

Disaster Funds Revisions
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Carl R. Albrecht

LONG TITLE

General Description:

This bill concerns disaster funds.

Highlighted Provisions:

This bill:

- defines terms;
- modifies provisions related to the State Disaster Recovery Restricted Account to change the amounts that may be expended by the Division of Emergency Management under certain conditions;
- renames the Response, Recovery, and Post-disaster Mitigation Restricted Account as the Disaster Response, Recovery, and Mitigation Restricted Account (account);
- modifies the amounts of funds available from the account for disaster response and recovery under specified circumstances;
- modifies the available uses for funds in the account to include pre-disaster mitigation under certain circumstances;
- modifies standards relating to disaster response and recovery grants;
- grants rulemaking authority to the Division of Emergency Management regarding the use of funds from the account for pre-disaster mitigation purposes;
- requires the Division of Finance to transfer certain funds from the State Disaster Recovery Restricted Account into the account under certain conditions; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-2a-603, as last amended by Laws of Utah 2023, Chapters 434, 534

53-2a-606, as last amended by Laws of Utah 2023, Chapter 434

- 32 **53-2a-1301**, as last amended by Laws of Utah 2023, Chapters 16, 434
 33 **53-2a-1302**, as last amended by Laws of Utah 2023, Chapter 434
 34 **53-2a-1303**, as last amended by Laws of Utah 2023, Chapter 434
 35 **53-2a-1304**, as repealed and reenacted by Laws of Utah 2023, Chapter 434
 36 **53-2a-1305**, as last amended by Laws of Utah 2023, Chapter 434
 37 **63J-1-314**, as last amended by Laws of Utah 2023, Chapters 153, 434
 38 **63J-1-602.1**, as last amended by Laws of Utah 2024, Chapters 88, 501

39

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

41 Section 1. Section **53-2a-603** is amended to read:

42 **53-2a-603 . State Disaster Recovery Restricted Account.**

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

45 (b) The disaster recovery account consists of:

46 (i) money deposited into the disaster recovery account in accordance with Section
 47 63J-1-314;

48 (ii) money appropriated to the disaster recovery account by the Legislature; and

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

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

51 (B) deposited into the disaster recovery account at the request of:

52 (I) the division; or

53 (II) the person or entity giving the money.

54 (c) The Division of Finance shall deposit interest or other earnings derived from
 55 investment of account money into the General Fund.

56 (2) Money in the disaster recovery account may only be expended or committed to be
 57 expended as follows:

58 (a)(i) subject to Section 53-2a-606, in any fiscal year the division may expend or
 59 commit to expend an amount that does not exceed [~~\$500,000~~] \$3,000,000, in

60 accordance with Section 53-2a-604, to fund costs to the state of emergency
 61 disaster services in response to a declared disaster;

62 (ii) subject to Section 53-2a-606, in any fiscal year the division may expend or

63 commit to expend an amount that exceeds [~~\$500,000~~] \$3,000,000, but does not
 64 exceed [~~\$3,000,000~~] \$10,000,000, in accordance with Section 53-2a-604, to fund

65 costs to the state of emergency disaster services in response to a declared disaster

