (F) operates a sewage system.
- 1853 (i) "Special fund" means a fund other than a general fund of a local government that is
- 1854 created for a special purpose established under the uniform system of budgeting, accounting,
- 1855 and reporting.
- 1856 (j) "Special service district" has the same meaning as defined in Section 17D-1-102.

1857 Section 53. Section **53-2a-603**, which is renumbered from Section 53-2-403 is
1858 renumbered and amended to read:

1859 ~~[53-2-403]~~. **53-2a-603. State Disaster Recovery Restricted Account.**

1860 (1) (a) There is created a restricted account in the General Fund known as the "State
1861 Disaster Recovery Restricted Account."

1862 (b) The disaster recovery fund shall consist of:

1863 (i) money deposited into the disaster recovery fund in accordance with Section
1864 63J-1-314;

1865 (ii) money appropriated to the disaster recovery fund by the Legislature; and

1866 (iii) any other public or private money received by the division that is:

1867 (A) given to the division for purposes consistent with this section; and

1868 (B) deposited into the disaster recovery fund at the request of:

1869 (I) the division; or

1870 (II) the person giving the money.

1871 (c) The Division of Finance shall deposit interest or other earnings derived from
1872 investment of fund money into the General Fund.

1873 (d) Subject to being appropriated by the Legislature, money in the disaster recovery
1874 fund may only be expended or committed to be expended as follows:

1875 (i) (A) subject to Section ~~[53-2-406]~~ 53-2a-606, in any fiscal year the division may
1876 expend or commit to expend an amount that does not exceed \$250,000, in accordance with
1877 Section ~~[53-2-404]~~ 53-2a-604, to fund costs to the state of emergency disaster services in
1878 response to a declared disaster;

1879 (B) subject to Section ~~[53-2-406]~~ 53-2a-606, in any fiscal year the division may expend
1880 or commit to expend an amount that exceeds \$250,000, but does not exceed \$1,000,000, in
1881 accordance with Section ~~[53-2-404]~~ 53-2a-604, to fund costs to the state of emergency disaster
1882 services in response to a declared disaster if the division:

1883 (I) before making the expenditure or commitment to expend, obtains approval for the
1884 expenditure or commitment to expend from the governor;

1885 (II) subject to Subsection (4), provides written notice of the expenditure or
1886 commitment to expend to the speaker of the House of Representatives, the president of the
1887 Senate, the Division of Finance, and the Office of the Legislative Fiscal Analyst no later than

1888 72 hours after making the expenditure or commitment to expend; and

1889 (III) makes the report required by Subsection [~~53-2-406~~] 53-2a-606(2); and

1890 (C) subject to Section [~~53-2-406~~] 53-2a-606, in any fiscal year the division may expend
1891 or commit to expend an amount that exceeds \$1,000,000, but does not exceed \$3,000,000, in
1892 accordance with Section [~~53-2-404~~] 53-2a-604, to fund costs to the state of emergency disaster
1893 services in response to a declared disaster if, before making the expenditure or commitment to
1894 expend, the division:

1895 (I) obtains approval for the expenditure or commitment to expend from the governor;

1896 and

1897 (II) submits the expenditure or commitment to expend to the Executive Appropriations
1898 Committee in accordance with Subsection [~~53-2-406~~] 53-2a-606(3); and

1899 (ii) subject to being appropriated by the Legislature, money not described in Subsection
1900 (1)(d)(i) may be expended or committed to be expended to fund costs to the state directly
1901 related to a declared disaster that are not costs related to:

1902 (A) emergency disaster services;

1903 (B) emergency preparedness; or

1904 (C) notwithstanding whether [~~or not~~] a county participates in the Wildland Fire
1905 Suppression Fund created in Section 65A-8-204, any fire suppression or presuppression costs
1906 that may be paid for from the Wildland Fire Suppression Fund if the county participates in the
1907 Wildland Fire Suppression Fund.

1908 (2) The state treasurer shall invest money in the disaster recovery fund according to
1909 Title 51, Chapter 7, State Money Management Act.

1910 (3) (a) Except as provided in Subsection (1), the money in the disaster recovery fund
1911 may not be diverted, appropriated, expended, or committed to be expended for a purpose that is
1912 not listed in this section.

1913 (b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money
1914 from the disaster recovery fund to eliminate or otherwise reduce an operating deficit if the
1915 money appropriated from the disaster recovery fund is expended or committed to be expended
1916 for a purpose other than one listed in this section.

1917 (c) The Legislature may not amend the purposes for which money in the disaster
1918 recovery fund may be expended or committed to be expended except by the affirmative vote of

1919 two-thirds of all the members elected to each house.

1920 (4) The division:

1921 (a) shall provide the notice required by Subsection (1)(d)(i)(B) using the best available
1922 method under the circumstances as determined by the division; and

1923 (b) may provide the notice required by Subsection (1)(d)(i)(B) in electronic format.

1924 Section 54. Section **53-2a-604 (Superseded 05/01/13)**, which is renumbered from
1925 Section 53-2-404 (Superseded 05/01/13) is renumbered and amended to read:

1926 ~~[53-2-404 (Superseded 05/01/13)]~~. **53-2a-604 (Superseded 05/01/13)**. **State**
1927 **costs for emergency disaster services.**

1928 (1) Subject to this section and Section ~~[53-2-403]~~ 53-2a-603, the division shall expend
1929 or commit to expend money described in Subsection ~~[53-2-403]~~ 53-2a-603(1)(d)(i) to fund
1930 costs to the state of emergency disaster services.

1931 (2) Money paid by the division under this section to government entities and private
1932 persons providing emergency disaster services are subject to Title 63G, Chapter 6, Utah
1933 Procurement Code.

1934 Section 55. Section **53-2a-604 (Effective 05/01/13)**, which is renumbered from Section
1935 53-2-404 (Effective 05/01/13) is renumbered and amended to read:

1936 ~~[53-2-404 (Effective 05/01/13)]~~. **53-2a-604 (Effective 05/01/13)**. **State costs for**
1937 **emergency disaster services.**

1938 (1) Subject to this section and Section ~~[53-2-403]~~ 53-2a-603, the division shall expend
1939 or commit to expend money described in Subsection ~~[53-2-403]~~ 53-2a-603(1)(d)(i) to fund
1940 costs to the state of emergency disaster services.

1941 (2) Money paid by the division under this section to government entities and private
1942 persons providing emergency disaster services are subject to Title 63G, Chapter 6a, Utah
1943 Procurement Code.

1944 Section 56. Section **53-2a-605**, which is renumbered from Section 53-2-405 is
1945 renumbered and amended to read:

1946 ~~[53-2-405]~~. **53-2a-605**. **Local government disaster funds.**

1947 (1) (a) Subject to this section and notwithstanding anything to the contrary contained in
1948 Title 10, Utah Municipal Code, or Title 17, Counties, Title 17B, Limited Purpose Local
1949 Government Entities - Local Districts, or Title 17D, Chapter 1, Special Service District Act, the

1950 governing body of a local government may create and maintain by ordinance a special fund
1951 known as a local government disaster fund.

1952 (b) The local fund shall consist of:

1953 (i) subject to the limitations of this section, money transferred to it in accordance with

1954 Subsection (2);

1955 (ii) any other public or private money received by the local government that is:

1956 (A) given to the local government for purposes consistent with this section; and

1957 (B) deposited into the local fund at the request of:

1958 (I) the governing body of the local government; or

1959 (II) the person giving the money; and

1960 (iii) interest or income realized from the local fund.

1961 (c) Interest or income realized from the local fund shall be deposited into the local

1962 fund.

1963 (d) Money in a local fund may be:

1964 (i) deposited or invested as provided in Section 51-7-11; or

1965 (ii) transferred by the local government treasurer to the state treasurer under Section
1966 51-7-5 for the state treasurer's management and control under Title 51, Chapter 7, State Money
1967 Management Act.

1968 (e) (i) The money in a local fund may accumulate from year to year until the local
1969 government governing body determines to spend any money in the local fund for one or more
1970 of the purposes specified in Subsection (3).

1971 (ii) Money in a local fund at the end of a fiscal year:

1972 (A) shall remain in the local fund for future use; and

1973 (B) may not be transferred to any other fund or used for any other purpose.

1974 (2) The amounts transferred to a local fund may not exceed 10% of the total estimated
1975 revenues of the local government for the current fiscal period that are not restricted or
1976 otherwise obligated.

