

Part 1

Emergency Management Act

53-2a-101 Title.

This part is known as the "Emergency Management Act."

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-102 Definitions.

As used in this chapter:

- (1) "Alerting authority" means a political subdivision that has received access to send alerts through the Integrated Public Alert and Warning System.
- (2) "Attack" means a nuclear, cyber, conventional, biological, act of terrorism, or chemical warfare action against the United States of America or this state.
- (3) "Commissioner" means the commissioner of the Department of Public Safety or the commissioner's designee.
- (4) "Director" means the division director appointed under Section 53-2a-103 or the director's designee.
- (5) "Disaster" means an event that:
 - (a) causes, or threatens to cause, loss of life, human suffering, public or private property damage, or economic or social disruption resulting from attack, internal disturbance, natural phenomena, or technological hazard; and
 - (b) requires resources that are beyond the scope of local agencies in routine responses to emergencies and accidents and may be of a magnitude or involve unusual circumstances that require response by government, not-for-profit, or private entities.
- (6) "Division" means the Division of Emergency Management created in Section 53-2a-103.
- (7) "Emergency manager" means an individual designated as the emergency manager for a political subdivision as described in Section 53-2a-1402.
- (8) "Energy" includes the energy resources defined in this chapter.
- (9) "Expenses" means actual labor costs of government and volunteer personnel, and materials.
- (10) "Hazardous materials emergency" means a sudden and unexpected release of any substance that because of its quantity, concentration, or physical, chemical, or infectious characteristics presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.
- (11) "Internal disturbance" means a riot, prison break, terrorism, or strike.
- (12) "IPAWS" means the Integrated Public Alert and Warning System administered by the Federal Emergency Management Agency.
- (13) "Municipality" means the same as that term is defined in Section 10-1-104.
- (14) "Natural phenomena" means any earthquake, tornado, storm, flood, landslide, avalanche, forest or range fire, or drought.
- (15) "Officer" means a person who is elected or appointed to an office or position within a political subdivision.
- (16) "Political subdivision" means the same as that term is defined in Section 11-61-102.
- (17) "State of emergency" means a condition in any part of this state that requires state government emergency assistance to supplement the local efforts of the affected political subdivision to save lives and to protect property, public health, welfare, or safety in the event of a disaster, or to avoid or reduce the threat of a disaster.

- (18) "Technological hazard" means any hazardous materials accident, mine accident, train derailment, air crash, radiation incident, pollution, structural fire, or explosion.
- (19) "Terrorism" means activities or the threat of activities that:
- (a) involve acts dangerous to human life;
 - (b) are a violation of the criminal laws of the United States or of this state; and
 - (c) to a reasonable person, would appear to be intended to:
 - (i) intimidate or coerce a civilian population;
 - (ii) influence the policy of a government by intimidation or coercion; or
 - (iii) affect the conduct of a government by mass destruction, assassination, or kidnapping.
- (20) "Urban search and rescue" means the location, extrication, and initial medical stabilization of victims trapped in a confined space as the result of a structural collapse, transportation accident, mining accident, or collapsed trench.

Amended by Chapter 39, 2022 General Session

53-2a-103 Division of Emergency Management -- Creation -- Director -- Appointment -- Term -- Compensation.

- (1) There is created within the Department of Public Safety the Division of Emergency Management.
- (2) The division shall be administered by a director appointed by the commissioner with the approval of the governor.
- (3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.
- (4) The director acts under the supervision and control of the commissioner and may be removed from the position at the will of the commissioner.
- (5) The director shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

53-2a-104 Division duties -- Powers.

- (1) Subject to limitation by the Legislature as described in Subsection 53-2a-206(5), the division shall:
 - (a) respond to the policies of the governor and the Legislature;
 - (b) perform functions relating to emergency management as directed by the governor or by the commissioner, including:
 - (i) coordinating with state agencies and local governments the use of personnel and other resources of these governmental entities as agents of the state during an interstate disaster in accordance with the Emergency Management Assistance Compact described in Section 53-2a-402;
 - (ii) coordinating the requesting, activating, and allocating of state resources, including use of state disaster response personnel in accordance with Section 53-2a-221, during an intrastate disaster or a local state of emergency;
 - (iii) receiving and disbursing federal resources provided to the state in a declared disaster;
 - (iv) appointing a state coordinating officer who is the governor's representative and who shall work with a federal coordinating officer during a federally declared disaster; and