- 66 if the division:
- 67 (A) before making the expenditure or commitment to expend, obtains approval for
- 68 the expenditure or commitment to expend from the governor;
- 69 (B) subject to Subsection (5), provides written notice of the expenditure or
- 70 commitment to expend to the speaker of the House of Representatives, the
- 71 president of the Senate, the Division of Finance, the Executive Offices and
- 72 Criminal Justice Appropriations Subcommittee, the Legislative Management
- 73 Committee, and the Office of the Legislative Fiscal Analyst no later than 72
- 74 hours after making the expenditure or commitment to expend; and
- 75 (C) makes the report required by Subsection 53-2a-606(2);
- 76 (iii) subject to Section 53-2a-606, in any fiscal year the division may expend or
- 77 commit to expend an amount that exceeds [~~\$3,000,000, but does not exceed~~
- 78 ~~\$5,000,000~~] \$10,000,000, in accordance with Section 53-2a-604, to fund costs to
- 79 the state of emergency disaster services in response to a declared disaster if,
- 80 before making the expenditure or commitment to expend, the division:
- 81 (A) obtains approval for the expenditure or commitment to expend from the
- 82 governor; and
- 83 (B) submits the expenditure or commitment to expend to the Executive
- 84 Appropriations Committee in accordance with Subsection 53-2a-606(3);
- 85 (iv) in any fiscal year the division may expend or commit to expend an amount that
- 86 does not exceed \$500,000 to fund expenses incurred by the National Guard if:
- 87 (A) in accordance with Section 39A-3-103, the governor orders into active service
- 88 the National Guard in response to a declared disaster; and
- 89 (B) the money is not used for expenses that qualify for payment as emergency
- 90 disaster services; and
- 91 (v) in any fiscal year, the division may expend an amount that does not exceed
- 92 \$750,000 to fund expenses incurred to develop or enhance emergency
- 93 management capabilities if:
- 94 (A) the money is used for personnel, equipment, supplies, contracts, training,
- 95 exercises, or other expenses deemed reasonable and necessary to:
- 96 (I) promote and strengthen the state's level of resiliency through mitigation,
- 97 preparedness, response, or recovery activities; or
- 98 (II) meet federal grant matching requirements; and
- 99 (B) the disaster recovery account has a balance of funds available to be utilized

- 100 while maintaining a minimum balance of \$5,000,000;
- 101 (b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or
102 committed to be expended to fund costs to the state directly related to a declared
103 disaster that are not costs related to:
- 104 (i) emergency disaster services;
- 105 (ii) emergency preparedness; or
- 106 (iii) notwithstanding whether a county participates in the Wildland Fire Suppression
107 Fund created in Section 65A-8-204, any fire suppression or presuppression costs
108 that may be paid for from the Wildland Fire Suppression Fund if the county
109 participates in the Wildland Fire Suppression Fund;
- 110 (c) to fund:
- 111 (i) the Local Government Emergency Response Loan Fund created in Section
112 53-2a-607; and
- 113 (ii) the Disaster Response, Recovery, and [~~Post-disaster~~]Mitigation Restricted
114 Account created in Section 53-2a-1302;
- 115 (d) the division may provide advanced funding from the disaster recovery account to
116 recognized agents of the state when:
- 117 (i) Utah has agreed, through the division, to enact the Emergency Management
118 Assistance Compact with another member state that has requested assistance
119 during a declared disaster;
- 120 (ii) Utah agrees to provide resources to the requesting member state;
- 121 (iii) the agent of the state who represents the requested resource has no other funding
122 source available at the time of the Emergency Management Assistance Compact
123 request; and
- 124 (iv) the disaster recovery account has a balance of funds available to be utilized while
125 maintaining a minimum balance of \$5,000,000;
- 126 (e) to fund up to \$500,000 for the governor's emergency appropriations described in
127 Subsection 63J-1-217(4); and
- 128 (f) to pay the state's deductible in the event of an earthquake.
- 129 (3) All funding provided in advance to an agent of the state and subsequently reimbursed
130 shall be credited to the account.
- 131 (4) The state treasurer shall invest money in the disaster recovery account according to Title
132 51, Chapter 7, State Money Management Act.
- 133 (5)(a) Except as provided in Subsections (1) and (2), the money in the disaster recovery