1977 (3) Money in the fund may only be used to fund the services and activities of the local
1978 government creating the local fund in response to:

1979 (a) a declared disaster within the boundaries of the local government;

1980 (b) the aftermath of the disaster that gave rise to a declared disaster within the

1981 boundaries of the local government; and
1982 (c) subject to Subsection (5), emergency preparedness.
1983 (4) (a) A local fund is subject to this part and:
1984 (i) in the case of a town, Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah
1985 Towns, except that:
1986 (A) in addition to the funds listed in Section 10-5-106, the mayor shall prepare a
1987 budget for the local fund;
1988 (B) Section 10-5-119 addressing termination of special funds does not apply to a local
1989 fund; and
1990 (C) the council of the town may not authorize an interfund loan under Section
1991 10-5-120 from the local fund;
1992 (ii) in the case of a city, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah
1993 Cities, except that:
1994 (A) in addition to the funds listed in Section 10-6-109, the mayor shall prepare a
1995 budget for the local fund;
1996 (B) Section 10-6-131 addressing termination of special funds does not apply to a local
1997 fund; and
1998 (C) the governing body of the city may not authorize an interfund loan under Section
1999 10-6-132 from the local fund; and
2000 (iii) in the case of a county, Title 17, Chapter 36, Uniform Fiscal Procedures Act for
2001 Counties, except that:
2002 (A) Section 17-36-29 addressing termination of special funds does not apply to a local
2003 fund; and
2004 (B) the governing body of the county may not authorize an interfund loan under
2005 Section 17-36-30 from the local fund; and
2006 (iv) in the case of a local district or special service district, Title 17B, Chapter 1, Part 6,
2007 Fiscal Procedures for Local Districts, except that:
2008 (A) Section 17B-1-625, addressing termination of a special fund, does not apply to a
2009 local fund; and
2010 (B) the governing body of the local district or special service district may not authorize
2011 an interfund loan under Section 17B-1-626 from the local fund.

2012 (b) Notwithstanding Subsection (4)(a), transfers of money to a local fund or the
2013 accumulation of money in a local fund do not affect any limits on fund balances, net assets, or
2014 the accumulation of retained earnings in any of the following of a local government:

- 2015 (i) a general fund;
- 2016 (ii) an enterprise fund;
- 2017 (iii) an internal service fund; or
- 2018 (iv) any other fund.

2019 (5) (a) A local government may not expend during a fiscal year more than 10% of the
2020 money budgeted to be deposited into a local fund during that fiscal year for emergency
2021 preparedness.

2022 (b) The amount described in Subsection (5)(a) shall be determined before the adoption
2023 of the tentative budget.

2024 Section 57. Section **53-2a-606**, which is renumbered from Section 53-2-406 is
2025 renumbered and amended to read:

2026 ~~[53-2-406].~~ **53-2a-606. Reporting.**

2027 (1) By no later than December 31 of each year, the division shall provide a written
2028 report to the governor and the Executive Offices and Criminal Justice Appropriations
2029 Subcommittee of:

- 2030 (a) the division's activities under this part;
- 2031 (b) money expended or committed to be expended in accordance with this part;
- 2032 (c) the balances in the disaster recovery fund; and
- 2033 (d) any unexpended balance of appropriations from the disaster recovery fund.

2034 (2) (a) The governor and the Department of Public Safety shall report to the Legislative
2035 Management Committee an expenditure or commitment to expend made in accordance with
2036 Subsection ~~[53-2-403]~~ 53-2a-603(1)(d)(i)(B).

2037 (b) The governor and the Department of Public Safety shall make the report required
2038 by this Subsection (2) on or before the sooner of:

2039 (i) the day on which the governor calls the Legislature into session [~~in accordance with~~
2040 ~~Section 63K-1-302~~]; or

2041 (ii) 15 days after the division makes the expenditure or commitment to expend
2042 described in Subsection ~~[53-2-403]~~ 53-2a-603(1)(d)(i)(B).

2043 (3) (a) Subject to Subsection (3)(b), before the division makes an expenditure or
 2044 commitment to expend described in Subsection [~~53-2-403~~] 53-2a-603(1)(d)(i)(C), the governor
 2045 and the Department of Public Safety shall submit the expenditure or commitment to expend to
 2046 the Executive Appropriations Committee for its review and recommendations.

2047 (b) The Executive Appropriations Committee shall review the expenditure or
 2048 commitment to expend and may:

2049 (i) recommend that the division make the expenditure or commitment to expend;

2050 (ii) recommend that the division not make the expenditure or commitment to expend;

2051 or

2052 (iii) recommend to the governor that the governor call a special session of the
 2053 Legislature to review and approve or reject the expenditure or commitment to expend.

2054 Section 58. Section **53-2a-701** is enacted to read:

2055 **Part 7. Hazardous Materials Emergency Act**

2056 **53-2a-701. Title.**

2057 This part is known as the "Hazardous Materials Emergency Act."

2058 Section 59. Section **53-2a-702**, which is renumbered from Section 63K-3-301 is
 2059 renumbered and amended to read:

2060 [~~63K-3-301~~]. **53-2a-702. Hazardous Chemical Emergency Response**
 2061 **Commission -- Allocation of responsibilities -- Local planning committees -- Specified**
 2062 **federal law considered law of state -- Application to federal agencies and facilities.**

2063 (1) (a) The commissioner [~~of the Department of Public Safety~~] and the executive
 2064 director of the Department of Environmental Quality, or their respective designees, are
 2065 designated as the state's Hazardous Chemical Emergency Response Commission for purposes
 2066 of carrying out all requirements of the federal Emergency Planning and Community Right To
 2067 Know Act of 1986.

2068 (b) A member may not receive compensation or benefits for the member's service, but
 2069 may receive per diem and travel expenses in accordance with:

2070 (i) Section 63A-3-106;

2071 (ii) Section 63A-3-107; and

2072 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 2073 63A-3-107.

2074 (2) The Department of Public Safety has primary responsibility for all emergency
2075 planning activities under the federal Emergency Planning and Community Right To Know Act
2076 of 1986, and shall prepare policy and procedure and make rules necessary for implementation
2077 of that act in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2078 (3) The Department of Environmental Quality has primary responsibility for receiving,
2079 processing, and managing hazardous chemical information and notifications under the federal
2080 Emergency Planning and Community Right To Know Act of 1986, including preparation of
2081 policy and procedure, and promulgation of rules necessary for implementation of that act.

2082 Funding for this program must be from the appropriation acts.

2083 (4) The Department of Public Safety and the Department of Environmental Quality
2084 shall enter into an interagency agreement providing for exchange of information and
2085 coordination of their respective duties and responsibilities under this section.

2086 (5) (a) The Hazardous Chemical Emergency Response Commission shall appoint a
2087 local planning committee for each local planning district that it establishes, as required by the
2088 federal Emergency Planning and Community Right To Know Act of 1986, and to the extent
2089 possible, shall use an existing local governmental organization as the local planning committee.

2090 (b) (i) Local government members who do not receive salary, per diem, or expenses
2091 from the entity that they represent for their service may receive per diem and expenses incurred
2092 in the performance of their official duties at the rates established by the Division of Finance
2093 under Sections 63A-3-106 and 63A-3-107.

2094 (ii) Local government members may decline to receive per diem and expenses for their
2095 service.

2096 (6) Requirements of the federal Emergency Planning and Community Right To Know
2097 Act of 1986 pertaining to notification and submission of information are the law of this state,
2098 and apply equally to federal agencies, departments, installations, and facilities located in this
2099 state, as well as to other facilities that are subject to that act.

2100 Section 60. Section ~~53-2a-703~~, which is renumbered from Section 53-2-105 is
2101 renumbered and amended to read:

2102 ~~[53-2-105]~~. **53-2a-703. Hazardous materials emergency -- Recovery of expenses.**

2103 (1) (a) The ~~[director]~~ Hazardous Chemical Emergency Response Commission may
2104 recover from those persons whose negligent actions caused the hazardous materials emergency,

2105 expenses incurred by state agencies directly associated with a response to a hazardous materials
 2106 emergency taken under authority of this part, Title ~~[63K]~~ 53, Chapter ~~[3]~~ 2a, Part 1, Emergency
 2107 Management Act, or Title ~~[63K]~~ 53, Chapter ~~[4]~~ 2a, Part 2, Disaster Response and Recovery
 2108 Act.

2109 (b) The payment of expenses under this Subsection (1) does not constitute an
 2110 admission of liability or negligence in any legal action for damages.

2111 (c) The ~~[director]~~ Hazardous Chemical Emergency Response Commission may obtain
 2112 assistance from the attorney general or a county attorney of the affected jurisdiction to assist
 2113 ~~[the director]~~ in recovering expenses and legal fees.

2114 (d) Any recovered costs shall be deposited in the General Fund as dedicated credits to
 2115 be used by the division to reimburse state and local government agencies for the costs they
 2116 have incurred.