- (v) appointing a state recovery officer who is the governor's representative and who shall work with a federal recovery officer during a federally declared disaster;
 - (c) prepare, implement, and maintain programs and emergency operation plans to provide for:
 - (i) prevention and minimization of injury and damage caused by disasters;
 - (ii) prompt and effective response to and recovery from disasters;
 - (iii) identification of areas particularly vulnerable to disasters;
 - (iv) coordination of hazard mitigation and other preventive and preparedness measures designed to eliminate or reduce disasters;
 - (v) assistance to local officials, state agencies, and the business and public sectors, in developing emergency action plans;
 - (vi) coordination of federal, state, and local emergency activities;
 - (vii) coordination of emergency operations plans with emergency plans of the federal government;
 - (viii) coordination of urban search and rescue activities;
 - (ix) coordination of rapid and efficient communications in times of emergency; and
 - (x) other measures necessary, incidental, or appropriate to this part;
 - (d) coordinate with local officials, state agencies, and the business and public sectors in developing, implementing, and maintaining a state energy emergency plan in accordance with Section 53-2a-902;
 - (e) coordinate with state agencies regarding development and construction of state buildings within a flood plain to ensure compliance with minimum standards of the National Flood Insurance Program, 42 U.S.C. Chapter 50, Subchapter I, as described in Section 53-2a-106;
 - (f) administer Part 6, Disaster Recovery Funding Act, in accordance with that part;
 - (g) conduct outreach annually to agencies and officials who have access to IPAWS; and
 - (h) coordinate with counties to ensure every county has the access and ability to send, or a plan to send, IPAWS messages, including Wireless Emergency Alerts and Emergency Alert System messages.
- (2) Every three years, organizations that have the ability to send IPAWS messages, including emergency service agencies, public safety answering points, and emergency managers shall send verification of Federal Emergency Management Agency training to the Division.
- (3)
- (a) The Department of Public Safety shall designate state geographical regions and allow the political subdivisions within each region to:
 - (i) coordinate planning with other political subdivisions, tribal governments, and as appropriate, other entities within that region and with state agencies as appropriate, or as designated by the division;
 - (ii) coordinate grant management and resource purchases; and
 - (iii) organize joint emergency response training and exercises.
 - (b) The political subdivisions within a region designated in Subsection (3)(a) may not establish the region as a new government entity in the emergency disaster declaration process under Section 53-2a-208.
- (4) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
- (a) establish protocol for prevention, mitigation, preparedness, response, recovery, and the activities described in Subsection (3);
 - (b) coordinate federal, state, and local resources in a declared disaster or local emergency; and
 - (c) implement provisions of the Emergency Management Assistance Compact as provided in Section 53-2a-402 and Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.

- (5) The division may consult with the Legislative Management Committee, the Judicial Council, and legislative and judicial staff offices to assist the division in preparing emergency succession plans and procedures under Title 53, Chapter 2a, Part 8, Emergency Interim Succession Act.

Amended by Chapter 243, 2026 General Session

53-2a-105 Emergency Management Administration Council created -- Function -- Composition -- Expenses.

- (1) There is created the Emergency Management Administration Council to:
- (a) provide advice and coordination for state and local government agencies on government emergency prevention, mitigation, preparedness, response, and recovery actions and activities;
 - (b) review the progress and status of the statewide mutual aid system as defined in Section 53-2a-302;
 - (c) assist in developing methods to track and evaluate activation of the statewide mutual aid system; and
 - (d) examine issues facing participating political subdivisions, as defined in Section 53-2a-302, regarding implementation of the statewide mutual aid system.
- (2) The council shall develop comprehensive guidelines and procedures that address the operation of the statewide mutual aid system, including:
- (a) projected or anticipated costs of responding to emergencies;
 - (b) checklists for requesting and providing assistance;
 - (c) record keeping for participating political subdivisions;
 - (d) reimbursement procedures and other necessary implementation elements and necessary forms for requests; and
 - (e) other records documenting deployment and return of assets.
- (3) The council may prepare an annual report on the condition and effectiveness of the statewide mutual aid system, make recommendations for correcting any deficiencies, and submit the report to the Political Subdivisions Interim Committee.
- (4) The council shall meet at the call of the chair, but at least semiannually.
- (5) The council shall be made up of the:
- (a) lieutenant governor, or the lieutenant governor's designee;
 - (b) attorney general, or the attorney general's designee;
 - (c) heads of the following state agencies, or their designees:
 - (i) Department of Public Safety;
 - (ii) Division of Emergency Management;
 - (iii) Department of Transportation;
 - (iv) Department of Health;
 - (v) Department of Environmental Quality;
 - (vi) Department of Workforce Services;
 - (vii) Department of Natural Resources;
 - (viii) Department of Agriculture and Food;
 - (ix) Division of Technology Services; and
 - (x) Division of Indian Affairs;
 - (d) adjutant general of the National Guard or the adjutant general's designee;
 - (e) statewide interoperability coordinator of the Utah Communications Authority or the coordinator's designee;

- (f) two representatives with expertise in emergency management appointed by the Utah League of Cities and Towns;
 - (g) two representatives with expertise in emergency management appointed by the Utah Association of Counties;
 - (h) up to four additional members with expertise in emergency management, critical infrastructure, or key resources as these terms are defined under 6 U.S.C. Sec. 101 appointed from the private sector, by the co-chairs of the council;
 - (i) two representatives appointed by the Utah Emergency Management Association;
 - (j) one representative from the Urban Area Working Group, appointed by the council co-chairs;
 - (k) one representative from education, appointed by the council co-chairs; and
 - (l) one representative from a volunteer or faith-based organization, appointed by the council co-chairs.
- (6) The commissioner and the lieutenant governor shall serve as co-chairs of the council.
- (7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (8) The council shall coordinate with existing emergency management related entities including:
- (a) the Emergency Management Regional Committees established by the Department of Public Safety; and
 - (b) the Hazardous Chemical Emergency Response Commission designated under Section 53-2a-703.
- (9) The council may appoint additional members or establish other committees and task forces as determined necessary by the council to carry out the duties of the council.

Amended by Chapter 506, 2024 General Session

53-2a-106 Coordination for state development in a flood plain.

Any state agency that plans to develop or construct a building within a flood plain shall consult and coordinate with the division to ensure compliance with minimum standards of the National Flood Insurance Program, 42 U.S.C. Chapter 50, Subchapter I.

Enacted by Chapter 106, 2021 General Session