- 134 account may not be diverted, appropriated, expended, or committed to be expended
 135 for a purpose that is not listed in this section.
- 136 (b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money from
 137 the disaster recovery account to eliminate or otherwise reduce an operating deficit if
 138 the money appropriated from the disaster recovery account is expended or committed
 139 to be expended for a purpose other than one listed in this section.
- 140 (c) The Legislature may not amend the purposes for which money in the disaster
 141 recovery account may be expended or committed to be expended except by the
 142 affirmative vote of two-thirds of all the members elected to each house.
- 143 (6) The division:
- 144 (a) shall provide the notice required by Subsection (2)(a)(ii) using the best available
 145 method under the circumstances as determined by the division; and
- 146 (b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.
- 147 Section 2. Section **53-2a-606** is amended to read:
- 148 **53-2a-606 . Reporting.**
- 149 (1) By no later than December 31 of each year, the division shall provide a written report to
 150 the governor and the Executive Offices and Criminal Justice Appropriations
 151 Subcommittee of:
- 152 (a) the division's activities under this part;
- 153 (b) money expended or committed to be expended in accordance with this part;
- 154 (c) the balances in the disaster recovery fund; and
- 155 (d) any unexpended balance of appropriations from the disaster recovery fund.
- 156 (2)(a) The governor and the Department of Public Safety shall report to the Legislative
 157 Management Committee an expenditure or commitment to expend made in
 158 accordance with Subsection 53-2a-603(2)(a)(ii)[~~or 53-2a-1302(5)(b)(ii)~~],
 159 53-2a-1302(6)(b), or 53-2a-1302(7).
- 160 (b) The governor and the Department of Public Safety shall make the report required by
 161 this Subsection (2) on or before the sooner of:
- 162 (i) the day on which the governor calls the Legislature into session; or
- 163 (ii) 15 days after the division makes the expenditure or commitment to expend
 164 described in Subsection 53-2a-603(2)(a)(ii)[~~or 53-2a-1302(5)(b)(ii)~~],
 165 53-2a-1302(6)(b), or 53-2a-1302(7).
- 166 (3)(a) Subject to Subsection (3)(b), before the division makes an expenditure or
 167 commitment to expend described in Subsection 53-2a-603(2)(a)(iii) or [

168 ~~53-2a-1302(5)(b)(iii)]~~ 53-2a-1302(6)(c), the governor and the Department of Public
 169 Safety shall submit the expenditure or commitment to expend to the Executive
 170 Appropriations Committee for [its] the Executive Appropriations Committee's review
 171 and recommendations.

172 (b) The Executive Appropriations Committee shall review the expenditure or
 173 commitment to expend and may:
 174 (i) recommend that the division make the expenditure or commitment to expend;
 175 (ii) recommend that the division not make the expenditure or commitment to expend;
 176 or
 177 (iii) recommend to the governor that the governor call a special session of the
 178 Legislature to review and approve or reject the expenditure or commitment to
 179 expend.

180 Section 3. Section **53-2a-1301** is amended to read:

181 **Part 13. Disaster Response, Recovery, and Mitigation Restricted Account**

182 **53-2a-1301 . Definitions.**

183 As used in the part:

- 184 (1) "Account" means the Disaster Response, Recovery, and~~[Post-disaster]~~ Mitigation
 185 Restricted Account created in Section 53-2a-1302.
- 186 (2) "Affected community" means a community directly affected by an ongoing or recent
 187 disaster.
- 188 (3) "Affected community member" means a resident, property owner, business, nonprofit,
 189 or other individual or entity that is:
 190 (a) located within an affected community; and
 191 (b) suffered damage due to the ongoing or recent disaster in the affected community.
- 192 (4) "Community" means a county, municipality, special district, or special service district.
- 193 (5) "Disaster response and recovery" means:
 194 (a) action taken to respond to and recover from a disaster, including action taken to
 195 remove debris, implement life-saving emergency protective measures, or repair,
 196 replace, or restore facilities in response to a disaster; and
 197 (b) post-disaster hazard mitigation directly related to the recovery from the disaster
 198 described in Subsection (5)(a).
- 199 (6) "Disaster response and recovery grant" means money granted to an affected community
 200 for disaster response and recovery.
- 201 (7) "Minimum threshold payment amount" means the amount of costs that an affected

202 community or an affected community member shall pay before the affected community
 203 or affected community member is eligible to receive money from a disaster response and
 204 recovery grant.

205 (8) "Official damage assessment" means a financial assessment of the damage to an
 206 affected community, caused by a disaster, that is conducted under the direction of the
 207 governing body of the affected community, in accordance with the rules described in
 208 Section 53-2a-1305.

209 [(8)] (9) "Post-disaster hazard mitigation" means action taken[-] after a natural disaster[-] to
 210 reduce or eliminate risk to people or property that may occur as a result of the long-term
 211 effects of the natural disaster or a subsequent natural disaster, including action to prevent
 212 damage caused by flooding, earthquake, dam failure, wildfire, landslide, severe weather,
 213 drought, [and] or problem soil.