2117 (2) (a) If the cost directly associated with emergency response exceeds all available
 2118 funds of the division within a given fiscal year, the division, with approval from the governor,
 2119 may incur a deficit in its line item budget.

2120 (b) The Legislature shall provide a supplemental appropriation in the following year to
 2121 cover the deficit.

2122 (c) The division shall deposit all costs associated with any emergency response that are
 2123 collected in subsequent fiscal years into the General Fund.

2124 (3) Any political subdivision may enact local ordinances pursuant to existing statutory
 2125 or constitutional authority to provide for the recovery of expenses incurred by the political
 2126 subdivision.

2127 Section 61. Section **53-2a-801**, which is renumbered from Section 63K-1-101 is
 2128 renumbered and amended to read:

Part 8. Emergency Interim Succession Act

2129 ~~[63K-1-101].~~ **53-2a-801. Title.**

2131 ~~[(1) This title is known as "Emergency Management."]~~

2132 ~~[(2)]~~ This ~~[chapter]~~ part is known as the "Emergency Interim Succession Act."

2133 Section 62. Section **53-2a-802**, which is renumbered from Section 63K-1-102 is
 2134 renumbered and amended to read:

2135 ~~[63K-1-102].~~ **53-2a-802. Definitions.**

2136 (1) (a) "Absent" means:

2137 (i) not physically present or not able to be communicated with for 48 hours; or

2138 (ii) for local government officers, as defined by local ordinances.

2139 (b) "Absent" does not include a person who can be communicated with via telephone,
2140 radio, or telecommunications.

2141 [~~(2) "Attack" means a nuclear, conventional, biological, or chemical warfare action~~
2142 ~~against the United States of America or this state.]~~

2143 [~~(3)~~] (2) "Department" means the Department of Administrative Services, the
2144 Department of Agriculture and Food, the Alcoholic Beverage Control Commission, the
2145 Department of Commerce, the Department of Heritage and Arts, the Department of
2146 Corrections, the Department of Environmental Quality, the Department of Financial
2147 Institutions, the Department of Health, the Department of Human Resource Management, the
2148 Department of Workforce Services, the Labor Commission, the National Guard, the
2149 Department of Insurance, the Department of Natural Resources, the Department of Public
2150 Safety, the Public Service Commission, the Department of Human Services, the State Tax
2151 Commission, the Department of Technology Services, the Department of Transportation, any
2152 other major administrative subdivisions of state government, the State Board of Education, the
2153 State Board of Regents, the Utah Housing Corporation, the Workers' Compensation Fund, the
2154 State Retirement Board, and each institution of higher education within the system of higher
2155 education.

2156 [~~(4) "Disaster" means a situation causing, or threatening to cause, widespread damage,~~
2157 ~~social disruption, or injury or loss of life or property resulting from attack, internal disturbance,~~
2158 ~~natural phenomenon, or technological hazard.]~~

2159 [~~(5)~~] (3) "Division" means the Division of Emergency Management established in Title
2160 53, Chapter [2] 2a, Part 1, Emergency Management Act [~~-Search and Rescue Advisory Board~~].

2161 [~~(6)~~] (4) "Emergency interim successor" means a person designated by this [~~chapter~~]
2162 part to exercise the powers and discharge the duties of an office when the person legally
2163 exercising the powers and duties of the office is unavailable.

2164 [~~(7)~~] (5) "Executive director" means the person with ultimate responsibility for
2165 managing and overseeing the operations of each department, however denominated.

2166 [~~(8) "Internal disturbance" means a riot, prison break, terrorism, or strike.]~~

2167 ~~[(9) "Natural phenomenon" means any earthquake, tornado, storm, flood, landslide,~~
2168 ~~avalanche, forest or range fire, drought, epidemic, or other catastrophic event.]~~

2169 ~~[(10)]~~ (6) (a) "Office" includes all state and local offices, the powers and duties of
2170 which are defined by constitution, statutes, charters, optional plans, ordinances, articles, or
2171 by-laws.

2172 (b) "Office" does not include the office of governor or the legislative or judicial offices.

2173 ~~[(11)]~~ (7) "Place of governance" means the physical location where the powers of an
2174 office are being exercised.

2175 ~~[(12)]~~ (8) "Political subdivision" includes counties, cities, towns, townships, districts,
2176 authorities, and other public corporations and entities whether organized and existing under
2177 charter or general law.

2178 ~~[(13)]~~ (9) "Political subdivision officer" means a person holding an office in a political
2179 subdivision.

2180 ~~[(14)]~~ (10) "State officer" means the attorney general, the state treasurer, the state
2181 auditor, and the executive director of each department.

2182 ~~[(15) "Technological hazard" means any hazardous materials accident, mine accident,~~
2183 ~~train derailment, air crash, radiation incident, pollution, structural fire, or explosion.]~~

2184 ~~[(16)]~~ (11) "Unavailable" means:

2185 (a) absent from the place of governance during a disaster that seriously disrupts normal
2186 governmental operations, whether or not that absence or inability would give rise to a vacancy
2187 under existing constitutional or statutory provisions; or

2188 (b) as otherwise defined by local ordinance.

2189 Section 63. Section **53-2a-803**, which is renumbered from Section 63K-1-201 is
2190 renumbered and amended to read:

2191 ~~[63K-1-201].~~ **53-2a-803. Emergency interim successor to office of**
2192 **governor.**

2193 (1) If the governor is unavailable, and if the lieutenant governor, president of the
2194 Senate, and the speaker of the House of Representatives are unavailable to exercise the powers
2195 and duties of the office of governor, the attorney general, state auditor, or state treasurer shall,
2196 in the order named, exercise the powers and duties of the office of governor until:

2197 (a) the governor, lieutenant governor, president of the Senate, or speaker of the House

2198 of Representatives becomes available; or

2199 (b) a new governor is elected and qualified.

2200 (2) Notwithstanding the provisions of Subsection (1), no emergency interim successor
2201 to the lieutenant governor, president of the Senate, speaker of the House of Representatives,
2202 attorney general, state auditor, or state treasurer may serve as governor.

2203 Section 64. Section **53-2a-804**, which is renumbered from Section 63K-1-202 is
2204 renumbered and amended to read:

2205 ~~[63K-1-202]~~. **53-2a-804. Emergency interim successors for state officers.**

2206 (1) By July 1 of each year, each state officer shall:

2207 (a) designate three qualified emergency interim successors from within the state
2208 officer's department who meet the constitutional qualifications for the office, if any;

2209 (b) specify their order of succession;

2210 (c) provide a list of those designated successors to the division; and

2211 (d) notify emergency interim successors within 30 days of designation.

2212 (2) (a) If any state officer is unavailable following a disaster, and if the state officer's
2213 deputy, if any, is also unavailable, a designated emergency interim successor shall exercise the
2214 powers and duties of the office according to the order of succession specified by the state
2215 officer.

2216 (b) An emergency interim successor other than the attorney general, state auditor, or
2217 state treasurer shall exercise the state officer's powers and duties only until:

2218 (i) the person exercising the powers and duties of the office of governor appoints a
2219 successor to fill the vacancy;

2220 (ii) a permanent successor is appointed or elected and qualified as provided by law; or

2221 (iii) the state officer, the state officer's deputy, or an emergency interim successor
2222 earlier in the order of succession becomes available to exercise or resume the exercise of the
2223 powers and duties of the office.

2224 (c) An emergency interim successor of the attorney general, state auditor, or state
2225 treasurer shall exercise the powers and duties of those offices only until:

2226 (i) a permanent successor is appointed or elected and qualified as provided by law; or

2227 (ii) the attorney general, state auditor, or state treasurer, their deputy, or an emergency
2228 interim successor earlier in the order of succession becomes available to exercise or resume the

2229 exercise of the powers and duties of the office.

2230 Section 65. Section **53-2a-805**, which is renumbered from Section 63K-1-301 is
2231 renumbered and amended to read:

2232 ~~[63K-1-301].~~ **53-2a-805. Division to consult with legislative and judicial**
2233 **branch.**

2234 The Division of Emergency Management may consult with the Legislative Management
2235 Committee, the Judicial Council, and legislative and judicial staff offices to assist ~~[them]~~ the
2236 division in preparing emergency succession plans and procedures.

2237 Section 66. Section **53-2a-806**, which is renumbered from Section 63K-1-302 is
2238 renumbered and amended to read:

2239 ~~[63K-1-302].~~ **53-2a-806. Place of legislative session.**

2240 ~~[(1)(a) If the governor or the governor's interim successor declares a state of~~
2241 ~~emergency, the governor shall call the Legislature into session as soon as practicable.]~~

2242 ~~[(b) Each legislator shall proceed to the place of session as expeditiously as~~
2243 ~~practicable.]~~

2244 ~~[(2)]~~ (1) If the governor or the governor's interim successor declares a state of
2245 emergency or finds that a state of emergency is imminent, and the governor or the interim
2246 successor determines that the prescribed place of session is unsafe, the governor may change
2247 the place of session to any place in Utah that the governor considers safe and convenient.

