



## Overview

The Office of Legislative Research and General Counsel (OLRGC) has compiled an analysis of legislation that will be introduced during the First Special Session of the Sixty-fifth Utah Legislature. These are intended to be general in nature, describe the legislation at the time it is numbered, and do not address subsequently adopted amendments. To read the legislation in its entirety or review amendments, click on the link provided in this document or visit <https://le.utah.gov>. OLRGC is a nonpartisan staff office of the Legislature, and the contents of this document should not be considered support for or opposition to the legislation.

## H.J.R. 101, Joint Resolution Extending Emergency Powers for Flood Mitigation and Infrastructure Rehabilitation

**Sponsors:** Rep. Schultz and Sen. Vickers

This joint resolution extends the expiration of the state of emergency established by [Executive Order 2023-05](#) from May 18 to August 15, 2023. On April 18, the governor declared a state of emergency due to flood risks, citing record breaking snowpack mixed with warming temperatures as a circumstance especially conducive to flooding in certain areas. The executive order cited the need for more funds to address the emergency, noting that the money appropriated by the Legislature during the 2023 General Session for flood mitigation efforts was depleted. The declaration of a state of emergency made funds from the State Disaster Recovery Restricted Account available for ongoing mitigation expenditures.

In accordance with [Utah Code 53-2a-206](#), which requires that a state of emergency declared by the governor expire after 30 days, Executive Order 2023-05 will cease to be in effect on May 18, 2023. An end to the state of emergency would mean an end to emergency funding for flood mitigation and infrastructure rehabilitation efforts. In response to the pending expiration, the governor requested on May 5 that the Legislature extend the state of emergency through a resolution. H.J.R. 1001, Joint Resolution Extending Emergency Powers for Flood Mitigation and Infrastructure Rehabilitation, does exactly that, acknowledging the flood risk as ongoing and noting that mitigation efforts will likely be necessary for several more months.

## H.B. 1001, Emergency Response Funding

**Sponsors:** Rep. V. Peterson and Sen. Stevenson

H.J.R. 101, Joint Resolution Extending Emergency Order, as described above, would extend the state's access to emergency response funding from the State Disaster Funding Restricted Account for flood mitigation and infrastructure rehabilitation efforts.

H.B. 1001, Emergency Response Funding, is the complementary bill that specifies to which state agencies emergency response funding would be reallocated and appropriated. The budget adjustments being made are to existing funds and are revenue neutral.

- **\$20 million** (Transportation Fund) for snow removal, avalanche control, slide mitigation, and other emergency flood impacts. Funds are being reallocated from the Utah Department of Transportation (UDOT) Highway System Construction to UDOT Operations/Maintenance Management.
- **\$5 million** (General Fund) to address flood damage to state and local government infrastructure. These funds may be used only for reimbursement of infrastructure improvement



costs associated with spring/summer 2023 flooding. Funds are being reallocated from the Wildland Fire Suppression Fund to the Division of Emergency and Disaster Management.

- **\$5 million** (General Fund) as a contingency for higher-than-anticipated flood costs. Funds are being reallocated from the Wildland Fire Suppression Fund to the Division of Finance. Before the funds can be expended, the Executive Appropriations Committee (EAC) must first give approval, and then, in the 2024 General Session, the Legislature would need to reallocate the funds to the impacted state agencies.
- **\$3 million** for state costs related to the state of emergency. Funds are being appropriated from the State Disaster Recovery Restricted Account to the Department of Public Safety (DPS) in fiscal year 2024 and are in addition to the \$7 million that DPS currently has in its disaster recovery budget. Under [Utah Code 53-2a-606](#), DPS must receive approval from EAC before expending more than \$3 million of disaster recovery funding. DPS intends to request EAC approval to expend \$5 million immediately and will need to return for additional approval before expending the remaining \$5 million.

### **H.B. 1002, Restricted Persons Amendments**

**Sponsors:** Rep. Wilcox and Sen. Weiler

During the 2023 General Session, the Legislature passed [H.B. 225, Firearm Possession Amendments](#), which made several changes to firearms laws, including to [Utah Code Section 76-10-503](#), the statute that regulates the possession of firearms and other dangerous weapons by certain individuals.

At issue is a provision in H.B. 225 that changed the definition of a Category II restricted person to include an alien (an individual who is not a citizen or national of the United States) with a nonimmigrant visa, such as a work or student visa. This change serves to prohibit an alien with a nonimmigrant visa from purchasing, possessing, or using a dangerous weapon, except under certain circumstances. Specifically, for a Category II restricted person with a nonimmigrant visa to purchase, possess, or use a dangerous weapon, H.B. 225 requires:

- that the individual be admitted to the United States solely for lawful hunting or sporting purposes;
- that the individual be in possession of a hunting permit or license; and
- that the possession, use, or control of a dangerous weapon be directly related to the lawful hunting or sporting purposes for which the individual was admitted to the United States.

This provision is more stringent than federal law [18 U.S.C. Sec. 922\(y\)\(2\)](#), which allows an alien admitted to the United States under a nonimmigrant visa to possess and use a firearm if:

- the individual is in possession of a valid hunting license or permit; or
- the individual was admitted to the United States for lawful hunting or sporting purposes.

H.B. 1002 reverses the changes enacted by H.B. 225 by removing an alien with a nonimmigrant visa from the definition of a Category II restricted person. This would allow an alien to possess a firearm under state law if, in accordance with federal law, the alien possesses a valid hunting license or permit or was admitted to the United States for lawful hunting or sporting purposes.



## **H.B. 1003, Firefighter Death Benefit Amendments**

**Sponsors:** Rep. Snider and Sen. Harper

During the 2018 General Session, the Legislature passed [S.B. 21, Public Safety and Firefighter Retirement Death Benefit Amendments](#), which increased the death benefit available to a surviving spouse of an active public safety member of the following retirement systems:

- Tier 1 Firefighters' Retirement System – Division A;
- Tier 1 Public Safety Contributory Retirement System – Division A and Division B; and
- Tier 1 Public Safety Noncontributory Retirement System – Division B.

S.B. 21 did not increase the death benefit available to a surviving spouse of a firefighter enrolled in Tier 1 Firefighters' Retirement System – Division B. A firefighter's employer participates in either Division A or Division B, the difference being that members in Division A have Social Security coverage.

Under existing law, a surviving spouse of a member enrolled in Tier 1 Firefighters' Retirement System – Division B is provided with a \$1,500 lump sum plus 37.5% of the average of the member's highest three years of salary until the spouse's death. H.B. 1003, Firefighter Death Benefit Amendments, increases the death benefits available to a surviving spouse of a firefighter enrolled in Tier 1 Firefighters' Retirement System – Division B to more closely align with the increased benefits established in S.B. 21.

Specifically, for an active member who has accrued 20 or more years of firefighter service credit and is therefore eligible for retirement, the surviving spouse would receive a lump sum of \$1,500 plus 75% of the retirement allowance the member would receive if the member had retired at the time of death.

For example, if an active member in Tier 1 Firefighters' Retirement System – Division B had accrued 25 years of service with a final average salary of \$65,000 before the member's death:

- under current law, the spouse would receive an allowance of \$24,375 per year; and
- under H.B. 1003, the spouse would receive an allowance of \$29,250 per year.