214 (10) "Pre-disaster mitigation" means action taken before a natural disaster occurs to reduce
 215 or eliminate the long-term risk to people or property that may occur as a result of a
 216 natural disaster, including action to prevent damage caused by flooding, earthquake,
 217 dam failure, wildfire, landslide, severe weather, drought, or problem soil.

218 [(9) "Official damage assessment" means a financial assessment of the damage to an
 219 affected community, caused by a disaster, that is conducted under the direction of the
 220 governing body of the affected community, in accordance with the rules described in
 221 Section 53-2a-1305.]

222 Section 4. Section **53-2a-1302** is amended to read:

223 **53-2a-1302 . Disaster Response, Recovery, and Mitigation Restricted Account.**

224 (1) There is created a restricted account in the General Fund known as the "Disaster
 225 Response, Recovery, and [Post-disaster-]Mitigation Restricted Account."

226 (2) The account consists of:

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

228 (b) money deposited into the account in accordance with Section 63J-1-314;

229 (c) income and interest derived from the deposit and investment of money in the
 230 account; and

231 (d) private donations, grants, gifts, bequests, or money made available from any other
 232 source to implement this section.

233 (3)(a) At the close of a fiscal year, money in the account exceeding \$50,000,000,
 234 excluding money granted to the account under Subsection (2)(d), shall be transferred
 235 to the State Disaster Recovery Restricted Account.

236 (b) Except as provided by Subsection (3)(a), money in the Disaster Response, Recovery,
 237 and [~~Post-disaster~~]Mitigation Restricted Account may only be used for the purposes
 238 set forth in this part.

239 (4) Subject to the requirements described in this part, and upon appropriation by the
 240 Legislature, the division may grant money appropriated from the account
 241 to an affected community for the affected community's disaster response and recovery
 242 efforts as described in Section 53-2a-1303.

243 (5)[~~(a)~~] Money in the account may only be expended or committed to be expended as
 244 provided in Subsections [~~(5)(b) and (5)(e)~~] (6), (7), and (8).

245 [~~(b)~~] (6) Subject to Section 53-2a-606, in any fiscal year the division may expend or commit
 246 to expend for disaster response and recovery efforts as described in Section 53-2a-1303:
 247 [~~(i)~~] (a) an amount that does not exceed [~~\$500,000~~] \$3,000,000 in response to a disaster
 248 described in Subsection 53-2a-1303(2)(b);

249 [~~(ii)~~] (b) an amount that exceeds [~~\$500,000~~] \$3,000,000 but does not exceed [~~\$3,000,000~~]
 250 \$10,000,000 for a disaster described in Subsection 53-2a-1303(2)(b) if the division:
 251 [~~(A)~~] (i) before making the expenditure or commitment to expend, obtains approval
 252 for the expenditure or commitment from the governor;

253 [~~(B)~~] (ii) provides written notice of the expenditure or commitment to expend to the
 254 speaker of the House of Representatives, the president of the Senate, the Division
 255 of Finance, the Executive Offices and Criminal Justice Appropriations
 256 Subcommittee, the Legislative Management Committee, and the Office of the
 257 Legislative Fiscal Analyst no later than 72 hours after making the expenditure or
 258 commitment to expend; and

259 [~~(C)~~] (iii) makes the report required by Subsection 53-2a-606(2); and

260 [~~(iii)~~] (c) an amount that exceeds [~~\$3,000,000 but does not exceed \$5,000,000~~]
 261 \$10,000,000, if, before making the expenditure or commitment to expend, the
 262 division:

263 [~~(A)~~] (i) obtains approval for the expenditure or commitment from the governor; and
 264 [~~(B)~~] (ii) submits the expenditure or commitment to expend to the Executive
 265 Appropriations Committee in accordance with Subsection 53-2a-606(3).

266 (7)(a) Money in the account may only be expended or committed to be expended for
 267 pre-disaster mitigation under Subsection (7)(b) if money remains in the account at the
 268 end of the fiscal year after the division has expended or committed to expend money
 269 from the account as provided in Subsection (6).