2248 (2) Each legislator shall proceed to the place of session as expeditiously as practicable.

2249 Section 67. Section **53-2a-807**, which is renumbered from Section 63K-1-401 is
2250 renumbered and amended to read:

2251 ~~[63K-1-401].~~ **53-2a-807. Emergency interim successors for local officers.**

2252 (1) By July 1 of each year, each political subdivision officer shall:

2253 (a) designate three emergency interim successors;

2254 (b) specify their order of succession; and

2255 (c) provide a list of those designated successors to the division.

2256 (2) In the event that a political subdivision does not designate emergency interim
2257 successors as required under Subsection (1), the order of succession shall be as follows:

2258 (a) the chief executive officer of the political subdivision;

2259 (b) the chief deputy executive officer of the political subdivision;

2260 (c) the chair of the legislative body of the political subdivision; and
2261 (d) the chief law enforcement officer of the political subdivision.
2262 (3) (a) Notwithstanding any other provision of law:
2263 (i) if any political subdivision officer or the political subdivision officer's legal deputy,
2264 if any, is unavailable, a designated emergency interim successor shall exercise the powers and
2265 duties of the office according to the order of succession specified by the political subdivision
2266 officer; or
2267 (ii) counties may provide by ordinance that one member of the county legislative body
2268 may act as the county legislative body if the other members are absent.
2269 (b) An emergency interim successor shall exercise the powers and duties of the office
2270 only until:
2271 (i) the vacancy is filled in accordance with the constitution or statutes; or
2272 (ii) the political subdivision officer, the political subdivision officer's deputy, or an
2273 emergency interim successor earlier in the order of succession becomes available to exercise
2274 the powers and duties of the office.
2275 (4) The legislative bodies of each political subdivision may enact resolutions or
2276 ordinances consistent with this ~~chapter~~ part and also provide for emergency interim
2277 successors to officers of the political subdivision not governed by this section.
2278 Section 68. Section **53-2a-808**, which is renumbered from Section 63K-1-501 is
2279 renumbered and amended to read:
2280 ~~[63K-1-501].~~ **53-2a-808. Formalities of taking office.**
2281 (1) At the time that they are appointed as emergency interim successors or special
2282 emergency judges, emergency interim successors and special emergency judges shall sign
2283 prospectively whatever oath is required to enable them to exercise the powers and duties of the
2284 office to which they may succeed.
2285 (2) Notwithstanding any other provision of law, no person is required to comply with
2286 any other provision of law relative to taking office as a prerequisite to the exercise of the
2287 powers or discharge of the duties of an office to which the person succeeds.
2288 Section 69. Section **53-2a-809**, which is renumbered from Section 63K-1-502 is
2289 renumbered and amended to read:
2290 ~~[63K-1-502].~~ **53-2a-809. Period in which authority may be exercised.**

2291 (1) Persons authorized to act as governor, emergency interim successors, and special
2292 emergency judges shall exercise the powers and duties of the office to which they succeed only
2293 when a disaster has occurred.

2294 (2) (a) Emergency interim successors serve for 30 days after the date the governor or
2295 the governor's emergency successor calls the Legislature into special session, unless the
2296 unavailability of the elected official ends or an emergency interim successor earlier in the order
2297 of succession becomes available before expiration of the 30-day period.

2298 (b) Notwithstanding the provisions of Subsection (2)(a), if the emergency interim
2299 successor is serving for a legislator who is killed or resigns, the emergency interim successor
2300 shall serve until the legislator's legal replacement is sworn in.

2301 (3) The Legislature, by concurrent resolution, may:

2302 (a) terminate the authority of any or all emergency interim successors and special
2303 emergency judges to exercise the powers and duties of their office at any time; and

2304 (b) extend the time during which any or all emergency interim successors and special
2305 emergency judges may exercise the powers and duties of their office.

2306 Section 70. Section **53-2a-810**, which is renumbered from Section 63K-1-503 is
2307 renumbered and amended to read:

2308 ~~[63K-1-503].~~ **53-2a-810. Removal of designees.**

2309 Until the persons designated as emergency interim successors or special emergency
2310 judges succeed to the exercise of the powers and duties of an office, they shall serve as
2311 emergency interim successors or special emergency judges at the pleasure of the designating
2312 authority and may be removed and replaced by the designating authority at any time, with or
2313 without cause.

2314 Section 71. Section **53-2a-811**, which is renumbered from Section 63K-1-504 is
2315 renumbered and amended to read:

2316 ~~[63K-1-504].~~ **53-2a-811. Disputes.**

2317 Except for factual disputes concerning the office of governor, the governor shall
2318 adjudicate any dispute concerning a question of fact arising under this ~~chapter~~ part
2319 concerning a state officer. The governor's decision is final.

2320 Section 72. Section **53-2a-812**, which is renumbered from Section 63K-1-601 is
2321 renumbered and amended to read:

2322 ~~[63K-1-601]~~. 53-2a-812. **Governor to declare location of emergency seat of**
2323 **government.**

2324 (1) Whenever, due to an emergency resulting from the effects of a disaster, it becomes
2325 imprudent, inexpedient, or impossible to conduct the affairs of the state government in Salt
2326 Lake City, Utah, the governor shall:

2327 (a) by proclamation, declare an emergency temporary location for the seat of
2328 government in Utah; and

2329 (b) take whatever action and issue whatever orders are necessary for an orderly
2330 transition of the affairs of the state government to that emergency temporary location.

2331 (2) That emergency temporary location shall remain as the seat of government until the
2332 Legislature establishes a new location by law, or until the emergency is declared to be ended by
2333 the governor and the seat of government is returned to its normal location.

2334 (3) Local governments may provide, by ordinance, for temporary emergency locations
2335 for the seat of government.

2336 Section 73. Section **53-2a-813**, which is renumbered from Section 63K-1-602 is
2337 renumbered and amended to read:

2338 ~~[63K-1-602]~~. 53-2a-813. **Official acts at emergency seat of government --**
2339 **Validity.**

2340 During the time when the seat of government remains at an emergency location, all
2341 official acts required by law to be performed at the seat of government by any officer, agency,
2342 department, or authority of this state or local government, including the convening and meeting
2343 of the Legislature in regular, extraordinary, or emergency session, shall be as valid and binding
2344 as when performed at the normal location of the seat of government.

2345 Section 74. Section **53-2a-901** is enacted to read:

2346 **Part 9. Energy Emergency Plan**

2347 **53-2a-901.** **Title.**

2348 This part is known as the "Energy Emergency Plan."

2349 Section 75. Section **53-2a-902**, which is renumbered from Section 53-2-110 is
2350 renumbered and amended to read:

2351 ~~[53-2-110]~~. **53-2a-902.** **Energy emergency plan.**

2352 (1) The division shall develop an energy emergency plan consistent with Title ~~[63K]~~

2353 53, Chapter [2] 2a, Part 10, Energy Emergency Powers of the Governor Act.

2354 (2) In developing the energy emergency plan, the division shall coordinate with:

2355 (a) the Division of Public Utilities;

2356 (b) the Division of Oil, Gas, and Mining;

2357 (c) the Division of Air Quality; and

2358 (d) the Department of Agriculture and Food with regard to weights and measures.

2359 (3) The energy emergency plan shall:

2360 (a) designate the division as the entity that will coordinate the implementation of the

2361 energy emergency plan;

2362 (b) provide for annual review of the energy emergency plan;

2363 (c) provide for cooperation with public utilities and other relevant private sector

2364 persons;

2365 (d) provide a procedure for maintaining a current list of contact persons required under

2366 the energy emergency plan; and

2367 (e) provide that the energy emergency plan may only be implemented if the governor

2368 declares:

2369 (i) a state of emergency as provided in Title [63K] 53, Chapter [2] 2a, Part 2, Disaster
2370 Response and Recovery Act; or

2371 (ii) a state of emergency related to energy as provided in Title [63K] 53, Chapter [2]
2372 2a, Part 10, Energy Emergency Powers of the Governor Act.

2373 (4) If an event requires the implementation of the energy emergency plan, the division
2374 shall report on that event and the implementation of the energy emergency plan to:

2375 (a) the governor; and

2376 (b) the Public Utilities and Technology Interim Committee.

2377 (5) If the energy emergency plan includes a procedure for obtaining information, the
2378 energy emergency plan shall incorporate reporting procedures that conform to existing

2379 requirements of federal, state, and local regulatory authorities wherever possible.

