

POST DISASTER RECOVERY AND MITIGATION

RESTRICTED ACCOUNT

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates a restricted account and sets eligibility requirements for counties and municipalities to receive grants from the restricted account.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Post Disaster Recovery and Mitigation Restricted Account;
- ▶ designates the purposes, limitations, and sources of the restricted account;
- ▶ sets standards and requirements for receiving a grant from the restricted account;

and

- ▶ grants rulemaking authority to the Division of Emergency Management.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

▶ to the General Fund Restricted -- Post Disaster Recovery and Mitigation Restricted Account -- as an ongoing appropriation:

- from the General Fund, \$2,000,000.
- ▶ to the Department of Public Safety -- as an ongoing appropriation
 - from the General Fund Restricted -- Post Disaster Recovery and Mitigation

Restricted Account, \$2,000,000.



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 ENACTS:

32 [53-2a-1301](#), Utah Code Annotated 1953

33 [53-2a-1302](#), Utah Code Annotated 1953

34 [53-2a-1303](#), Utah Code Annotated 1953

35 [53-2a-1304](#), Utah Code Annotated 1953

36 [53-2a-1305](#), Utah Code Annotated 1953



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

39 Section 1. Section **53-2a-1301** is enacted to read:

40 **Part 13. Post Disaster Recovery and Mitigation Restricted Account**

41 **53-2a-1301. Definitions.**

42 As used in the part:

43 (1) "Account" means the Post Disaster Recovery and Mitigation Restricted Account
44 created in Section [53-2a-1302](#).

45 (2) "Affected community" means a county or municipality affected by a disaster.

46 (3) "Chief executive officer" means the same as that term is defined in Section
47 [53-2a-203](#).

48 (4) "Costs not recoverable" include:

49 (a) the county threshold; and

50 (b) costs covered by insurance or federal government grants, including funding
51 provided to the state by FEMA's Public Assistance grant program described in 44 C.F.R.
52 Chapter 1, Subchapter D, Part 206.

53 (5) "County threshold" means, for each county, the countywide per capita indicator
54 established by FEMA for the state, multiplied by the population of the county as determined by
55 the division.

56 (6) "Disaster recovery" means action taken to remove debris, implement life-saving
57 emergency protective measures, or repair, replace, or restore facilities in response to a disaster.

58 (7) "Disaster recovery grant" means money granted to an affected community for

59 disaster recovery that amounts to not more than 75% of the difference between the cost of
60 disaster recovery, as determined by the division after reviewing the official damage assessment,
61 and costs not recoverable.

62 (8) "FEMA" means the Federal Emergency Management Agency.

63 (9) "Post hazard mitigation" means action taken, after a natural disaster, to reduce or
64 eliminate risk to people or property that may occur as a result of the long-term effects of the
65 natural disaster or a subsequent natural disaster, including action to prevent damage caused by
66 flooding, earthquake, dam failure, wildfire, landslide, severe weather, drought, and problem
67 soil.

68 (10) "Post hazard mitigation grant" means money granted to a county or municipality
69 for post hazard mitigation that amounts to not more than 75% of the costs deemed necessary by
70 the division to complete the post hazard mitigation.

71 (11) "Official damage assessment" means a financial assessment of the damage to an
72 affected community, caused by a disaster, that is conducted under the direction of the
73 governing body of the affected community, in accordance with the rules described in Section
74 [53-2a-1305](#).

75 Section 2. Section **53-2a-1302** is enacted to read:

76 **53-2a-1302. Post Disaster Recovery and Mitigation Restricted Account.**

77 (1) There is created a restricted account in the General Fund known as the "Post
78 Disaster Recovery and Mitigation Restricted Account."

79 (2) The account consists of:

80 (a) money appropriated to the account by the Legislature;

81 (b) income and interest derived from the deposit and investment of money in the
82 account; and

83 (c) private donations, grants, gifts, bequests, or money made available from any other
84 source to implement this section.

85 (3) At the close of a fiscal year, money in the account exceeding \$10,000,000 shall be
86 transferred to the General Fund.

87 (4) Subject to the requirements described in this part, the division may grant money
88 from the account:

89 (a) to an affected community for the affected community's disaster recovery efforts as

90 described in Section 53-2a-1303; or

91 (b) to a county or municipality for post hazard mitigation as described in Section
92 53-2a-1304.