- 270 (b) Subject to Subsection (7)(a) and in accordance with rules created under Section
 271 53-2a-1305, the division may expend or commit to expend money in the account for
 272 pre-disaster mitigation to a community if:
- 273 (i) the community:
- 274 (A) submits an application to receive money for pre-disaster mitigation during the
 275 current fiscal year; and
- 276 (B) meets the qualification and prioritization criteria established by rule; and
- 277 (ii) the division:
- 278 (A) before making the expenditure or commitment to expend to a community
 279 described in Subsection (7)(b)(i), obtains approval for the expenditure or
 280 commitment to expend from the governor;
- 281 (B) provides written notice of the expenditure or commitment to expend described
 282 in Subsection (7)(b)(i) to the speaker of the House of Representatives, the
 283 president of the Senate, the Division of Finance, the Executive Offices and
 284 Criminal Justice Appropriations Subcommittee, the Legislative Management
 285 Committee, and the Office of the Legislative Fiscal Analyst; and
- 286 (C) makes the report required by Subsection 53-2a-606(2).
- 287 [(e)] (8) Money paid by the division under this part to government entities and private
 288 persons providing emergency disaster services are subject to Title 63G, Chapter 6a, Utah
 289 Procurement Code.
- 290 Section 5. Section **53-2a-1303** is amended to read:
- 291 **53-2a-1303 . Disaster Response and Recovery Grant.**
- 292 (1) The division may grant money under Subsection 53-2a-1302(4) appropriated from the
 293 account after receiving an application from an affected community for a disaster
 294 response and recovery grant.
- 295 (2) An affected community is eligible to receive a disaster response and recovery grant
 296 appropriated from the account if:
- 297 (a) the affected community submits an application described in Subsection (1) that
 298 includes the information required by the rules described in Section 53-2a-1305;
- 299 (b) the occurrence of a disaster in the affected community results in:
- 300 (i) the president of the United States declaring an emergency or major disaster in the
 301 state;
- 302 (ii) the governor declaring a state of emergency under Section 53-2a-206; or
- 303 (iii) the local municipality or county declaring an emergency under Section 53-2a-208;

- 304 (c) the governing body of the affected community conducts an official damage
 305 assessment of the disaster;
- 306 (d) the division, after reviewing the application described in Subsection (2)(a), the
 307 official damage assessment described in Subsection (2)(c), and other information
 308 relevant to the division's determination, determines that a grant to the affected
 309 community would be an appropriate and necessary use of account funds;
- 310 (e) the division determines there is sufficient money for the grant; and
- 311 (f) the affected community agrees to grant funding requirements as determined by the
 312 division, including the affected community's minimum threshold payment amount[
 313 and cost-sharing requirements].

314 Section 6. Section **53-2a-1304** is amended to read:

315 **53-2a-1304 . Allowed uses for disaster response and recovery grant funds.**

- 316 (1) An affected community may use or distribute grant funds provided under Section
 317 53-2a-1303 in accordance with funding guidelines provided by the division, which may
 318 include providing funds for disaster response and recovery to:
- 319 (a) an affected community member;
- 320 (b) a publicly owned facility in the affected community; or
- 321 (c) publicly owned infrastructure in the affected community.
- 322 (2) The director may expend money from the account to pay necessary costs of evaluating
 323 and administering grants under this part.
- 324 (3) In accordance with Section 53-2a-1305, the division shall establish standards and
 325 procedures for the distribution of grant funds under this section, including standards and
 326 procedures for determining:
- 327 (a) when an individual or entity described in Subsection (1) (a), (b), or (c) may receive
 328 grant funds;
- 329 (b) which costs are eligible for grant funds, including administration costs; and
- 330 (c) minimum threshold payment amounts[~~and cost-sharing requirements~~].

331 Section 7. Section **53-2a-1305** is amended to read:

332 **53-2a-1305 . Rulemaking authority and division responsibilities.**

- 333 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 334 division may make rules to:
- 335 (a) designate the requirements and procedures
 336 for the governing body of an affected community to:
- 337 (i) apply for a disaster response and recovery grant; and