2380 Section 76. Section **53-2a-1001**, which is renumbered from Section 63K-2-101 is
2381 renumbered and amended to read:

2382 **Part 10. Energy Emergency Powers of the Governor Act**

2383 [~~63K-2-101~~]. **53-2a-1001**. Title.

2384 This ~~chapter~~ part is known as the "Energy Emergency Powers of the Governor Act."

2385 Section 77. Section **53-2a-1002**, which is renumbered from Section 63K-2-102 is

2386 renumbered and amended to read:

2387 ~~[63K-2-102]~~. **53-2a-1002. Legislative findings and purpose.**

2388 (1) The Legislature finds that the lack of energy resources and other energy resource
2389 emergencies may threaten the availability of essential services and transportation and the
2390 operation of the economy, jeopardizing the peace, health, safety, and welfare of the people of
2391 this state.

2392 (2) The Legislature further finds that it is necessary to provide an orderly procedure for
2393 anticipating and responding to energy resource shortages and disruptions and to grant, under
2394 conditions prescribed in this ~~act~~ part, emergency powers to the governor to order involuntary
2395 curtailments in the use of energy resources.

2396 (3) The Legislature further finds and declares that it is the policy of this state to assist
2397 the United States in effective management and control of ~~such~~ factors and situations as
2398 contribute to an emergency affecting or likely to affect this state; to cooperate with other states
2399 in matters related to an emergency affecting or likely to affect this state; to meet extraordinary
2400 conditions in this state arising out of the crisis by taking ~~such~~ steps as are necessary and
2401 appropriate; and generally to protect the peace, health, safety, and welfare of the people of this
2402 state.

2403 Section 78. Section **53-2a-1003**, which is renumbered from Section 63K-2-103 is
2404 renumbered and amended to read:

2405 ~~[63K-2-103]~~. **53-2a-1003. "Energy resources" defined.**

2406 As used in this ~~act~~ part, "energy resources" includes electricity, natural gas, gasoline
2407 and middle distillates, coal, wood fuels, geothermal sources, radioactive materials, and any
2408 other resource yielding energy.

2409 Section 79. Section **53-2a-1004**, which is renumbered from Section 63K-2-201 is
2410 renumbered and amended to read:

2411 ~~[63K-2-201]~~. **53-2a-1004. Information-gathering powers -- Subpoena**
2412 **power -- Coordination with other regulatory authorities.**

2413 (1) On a continuing basis the governor may obtain all necessary information from
2414 energy resource producers, manufacturers, suppliers, and consumers doing business within, and

2415 from political subdivisions in, this state as necessary to determine whether shortages or an
 2416 emergency will require energy resource conservation measures. This information may include,
 2417 but shall not be limited to:

2418 (a) sales volumes;

2419 (b) forecasts of energy resource requirements;

2420 (c) from manufacturers, suppliers, and consumers, an inventory of energy resources;

2421 and

2422 (d) local distribution patterns of the information described in Subsections (1)(a), (1)(b),

2423 and (1)(c).

2424 (2) In obtaining information at any time from energy resource producers,

2425 manufacturers, suppliers, or consumers under Subsection (1)(c) and in obtaining any other

2426 information under Subsection (1) during a state of emergency proclaimed, the governor may

2427 subpoena witnesses, material and relevant books, papers, accounts, records, and memoranda,

2428 administer oaths, and cause the depositions of persons residing within or without the state to be

2429 taken in the manner prescribed for depositions in civil actions in district courts, to obtain

2430 information relevant to energy resources that are the subject of the proclaimed emergency.

2431 (3) In obtaining information under this section the governor shall:

2432 (a) seek to avoid eliciting information already furnished by a person or political

2433 subdivision in this state to a federal, state, or local regulatory authority that is available for the

2434 governor's study; and

2435 (b) cause reporting procedures, including forms, to conform to existing requirements of

2436 federal, state, and local regulatory authorities wherever possible.

2437 Section 80. Section **53-2a-1005**, which is renumbered from Section 63K-2-202 is

2438 renumbered and amended to read:

2439 ~~[63K-2-202]~~. **53-2a-1005. Confidential nature of information preserved --**
 2440 **Relief from subpoena -- Unauthorized disclosure as misdemeanor -- Removal from office.**

2441 (1) Information furnished pursuant to Section [~~63K-2-202~~] 53-2a-1004 and designated

2442 by that person as confidential shall be maintained as confidential by the governor and any

2443 person who obtains information which the person knows to be confidential under this [act]

2444 part. The governor shall not make known in any manner any particulars of such information to

2445 persons other than those specified in Subsection (4). No subpoena or judicial order may be

2446 issued compelling the governor or any other person to divulge or make known such
2447 confidential information, except when relevant to a prosecution for violation of Subsection (5).

2448 (2) Nothing in this section shall prohibit the use of confidential information to prepare
2449 statistics or other general data for publication, so presented as to prevent identification of
2450 particular persons.

2451 (3) Any person who is served with a subpoena to give testimony orally or in writing, or
2452 to produce books, papers, correspondence, memoranda, agreements, or other documents or
2453 records pursuant to this [æ] part may apply to any district court of this state for protection
2454 against abuse or hardship in the manner provided by law.

2455 (4) References to the governor in this section include the governor and any other
2456 individuals designated for this purpose in writing by the governor.

2457 (5) Any person who wilfully discloses confidential information in violation of this
2458 section is guilty of a class A misdemeanor and, in addition, may be subject to removal from
2459 office or immediate dismissal from public employment.

2460 Section 81. Section **53-2a-1006**, which is renumbered from Section 63K-2-203 is
2461 renumbered and amended to read:

2462 ~~[63K-2-203].~~ **53-2a-1006. Curtailment of energy use -- Standby priorities**
2463 **-- Restriction on involuntary curtailment.**

2464 In consultation with appropriate federal and state officials and officials of political
2465 subdivisions in this state, the governor shall cause to be established, and revised as appropriate,
2466 standby priorities for curtailment in the use of energy resources. Involuntary curtailments,
2467 however, may be ordered only by means of executive orders issued pursuant to this [æ] part.

2468 Section 82. Section **53-2a-1007**, which is renumbered from Section 63K-2-204 is
2469 renumbered and amended to read:

2470 ~~[63K-2-204].~~ **53-2a-1007. Proclamation of emergency -- Effective period --**
2471 **Extension of renewal by Legislature.**

2472 (1) (a) The governor may issue a proclamation declaring that a state of emergency
2473 exists with regard to one or more energy resources if the governor determines that an existing
2474 or imminent severe disruption or impending shortage in the supply of one or more energy
2475 resources, in this state or elsewhere:

2476 (i) threatens:

2477 (A) the availability of essential services or transportation; or
2478 (B) the operation of the economy; and
2479 (ii) because of the threats described in Subsection (1)(a)(i), jeopardizes the peace,
2480 health, safety, and welfare of the people of this state.
2481 (b) The proclamation declaring a state of emergency described in Subsection (1)(a)
2482 shall state with specificity the nature of the disruption or shortage in an energy resource.
2483 (c) (i) Within seven calendar days of the day on which the governor issues a
2484 proclamation declaring a state of emergency under this section, the Legislative Management
2485 Committee shall:
2486 (A) review the proclamation; and
2487 (B) advise the governor on the proclamation.
2488 (ii) The failure of the Legislative Management Committee to meet as required by
2489 Subsection (1)(c)(i) does not affect the validity of the proclamation declaring a state of
2490 emergency.
2491 (2) (a) A proclamation issued under this section, and any order or rule issued as a result
2492 of the proclamation shall continue in effect until 60 days from the date of the proclamation of
2493 the state of emergency unless the governor rescinds the proclamation and declares the
2494 emergency ended prior to the expiration of this 60-day period.
2495 (b) A proclamation issued within 30 days of the expiration of a prior proclamation for
2496 the same emergency shall be considered a renewal or extension subject to Subsection (3).
2497 (3) A proclamation may be renewed or extended only by joint resolution of the
2498 Legislature.
2499 Section 83. Section **53-2a-1008**, which is renumbered from Section 63K-2-205 is
2500 renumbered and amended to read:
2501 ~~[63K-2-205]~~. **53-2a-1008. Curtailment, adjustment, and allocation of**
2502 **energy use by executive orders -- Limitations and considerations in issuance and**
2503 **application.**
2504 (1) Upon issuance of a proclamation pursuant to Section ~~[63K-2-204]~~ 53-2a-1007, the
2505 governor in addition may by executive order:
2506 (a) require reduction in energy resource usage and the application of conservation,
2507 prevention of waste, and the salvaging of energy resources and the materials, services, and

2508 facilities derived therefrom or dependent thereon, by state agencies and political subdivisions
2509 in this state;

2510 (b) direct the establishment by state agencies and political subdivisions in this state of
2511 programs necessary to implement and comply with federal energy conservation programs
2512 where these programs have not theretofore been so established, including, but not limited to,
2513 allocation or rationing of energy resources and the distribution of the state's discretionary
2514 allotments;

2515 (c) require involuntary curtailments, adjustments, or allocations in the supply and
2516 consumption of energy resources applicable to all suppliers and consumers including, but not
2517 limited to, specification of the times and manner in which these resources are supplied or
2518 consumed; or

2519 (d) prescribe and direct activities promoting the conservation, prevention of waste, and
2520 salvage of energy resources and the materials, services, and facilities derived therefrom or
2521 dependent thereon, including, but not limited to, the modification of transportation routes and
2522 schedules, or the suspension of weight limits or other restrictions from the transportation of
2523 energy resources, to the extent permissible under federal law and regulations.