93 Section 3. Section **53-2a-1303** is enacted to read:

94 **53-2a-1303. Disaster Recovery Grant.**

95 (1) The division may grant money under Subsection 53-2a-1302(4)(a) from the account
96 after receiving an application from an affected community for a disaster recovery grant.

97 (2) An affected community is eligible to receive a disaster recovery grant from the
98 account if:

99 (a) the affected community submits an application described in Subsection (1) that
100 includes the information required by the rules described in Section 53- 2a-1305;

101 (b) the occurrence of disaster in the affected community results in:

102 (i) the president of the United States declaring an emergency or major disaster in the
103 state;

104 (ii) the governor declaring a state of emergency under Section 53-2a-206; or

105 (iii) the chief executive officer of a local government within the affected community
106 declaring a local emergency under Section 53-2a-205;

107 (c) the governing body of the affected community conducts an official damage
108 assessment of the disaster;

109 (d) the cost of disaster recovery, as determined by the division after reviewing the
110 official damage assessment, exceeds the county threshold for the county in which the affected
111 community is located; and

112 (e) the account contains sufficient money for the grant.

113 Section 4. Section **53-2a-1304** is enacted to read:

114 **53-2a-1304. Post Hazard Mitigation Grant.**

115 (1) The division may grant money under Subsection 53-2a-1302(4)(b) from the account
116 after receiving an application from a county or municipality for post hazard mitigation if:

117 (a) the amount of money in the account exceeds the amount of money appropriated by
118 the Legislature to the account for the current fiscal year; and

119 (b) the total money granted by the division for post hazard mitigation does not exceed
120 the difference between the amount of money in the account and the amount of money

121 appropriated by the Legislature to the account for the current fiscal year.

122 (2) A county or municipality is eligible to receive a post hazard mitigation grant if the
123 division determines the post hazard mitigation to be funded by the post hazard mitigation grant:

124 (a) is reasonably likely to mitigate:

125 (i) economically significant property damage resulting from a disaster; or

126 (ii) threats to human safety resulting from a disaster;

127 (b) will be designed and constructed in a economically efficient manner that comports
128 with accepted industry standards; and

129 (c) addresses a threat of disaster that is plausible and not merely speculative.

130 Section 5. Section **53-2a-1305** is enacted to read:

131 **53-2a-1305. Rulemaking authority and division responsibilities.**

132 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
133 division may make rules to:

134 (a) designate the requirements and procedures:

135 (i) for the governing body of a county or municipality of an affected community to:

136 (A) apply for a disaster recovery grant; and

137 (B) conduct an official damage assessment; and

138 (ii) for the governing body of a county or municipality to apply for a post hazard
139 mitigation grant; and

140 (b) establish standards to ensure that projects completed in accordance with this section
141 are completed in a cost effective manner, are reasonably necessary for disaster recovery or post
142 hazard mitigation, and that all receipts and invoices are documented.

143 (2) No later than December 31 of each year, the division shall provide the governor and
144 the Criminal Justice Appropriations Subcommittee a written report of the division's activities
145 under this part, including:

146 (a) an accounting of the money expended or committed to be expended under this part;
147 and

148 (b) the balance of the account.

149 Section 6. **Appropriation.**

150 The following sums of money are appropriated for the fiscal year beginning July 1,
151 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for

152 fiscal year 2020.

153 Subsection 6a. **Restricted Fund and Account Transfers.**

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

158 ITEM 1

159 To the General Fund Restricted -- Post Disaster Recovery and Mitigation

160 Restricted Account

161 From General Fund \$2,000,000

162 Schedule of Programs:

163 General Fund Restricted -- Post Disaster Recovery and

164 Mitigation Restricted Account \$2,000,000

165 Subsection 6b. **Operating and Capital Budgets.**

166 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
167 Legislature appropriates the following sums of money from the funds or accounts indicated for
168 the use and support of the government of the state of Utah.

169 ITEM 2

170 To Department of Public Safety -- Emergency Management

171 From General Fund Restricted -- Post Disaster Recovery and Mitigation

172 Restricted Account \$2,000,000

173 Schedule of Programs:

174 Emergency Management: \$2,000,000

175 The Legislature intends that:

176 (1) appropriations provided under this Subsection (6)(b) be used for Disaster Recovery
177 Grants and Post Hazard Mitigation Grants described in Sections [53-2a-1303](#) and [53-2a-1304](#);

178 and

179 (2) under Section [63J-1-603](#), appropriations provided under this section not lapse at the
180 close of fiscal year 2020.