- 338 (ii) conduct an official damage assessment;
- 339 (b) establish standards to determine:
- 340 (i) the categories of and criteria for entities and costs that are eligible for grant funds;
- 341 and
- 342 (ii) minimum threshold payment amounts~~[-and cost-sharing requirements; and]~~ ;
- 343 (c) establish standards, procedures, and criteria for a community to qualify for
- 344 pre-disaster mitigation funding, including:
- 345 (i) defining excluded expenses for which money may not be expended for
- 346 pre-disaster mitigation;
- 347 (ii) establishing criteria for prioritization of projects for money to be expended for
- 348 pre-disaster mitigation; and
- 349 (iii) establishing a process by which a community may apply to receive money for
- 350 pre-disaster mitigation; and
- 351 [(e)] (d) establish standards and procedures to ensure that funds distributed in accordance
- 352 with this part are distributed in a cost effective and equitable manner, are reasonably
- 353 necessary for disaster response and recovery or pre-disaster mitigation, are an
- 354 appropriate and necessary use of public funds, and that all receipts and invoices are
- 355 documented.
- 356 (2) No later than December 31 of each year, the division shall provide the governor and the
- 357 Criminal Justice Appropriations Subcommittee a written report of the division's
- 358 activities under this part, including:
- 359 (a) an accounting of the money expended or committed to be expended under this part;
- 360 and
- 361 (b) the balance of the account.

362 Section 8. Section **63J-1-314** is amended to read:

363 **63J-1-314 . Deposits related to the Wildland Fire Suppression Fund and the**

364 **Disaster Recovery Funding Act -- Wildland-urban Interface Prevention, Preparedness,**

365 **and Mitigation Fund.**

- 366 (1) As used in this section, "operating deficit" means that, at the end of the fiscal year, the
- 367 unassigned fund balance in the General Fund is less than zero.
- 368 (2) Except as provided under Subsections (3) and (4), at the end of each fiscal year, the
- 369 Division of Finance shall, after the transfer of General Fund revenue surplus has been
- 370 made to the Medicaid Growth Reduction and Budget Stabilization Account, as provided
- 371 in Section 63J-1-315, and the General Fund Budget Reserve Account, as provided in

- 372 Section 63J-1-312, transfer:
- 373 (a) to the Wildland Fire Suppression Fund created in Section 65A-8-204 an amount
374 equal to the lesser of:
- 375 (i) \$4,000,000; or
376 (ii) an amount necessary to make the balance in the Wildland Fire Suppression Fund
377 equal to \$12,000,000;
- 378 (b) if no money is transferred to the Wildland Fire Suppression Fund under Subsection
379 (2)(a), to the Wildland-urban Interface Prevention, Preparedness, and Mitigation
380 Fund created in Section 65A-8-215 an amount equal to the lesser of:
- 381 (i) \$4,000,000; and
382 (ii) the amount necessary to make the balance in the Wildland-urban Interface
383 Prevention, Preparedness, and Mitigation Fund equal to \$12,000,000; and
- 384 (c) an amount into the State Disaster Recovery Restricted Account, created in Section
385 53-2a-603, from the General Fund revenue surplus as defined in Section 63J-1-312,
386 calculated by:
- 387 (i) determining the amount of General Fund revenue surplus after the transfer to the
388 Medicaid Growth Reduction and Budget Stabilization Account under Section
389 63J-1-315, the General Fund Budget Reserve Account under Section 63J-1-312,
390 and the transfer to the Wildland Fire Suppression Fund as described in Subsection
391 (2)(a);
- 392 (ii) calculating an amount equal to the lesser of:
- 393 (A) 25% of the amount determined under Subsection (2)(c)(i); or
394 (B) 6% of the total of the General Fund appropriation amount for the fiscal year in
395 which the surplus occurs; and
- 396 (iii) adding to the amount calculated under Subsection (2)(c)(ii) an amount equal to
397 the lesser of:
- 398 (A) 25% more of the amount described in Subsection (2)(c)(i); or
399 (B) the amount necessary to replace, in accordance with this Subsection (2)(c)(iii),
400 any amount appropriated from the State Disaster Recovery Restricted Account
401 within 10 fiscal years before the fiscal year in which the surplus occurs if:
- 402 (I) a surplus exists; and
403 (II) the Legislature appropriates money from the State Disaster Recovery
404 Restricted Account that is not replaced by appropriation or as provided in
405 this Subsection (2)(c)(iii).