2524 (2) Any restrictions, curtailments, adjustments, or allocations pursuant to Subsection
2525 (1) shall:

2526 (a) be ordered and continue only so long as demonstrably necessary for the
2527 maintenance of essential services or transportation, or the continued operation of the economy
2528 but no longer than the duration of the proclamation;

2529 (b) be applied as uniformly as practicable within each class of suppliers and consumers
2530 and without discrimination within a class; and

2531 (c) give due consideration to the needs of commercial, retail, professional, and service
2532 establishments whose normal function is to supply goods or services or both of an essential
2533 nature, including, but not limited to, food, lodging, fuel, or medical care facilities during times
2534 of the day other than conventional daytime working hours.

2535 Section 84. Section **53-2a-1009**, which is renumbered from Section 63K-2-206 is
2536 renumbered and amended to read:

2537 ~~[63K-2-206]~~. **53-2a-1009. Other emergency powers of governor**
2538 **unaffected.**

2539 The powers vested in the governor under this [act] part shall be in addition to, and not
 2540 in lieu of, any other emergency powers otherwise constitutionally or statutorily vested in the
 2541 governor.

2542 Section 85. Section **53-2a-1010**, which is renumbered from Section 63K-2-301 is
 2543 renumbered and amended to read:

2544 ~~[63K-2-301].~~ **53-2a-1010. Existing agencies to be used in implementation.**

2545 The governor shall use, to the extent practicable, existing state boards, commissions, or
 2546 agencies or officers or employees for the purpose of carrying out the provisions of this [act]
 2547 part.

2548 Section 86. Section **53-2a-1011**, which is renumbered from Section 63K-2-302 is
 2549 renumbered and amended to read:

2550 ~~[63K-2-302].~~ **53-2a-1011. Enforcement of orders and rules.**

2551 The governor may apply to any district court for appropriate equitable relief against any
 2552 person violating or failing to carry out the provisions of this [act] part or any order or rule
 2553 issued pursuant to this [act] part.

2554 Section 87. Section **53-2a-1012**, which is renumbered from Section 63K-2-303 is
 2555 renumbered and amended to read:

2556 ~~[63K-2-303].~~ **53-2a-1012. Rules and regulations -- Approval by**
 2557 **Legislature.**

2558 The board, commission, or agency designated by the governor for carrying out the
 2559 provisions of this [act] part is authorized to promulgate ~~[such]~~ rules and regulations as are
 2560 necessary for effective administration of this [act] part with approval of the Legislature.

2561 Section 88. Section **53-2a-1101** is enacted to read:

2562 **Part 11. Search and Rescue Act**

2563 **53-2a-1101. Title.**

2564 This part is known as the "Search and Rescue Act."

2565 Section 89. Section **53-2a-1102**, which is renumbered from Section 53-2-107 is
 2566 renumbered and amended to read:

2567 ~~[53-2-107].~~ **53-2a-1102. Search and Rescue Financial Assistance Program --**
 2568 **Uses -- Rulemaking -- Distribution.**

2569 (1) "Expenses" means actual labor costs of government and volunteer personnel,

2570 including workers' compensation benefits, fringe benefits, administrative overhead, cost of
2571 equipment, cost of equipment operation, cost of materials, and the cost of any contract labor
2572 and materials.

2573 [~~(1)~~] (2) (a) "Reimbursable expenses," as used in this section, means those reasonable
2574 [~~costs~~] expenses incidental to search and rescue activities.

2575 (b) "Reimbursable expenses" include:

2576 (i) rental for fixed wing aircraft, helicopters, snowmobiles, boats, and generators;

2577 (ii) replacement and upgrade of search and rescue equipment;

2578 (iii) training of search and rescue volunteers;

2579 (iv) costs of providing workers' compensation benefits for volunteer search and rescue
2580 team members under Section 67-20-7.5; and

2581 (v) any other equipment or expenses necessary or appropriate for conducting search
2582 and rescue activities.

2583 (c) "Reimbursable expenses" do not include any salary or overtime paid to any person
2584 on a regular or permanent payroll, including permanent part-time employees of any agency or
2585 political subdivision of the state.

2586 [~~(2)~~] (3) There is created the Search and Rescue Financial Assistance Program within
2587 the division.

2588 [~~(3)~~] (4) (a) The program shall be funded from the following revenue sources:

2589 (i) any voluntary contributions to the state received for search and rescue operations;

2590 (ii) money received by the state under Section 23-19-42, Section 41-22-34, and Section
2591 73-18-24; and

2592 (iii) appropriations made to the program by the Legislature.

2593 (b) All funding for the program shall be nonlapsing.

2594 [~~(4)~~] (5) The director shall use the money to reimburse counties for all or a portion of
2595 each county's reimbursable expenses for search and rescue operations, subject to:

2596 (a) the approval of the Search and Rescue Advisory Board as provided in Section
2597 [~~53-2-109~~] 53-2a-1104;

2598 (b) money available in the program; and

2599 (c) rules made under Subsection [~~(7)~~] (8).

2600 [~~(5)~~] (6) Program money may not be used to reimburse for any paid personnel costs or

2601 paid man hours spent in emergency response and search and rescue related activities.

2602 ~~[(6)]~~ (7) The Legislature finds that these funds are for a general and statewide public
2603 purpose.

2604 ~~[(7)]~~ (8) The division, with the approval of the Search and Rescue Advisory Board,
2605 shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2606 Act, and consistent with this act:

2607 (a) specifying the costs that qualify as reimbursable expenses;

2608 (b) defining the procedures of agencies to submit expenses and be reimbursed; and

2609 (c) providing a formula to govern the distribution of available money among the
2610 counties for uncompensated search and rescue expenses based on:

2611 (i) the total qualifying expenses submitted;

2612 (ii) the number of search and rescue incidents per county population;

2613 (iii) the number of victims that reside outside the county; and

2614 (iv) the number of volunteer hours spent in each county in emergency response and
2615 search and rescue related activities per county population.

2616 Section 90. Section **53-2a-1103**, which is renumbered from Section 53-2-108 is
2617 renumbered and amended to read:

2618 ~~[53-2-108].~~ **53-2a-1103. Search and Rescue Advisory Board -- Members --**
2619 **Compensation.**

2620 (1) There is created the Search and Rescue Advisory Board consisting of seven
2621 members appointed as follows:

2622 (a) two representatives designated by the Utah Search and Rescue Association, one of
2623 whom is from a county having a population of 75,000 or more; and one from a county having a
2624 population of less than 75,000;

2625 (b) three representatives designated by the Utah Sheriff's Association, at least one of
2626 whom shall be a member of a voluntary search and rescue unit operating in the state, at least
2627 one of whom shall be from a county having a population of 75,000 or more, and at least one of
2628 whom shall be from a county having a population of less than 75,000;

2629 (c) one representative of the Division of Emergency Management designated by the
2630 director; and

2631 (d) one private citizen appointed by the governor with the consent of the Senate.

2632 (2) (a) The term of each member of the board is four years.

2633 (b) A member may be reappointed to successive terms.

2634 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
2635 appointed for the unexpired term.

2636 (d) In order to stagger the terms of membership, the members appointed or reappointed
2637 to represent the Utah Sheriff's Association on or after May 2, 2005, shall serve a term of two
2638 years, and all subsequent terms shall be four years.

2639 (3) A member may not receive compensation or benefits for the member's service, but
2640 may receive per diem and travel expenses in accordance with:

2641 (a) Section 63A-3-106;

2642 (b) Section 63A-3-107; and

2643 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2644 63A-3-107.