- 406 (3)(a) Notwithstanding Subsection (2), if, at the end of a fiscal year, the Division of
 407 Finance determines that an operating deficit exists, the division shall reduce the
 408 transfer to the State Disaster Recovery Restricted Account by an amount necessary to
 409 eliminate the operating deficit, up to the full amount of the transfer.
- 410 (b) If, after reducing the transfer to the State Disaster Recovery Account to zero under
 411 Subsection (3)(a), the Division of Finance determines that an operating deficit still
 412 exists, the division shall reduce the transfer to the Wildland Fire Suppression Fund by
 413 an amount necessary to eliminate the operating deficit, up to the full amount of the
 414 transfer.
- 415 (4) Notwithstanding Subsection (2):
- 416 (a) for the period beginning July 1, 2015, and ending June 30, 2020, the Division of
 417 Finance shall transfer to the Local Government Emergency Response Loan Fund
 418 25% of the amount to be transferred into the State Disaster Recovery Restricted
 419 Account as provided in Subsection (2)(c)(ii); and
- 420 (b) on and after July 1, 2020, the Division of Finance shall transfer to the Local
 421 Government Emergency Response Loan Fund 10% of the amount to be transferred
 422 into the State Disaster Recovery Restricted Account as provided in Subsection (2)(c)[~~;~~
 423 and] .
- 424 [~~(e) on and after July 1, 2023, the Division of Finance shall~~]
- 425 (5) On and after July 1, 2025, once annually at the close of the fiscal year, if the balance of
 426 the State Disaster Recovery Restricted Account, created in Section 53-2a-603, exceeds
 427 \$50,000,000, the Division of Finance shall:
- 428 (a) reduce the balance of the State Disaster Recovery Restricted Account by the lesser of:
 429 (i) the amount that exceeds \$50,000,000; or
 430 (ii) \$10,000,000; and
- 431 (b) transfer to the Disaster Response, Recovery, and [Post-disaster]Mitigation
 432 Restricted Account [25% of the amount to be transferred into the State Disaster
 433 Recovery Restricted Account as provided in Subsection (2)(e)] the money described
 434 in Subsection (5)(a).

435 Section 9. Section **63J-1-602.1** is amended to read:

436 **63J-1-602.1 . List of nonlapsing appropriations from accounts and funds.**

437 Appropriations made from the following accounts or funds are nonlapsing:

- 438 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
 439 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as

- 440 provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.
- 441 (3) Funds collected for directing and administering the C-PACE district created in Section
442 11-42a-106.
- 443 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
- 444 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
- 445 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section
446 19-2a-106.
- 447 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
448 Section 19-5-126.
- 449 (8) State funds for matching federal funds in the Children's Health Insurance Program as
450 provided in Section 26B-3-906.
- 451 (9) Funds collected from the program fund for local health department expenses incurred in
452 responding to a local health emergency under Section 26B-7-111.
- 453 (10) The Technology Development Restricted Account created in Section 31A-3-104.
- 454 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- 455 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the
456 extent that Section 31A-3-304 makes the money received under that section free revenue.
- 457 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- 458 (14) The Health Insurance Actuarial Review Restricted Account created in Section
459 31A-30-115.
- 460 (15) The State Mandated Insurer Payments Restricted Account created in Section
461 31A-30-118.
- 462 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 463 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
464 Account created in Section 32B-2-306.
- 465 (18) The Drinking While Pregnant Prevention Media and Education Campaign Restricted
466 Account created in Section 32B-2-308.
- 467 (19) The School Readiness Restricted Account created in Section 35A-15-203.
- 468 (20) Money received by the Utah State Office of Rehabilitation for the sale of certain
469 products or services, as provided in Section 35A-13-202.
- 470 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section
471 35A-16-402.
- 472 (22) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 473 (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.

- 474 (24) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.
475 (25) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the
476 Motor Vehicle Division.
- 477 (26) The License Plate Restricted Account created by Section 41-1a-122.
478 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
479 created by Section 41-3-110 to the State Tax Commission.
- 480 (28) The State Disaster Recovery Restricted Account to the Division of Emergency
481 Management, as provided in Section 53-2a-603.
- 482 (29) The Disaster Response, Recovery, and [~~Post-disaster~~]Mitigation Restricted Account
483 created in Section 53-2a-1302.
- 484 (30) The Department of Public Safety Restricted Account to the Department of Public
485 Safety, as provided in Section 53-3-106.
- 486 (31) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
487 (32) The DNA Specimen Restricted Account created in Section 53-10-407.
- 488 (33) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.
489 (34) The Higher Education Capital Projects Fund created in Section 53B-22-202.
- 490 (35) A certain portion of money collected for administrative costs under the School
491 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 492 (36) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject
493 to Subsection 54-5-1.5(4)(d).
- 494 (37) Funds collected from a surcharge fee to provide certain licensees with access to an
495 electronic reference library, as provided in Section 58-3a-105.
- 496 (38) Certain fines collected by the Division of Professional Licensing for violation of
497 unlawful or unprofessional conduct that are used for education and enforcement
498 purposes, as provided in Section 58-17b-505.
- 499 (39) Funds collected from a surcharge fee to provide certain licensees with access to an
500 electronic reference library, as provided in Section 58-22-104.
- 501 (40) Funds collected from a surcharge fee to provide certain licensees with access to an
502 electronic reference library, as provided in Section 58-55-106.
- 503 (41) Funds collected from a surcharge fee to provide certain licensees with access to an
504 electronic reference library, as provided in Section 58-56-3.5.
- 505 (42) Certain fines collected by the Division of Professional Licensing for use in education
506 and enforcement of the Security Personnel Licensing Act, as provided in Section
507 58-63-103.

- 508 (43) The Relative Value Study Restricted Account created in Section 59-9-105.
509 (44) The Cigarette Tax Restricted Account created in Section 59-14-204.
510 (45) Funds paid to the Division of Real Estate for the cost of a criminal background check
511 for a mortgage loan license, as provided in Section 61-2c-202.
512 (46) Funds paid to the Division of Real Estate for the cost of a criminal background check
513 for principal broker, associate broker, and sales agent licenses, as provided in Section
514 61-2f-204.
515 (47) Certain funds donated to the Department of Health and Human Services, as provided
516 in Section 26B-1-202.
517 (48) Certain funds donated to the Division of Child and Family Services, as provided in
518 Section 80-2-404.
519 (49) Funds collected by the Office of Administrative Rules for publishing, as provided in
520 Section 63G-3-402.
521 (50) The Immigration Act Restricted Account created in Section 63G-12-103.
522 (51) Money received by the military installation development authority, as provided in
523 Section 63H-1-504.
524 (52) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.
525 (53) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.
526 (54) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
527 (55) The Motion Picture Incentive Account created in Section 63N-8-103.
528 (56) Funds collected by the housing of state probationary inmates or state parole inmates, as
529 provided in Subsection 64-13e-104(2).
530 (57) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and
531 State Lands, as provided in Section 65A-8-103.
532 (58) The following funds or accounts created in Section 72-2-124:
533 (a) Transportation Investment Fund of 2005;
534 (b) Transit Transportation Investment Fund;
535 (c) Cottonwood Canyons Transportation Investment Fund;
536 (d) Active Transportation Investment Fund; and
537 (e) Commuter Rail Subaccount.
538 (59) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.
539 (60) Certain funds received by the Office of the State Engineer for well drilling fines or
540 bonds, as provided in Section 73-3-25.
541 (61) The Water Resources Conservation and Development Fund, as provided in Section

- 542 73-23-2.
- 543 (62) Award money under the State Asset Forfeiture Grant Program, as provided under
544 Section 77-11b-403.
- 545 (63) Funds donated or paid to a juvenile court by private sources, as provided in Subsection
546 78A-6-203(1)(c).
- 547 (64) Fees for certificate of admission created under Section 78A-9-102.
- 548 (65) Funds collected for adoption document access as provided in Sections 78B-6-141,
549 78B-6-144, and 78B-6-144.5.
- 550 (66) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah
551 Indigent Defense Commission.
- 552 (67) The Utah Geological Survey Restricted Account created in Section 79-3-403.
- 553 (68) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park,
554 and Green River State Park, as provided under Section 79-4-403.
- 555 (69) Certain funds received by the Division of State Parks from the sale or disposal of
556 buffalo, as provided under Section 79-4-1001.
- 557 Section 10. **Effective Date.**
- 558 This bill takes effect on May 7, 2025.