2645 Section 91. Section **53-2a-1104**, which is renumbered from Section 53-2-109 is
2646 renumbered and amended to read:

2647 **[53-2-109]. 53-2a-1104. General duties of the Search and Rescue Advisory**
2648 **Board.**

2649 The duties of the Search and Rescue Advisory Board shall include:

2650 (1) conducting a board meeting at least once per quarter;

2651 (2) receiving applications for reimbursement of eligible expenses from county search
2652 and rescue operations by the end of the first quarter of each calendar year;

2653 (3) determining the reimbursement to be provided from the Search and Rescue
2654 Financial Assistance Program to each applicant;

2655 (4) standardizing the format and maintaining key search and rescue statistical data from
2656 each county within the state; and

2657 (5) disbursing funds accrued in the Search and Rescue Financial Assistance Program,
2658 created under Section 53-2-107, to eligible applicants [~~until the program money is depleted in~~
2659 ~~that fiscal year~~].

2660 Section 92. Section **63J-1-314** is amended to read:

2661 **63J-1-314. Deposits related to the Disaster Recovery Funding Act.**

2662 (1) As used in this section, "operating deficit" means that, at the end of the fiscal year,

2663 the unassigned fund balance in the General Fund is less than zero.

2664 (2) Except as provided under Subsection (3), at the end of each fiscal year, the Division
2665 of Finance shall, after the transfer of General Fund revenue surplus has been made to the
2666 Medicaid Growth Reduction and Budget Stabilization Account, as provided in Section
2667 63J-1-315, and the General Fund Budget Reserve Account, as provided in Section 63J-1-312,
2668 transfer an amount into the State Disaster Recovery Restricted Account, created in Section
2669 [~~53-2-403~~] 53-2a-603, from the General Fund revenue surplus as defined in Section 63J-1-312,
2670 calculated by:

2671 (a) determining the amount of General Fund revenue surplus after the transfer to the
2672 Medicaid Growth Reduction and Budget Stabilization Account under Section 63J-1-315 and
2673 the General Fund Budget Reserve Account under Section 63J-1-312;

2674 (b) calculating an amount equal to the lesser of:

2675 (i) 25% of the amount determined under Subsection (2)(a); or

2676 (ii) 6% of the total of the General Fund appropriation amount for the fiscal year in
2677 which the surplus occurs; and

2678 (c) adding to the amount calculated under Subsection (2)(b) an amount equal to the
2679 lesser of:

2680 (i) 25% more of the amount described in Subsection (2)(a); or

2681 (ii) the amount necessary to replace, in accordance with this Subsection (2)(c), any
2682 amount appropriated from the State Disaster Recovery Restricted Account within 10 fiscal
2683 years before the fiscal year in which the surplus occurs if:

2684 (A) a surplus exists; and

2685 (B) the Legislature appropriates money from the State Disaster Recovery Restricted
2686 Account that is not replaced by appropriation or as provided in this Subsection (2)(c).

2687 (3) Notwithstanding Subsection (2), if, at the end of a fiscal year, the Division of
2688 Finance determines that an operating deficit exists, the division shall reduce the transfer to the
2689 State Disaster Recovery Restricted Account by the amount necessary to eliminate the operating
2690 deficit.

2691 Section 93. Section **63J-1-602.3** is amended to read:

2692 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

2693 (1) Funding for the Search and Rescue Financial Assistance Program, as provided in

2694 Section [~~53-2-107~~] 53-2a-1101.

2695 (2) Appropriations made to the Department of Public Safety from the Department of
2696 Public Safety Restricted Account, as provided in Section 53-3-106.

2697 (3) Appropriations to the Motorcycle Rider Education Program, as provided in Section
2698 53-3-905.

2699 (4) Appropriations from the Utah Highway Patrol Aero Bureau Restricted Account
2700 created in Section 53-8-303.

2701 (5) Appropriations from the DNA Specimen Restricted Account created in Section
2702 53-10-407.

2703 (6) The Canine Body Armor Restricted Account created in Section 53-16-201.

2704 (7) Appropriations to the State Board of Education, as provided in Section
2705 53A-17a-105.

2706 (8) Money received by the State Office of Rehabilitation for the sale of certain products
2707 or services, as provided in Section 53A-24-105.

2708 (9) Certain funds appropriated from the General Fund to the State Board of Regents for
2709 teacher preparation programs, as provided in Section 53B-6-104.

2710 (10) A certain portion of money collected for administrative costs under the School
2711 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

2712 (11) Certain surcharges on residential and business telephone numbers imposed by the
2713 Public Service Commission, as provided in Section 54-8b-10.

2714 (12) Certain fines collected by the Division of Occupational and Professional Licensing
2715 for violation of unlawful or unprofessional conduct that are used for education and enforcement
2716 purposes, as provided in Section 58-17b-505.

2717 (13) Certain fines collected by the Division of Occupational and Professional Licensing
2718 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
2719 Section 58-63-103.

2720 (14) Appropriations from the Relative Value Study Restricted Account created in
2721 Section 59-9-105.

2722 (15) The Cigarette Tax Restricted Account created in Section 59-14-204.

2723 Section 94. Section **63J-3-103** is amended to read:

2724 **63J-3-103. Definitions.**

2725 As used in this chapter:

2726 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations
2727 from unrestricted General Fund and Education Fund sources.

2728 (b) "Appropriations" includes appropriations that are contingent upon available
2729 surpluses in the General Fund and Education Fund.

2730 (c) "Appropriations" does not mean:

2731 (i) public education expenditures;

2732 (ii) Utah Education Network expenditures in support of public education;

2733 (iii) Utah College of Applied Technology expenditures in support of public education;

2734 (iv) Tax Commission expenditures related to collection of income taxes in support of
2735 public education;

2736 (v) debt service expenditures;

2737 (vi) emergency expenditures;

2738 (vii) expenditures from all other fund or subfund sources;

2739 (viii) transfers or appropriations from the Education Fund to the Uniform School Fund;

2740 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve

2741 Account established in Section 63J-1-312;

2742 (x) transfers into, or appropriations made to, the Education Budget Reserve Account
2743 established in Section 63J-1-313;

2744 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to the
2745 State Disaster Recovery Restricted Account created in Section [~~53-2-403~~] 53-2a-603;

2746 (xii) money appropriated to fund the total one-time project costs for the construction of
2747 capital developments as defined in Section 63A-5-104;

2748 (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund
2749 Restricted Account created by Section 72-2-118;

2750 (xiv) transfers or deposits into or appropriations made to the Transportation Investment
2751 Fund of 2005 created by Section 72-2-124;

2752 (xv) transfers or deposits into or appropriations made to:

2753 (A) the Department of Transportation from any source; or

2754 (B) any transportation-related account or fund from any source; or

2755 (xvi) supplemental appropriations from the General Fund to the Division of Forestry,

2756 Fire, and State Lands to provide money for wildland fire control expenses incurred during the
2757 current or previous fire years.

2758 (2) "Base year real per capita appropriations" means the result obtained for the state by
2759 dividing the fiscal year 1985 actual appropriations of the state less debt money by:

2760 (a) the state's July 1, 1983 population; and

2761 (b) the fiscal year 1983 inflation index divided by 100.

2762 (3) "Calendar year" means the time period beginning on January 1 of any given year
2763 and ending on December 31 of the same year.

2764 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
2765 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session,
2766 Chapter 4.

2767 (5) "Fiscal year" means the time period beginning on July 1 of any given year and
2768 ending on June 30 of the subsequent year.

2769 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual
2770 capital and operations appropriations from General Fund and non-Uniform School Fund
2771 income tax revenue sources, less debt money.

2772 (7) "Inflation index" means the change in the general price level of goods and services
2773 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic
2774 Analysis, U.S. Department of Commerce calculated as provided in Section 63J-3-202.

2775 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could
2776 be, or could have been, spent in any given year under the limitations of this chapter.

2777 (b) "Maximum allowable appropriations limit" does not mean actual appropriations
2778 spent or actual expenditures.

2779 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two
2780 fiscal years previous to the fiscal year for which the maximum allowable inflation and
2781 population appropriations limit is being computed under this chapter.

2782 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal
2783 years previous to the fiscal year for which the maximum allowable inflation and population
2784 appropriations limit is being computed under this chapter.

2785 (11) "Population" means the number of residents of the state as of July 1 of each year
2786 as calculated by the Governor's Office of Planning and Budget according to the procedures and

2787 requirements of Section 63J-3-202.

2788 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and
 2789 other monetary exaction and interest connected with it that are recorded as unrestricted revenue
 2790 of the General Fund and from non-Uniform School Fund income tax revenues, except as
 2791 specifically exempted by this chapter.

2792 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness,
 2793 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an
 2794 "indebtedness" within the meaning of any provision of the constitution or laws of this state.

2795 Section 95. Section **63J-5-103** is amended to read:

2796 **63J-5-103. Scope and applicability of chapter.**

2797 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute
 2798 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
 2799 this chapter apply to each agency and govern each federal funds request.

2800 (2) This chapter does not govern federal funds requests for:

2801 (a) the Medical Assistance Program, commonly known as Medicaid;

2802 (b) the Children's Health Insurance Program;

2803 (c) the Women, Infant, and Children program;

2804 (d) the Temporary Assistance to Needy Families program;

2805 (e) Social Security Act money;

2806 (f) the Substance Abuse Prevention and Treatment program;

2807 (g) Child Care and Development Block [~~grants~~] Grant;

2808 (h) SNAP Administration and Training money;

2809 (i) Unemployment Insurance Operations money;

2810 (j) Federal Highway Administration money;

2811 (k) the Utah National Guard; or

2812 (l) pass-through federal funds.

2813 (3) The governor need not seek legislative review or approval of federal funds received
 2814 by the state if:

2815 (a) the governor has declared a state of emergency; and

2816 (b) the federal funds are received to assist victims of the state of emergency under

2817 Subsection [~~63K-4-201~~] 53-2a-204(1).

2818 Section 96. Section **63J-7-102** is amended to read:

2819 **63J-7-102. Scope and applicability of chapter.**

2820 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute
2821 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
2822 this chapter apply to each agency and govern each grant received on or after May 5, 2008.

2823 (2) This chapter does not govern:

2824 (a) a grant deposited into a General Fund restricted account;

2825 (b) a grant deposited into a Trust and Agency Fund as defined in Section 51-5-4;

2826 (c) a grant deposited into an Enterprise Fund as defined in Section 51-5-4;

2827 (d) a grant made to the state without a restriction or other designated purpose that is
2828 deposited into the General Fund as free revenue;

2829 (e) a grant made to the state that is restricted only to "education" and that is deposited
2830 into the Education Fund or Uniform School Fund as free revenue;

2831 (f) in-kind donations;

2832 (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state
2833 when required by state law or application of state law;

2834 (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax
2835 Contribution Act;

2836 (i) a grant received by an agency from another agency or political subdivision;

2837 (j) a grant to the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion
2838 Act;

2839 (k) a grant to the Utah Science Center Authority created in Title 63H, Chapter 3, Utah
2840 Science Center Authority;

2841 (l) a grant to the Heber Valley Railroad Authority created in Title 63H, Chapter 4,
2842 Heber Valley Historic Railroad Authority;

2843 (m) a grant to the Utah State Railroad Museum Authority created in Title 63H, Chapter
2844 5, Utah State Railroad Museum Authority;

2845 (n) a grant to the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7,
2846 Utah Housing Corporation Act;

2847 (o) a grant to the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah
2848 State Fair Corporation Act;

- 2849 (p) a grant to the Workers' Compensation Fund created in Title 31A, Chapter 33,
 2850 Workers' Compensation Fund;
- 2851 (q) a grant to the Utah State Retirement Office created in Title 49, Chapter 11, Utah
 2852 State Retirement Systems Administration;
- 2853 (r) a grant to the School and Institutional Trust Lands Administration created in Title
 2854 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration;
- 2855 (s) a grant to the Utah Communications Agency Network created in Title 63C, Chapter
 2856 7, Utah Communications Agency Network Act;
- 2857 (t) a grant to the Medical Education Program created in Section 63C-8-102;
- 2858 (u) a grant to the Utah Capital Investment Corporation created in Title 63M, Chapter 1,
 2859 Part 12, Utah Venture Capital Enhancement Act;
- 2860 (v) a grant to the Utah Charter School Finance Authority created in Section
 2861 53A-20b-103;
- 2862 (w) a grant to the State Building Ownership Authority created in Section 63B-1-304;
- 2863 (x) a grant to the Utah Comprehensive Health Insurance Pool created in Section
 2864 31A-29-104; or
- 2865 (y) a grant to the Military Installation Development Authority created in Section
 2866 63H-1-201.
- 2867 (3) An agency need not seek legislative review or approval of grants under Part 2,
 2868 Grant Approval Requirements, if:
- 2869 (a) the governor has declared a state of emergency; and
- 2870 (b) the grant is donated to the agency to assist victims of the state of emergency under
 2871 Subsection [~~63K-4-201~~] 53-2a-204(1).
- 2872 Section 97. Section **63M-4-201** is amended to read:
- 2873 **63M-4-201. Governor's energy advisor -- Duties.**
- 2874 (1) (a) The governor shall appoint an energy advisor.
- 2875 (b) The governor's energy advisor serves at the pleasure of the governor.
- 2876 (2) The governor's energy advisor shall:
- 2877 (a) advise the governor on energy-related matters;
- 2878 (b) annually review and propose updates to the state's energy policy, as contained in
 2879 Section 63M-4-301;

- 2880 (c) promote as the governor's energy advisor considers necessary:
- 2881 (i) the development of cost-effective energy resources both renewable and
- 2882 nonrenewable; and
- 2883 (ii) educational programs, including programs supporting conservation and energy
- 2884 efficiency measures;
- 2885 (d) coordinate across state agencies to assure consistency with state energy policy,
- 2886 including:
- 2887 (i) working with the State Energy Program to promote access to federal assistance for
- 2888 energy-related projects for state agencies and members of the public;
- 2889 (ii) working with the Division of Emergency Management to assist the governor in
- 2890 carrying out the governor's energy emergency powers under Title [~~63K~~] 53, Chapter [~~2~~] 2a,
- 2891 Part 10, Energy Emergency Powers of the Governor Act;
- 2892 (iii) participating in the annual review of the energy emergency plan and the
- 2893 maintenance of the energy emergency plan and a current list of contact persons required by
- 2894 Section [~~53-2-110~~] 53-2a-902; and
- 2895 (iv) identifying and proposing measures necessary to facilitate low-income consumers'
- 2896 access to energy services;
- 2897 (e) coordinate with the Division of Emergency Management ongoing activities
- 2898 designed to test an energy emergency plan to ensure coordination and information sharing
- 2899 among state agencies and political subdivisions in the state, public utilities and other energy
- 2900 suppliers, and other relevant public sector persons as required by Sections [~~53-2-110~~,
- 2901 ~~63K-2-201, 63K-2-205, and 63K-2-301~~] 53-2a-902, 53-2a-1004, 53-2a-1008, and 53-2a-1010;
- 2902 (f) coordinate with requisite state agencies to study:
- 2903 (i) the creation of a centralized state repository for energy-related information;
- 2904 (ii) methods for streamlining state review and approval processes for energy-related
- 2905 projects; and
- 2906 (iii) the development of multistate energy transmission and transportation
- 2907 infrastructure;
- 2908 (g) coordinate energy-related regulatory processes within the state;
- 2909 (h) compile, and make available to the public, information about federal, state, and
- 2910 local approval requirements for energy-related projects;

2911 (i) act as the state's advocate before federal and local authorities for energy-related
2912 infrastructure projects or coordinate with the appropriate state agency; and

2913 (j) help promote the Division of Facilities Construction and Management's measures to
2914 improve energy efficiency in state buildings.

2915 (3) The governor's energy advisor has standing to testify on behalf of the governor at
2916 the Public Service Commission created in Section 54-1-1.

2917 Section 98. Section **73-18-24** is amended to read:

2918 **73-18-24. Search and rescue fee -- Amount -- Deposition.**

2919 (1) In addition to the fee imposed under Section 73-18-7, there is imposed a search and
2920 rescue fee of 50 cents on each motorboat or sailboat required to pay the fee imposed under
2921 Subsection 73-18-7(2) to be registered or renewed under Section 73-18-7.

2922 (2) The fees imposed under this section shall be collected in the same manner and by
2923 the same agency designated to collect the fees imposed under this chapter.

2924 (3) The fees collected under this section shall be deposited in the General Fund as
2925 dedicated credits for the Search and Rescue Financial Assistance Program created under
2926 Section [~~53-2-107~~] 53-2a-1101.

2927 Section 99. Section **76-8-317** is amended to read:

2928 **76-8-317. Refusal to comply with order to evacuate or other orders issued in a**
2929 **local or state emergency -- Penalties.**

2930 (1) A person may not refuse to comply with an order to evacuate issued under this
2931 chapter or refuse to comply with any other order issued by the governor in a state of an
2932 emergency under Section [~~63K-4-201~~] 53-2a-204 or by a chief executive officer in a local
2933 emergency under Section [~~63K-4-202~~] 53-2a-205, if notice of the order has been given to that
2934 person.

2935 (2) A person who violates this section is guilty of a class B misdemeanor.

2936 Section 100. **Repealer.**

2937 This bill repeals:

2938 Section **63K-3-101, Title.**

2939 Section **63K-3-102, Definitions.**

Legislative Review Note
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Office of Legislative Research and General Counsel