Chapter 2a
Emergency Management Act

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.
(6) The division shall report annually in writing not later than October 31 to the Law Enforcement and Criminal Justice, and Political Subdivisions Interim Committees regarding the status of the emergency alert system in the state. The report shall include:
(a) a status summary of the number of alerting authorities in Utah;
(b) any changes in that number;
(c) administrative actions taken; and
(d) any other information considered necessary by the division.

Amended by Chapter 38, 2022 General Session

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

(1) There is created the Emergency Management Administration Council to provide advice and coordination for state and local government agencies on government emergency prevention, mitigation, preparedness, response, and recovery actions and activities.
(2) The council shall meet at the call of the chair, but at least semiannually.
(3) 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. Code Section 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.
(4) The commissioner and the lieutenant governor shall serve as co-chairs of the council.
(5) 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.
(6) The council shall coordinate with existing emergency management related entities including:
(a) the Emergency Management Regional Committees established by the Department of Public Safety;
(b) the Statewide Mutual Aid Committee established under Section 53-2a-303; and
(c) the Hazardous Chemical Emergency Response Commission designated under Section 53-2a-703.
(7) 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 344, 2021 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

Part 2
Disaster Response and Recovery Act

53-2a-201 Title.

This part is known as the "Disaster Response and Recovery Act."

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-202 Legislative findings -- Purpose.

(1) The Legislature finds that existing and increasing threats of the occurrence of destructive disasters resulting from attack, internal disturbance, natural phenomenon or technological hazard could greatly affect the health, safety, and welfare of the people of this state, and it is therefore necessary to grant to the governor of this state and its political subdivisions special emergency disaster authority.
(2) It is the purpose of this act to assist the governor of this state and its political subdivisions to effectively provide emergency disaster response and recovery assistance in order to protect the lives and property of the people.

Amended by Chapter 258, 2015 General Session

53-2a-203 Definitions.

As used in this part:

(1) "Chief executive officer" means:

(a) for a municipality:

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

(ii) the city manager for a municipality operating under the council-manager form of government;

(b) for a county:

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

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

(iii) the county manager for a county operating under the council-manager form of government;

(c) for a special service district:

(i) the chief executive officer of the county or municipality that created the special service district if authority has not been delegated to an administrative control board as provided in Section 17D-1-301;

(ii) the chair of the administrative control board to which authority has been delegated as provided in Section 17D-1-301; or

(iii) the general manager or other officer or employee to whom authority has been delegated by the governing body of the special service district as provided in Section 17D-1-301; or

(d) for a special district:

(i) the chair of the board of trustees selected as provided in Section 17B-1-309; or

(ii) the general manager or other officer or employee to whom authority has been delegated by the board of trustees.

(2) "Executive action" means any of the following actions by the governor during a state of emergency:

(a) an order, a rule, or a regulation made by the governor as described in Section 53-2a-209;

(b) an action by the governor to suspend or modify a statute as described in Subsection 53-2a-204(1)(j); or

(c) an action by the governor to suspend the enforcement of a statute as described in Subsection 53-2a-209(4).

(3) "Exigent circumstances" means a significant change in circumstances following the expiration of a state of emergency declared in accordance with this chapter that:

(a) substantially increases the threat to public safety or health relative to the circumstances in existence when the state of emergency expired;

(b) poses an imminent threat to public safety or health; and

(c) was not known or foreseen and could not have been known or foreseen at the time the state of emergency expired.

(4) "Legislative emergency response committee" means the Legislative Emergency Response Committee created in Section 53-2a-218.

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

(6) "Long-term state of emergency" means a state of emergency:

(a) that lasts longer than 30 days; or
(b) declared to respond to exigent circumstances as described in Subsection 53-2a-206(3).
(7) "Political subdivision" means a municipality, county, special service district, or special district.

Amended by Chapter 16, 2023 General Session

53-2a-204 Authority of governor -- Federal assistance -- Fraud or willful misstatement in application for financial assistance -- Penalty.

(1) In addition to any other authorities conferred upon the governor, if the governor issues an executive order declaring a state of emergency, subject to limitation by the Legislature as described in Subsection 53-2a-206(5), the governor may:
(a) utilize all available resources of state government as reasonably necessary to cope with a state of emergency;
(b) employ measures and give direction to state and local officers and agencies that are reasonable and necessary for the purpose of securing compliance with the provisions of this part and with orders, rules, and regulations made pursuant to this part;
(c) recommend and advise the evacuation of all or part of the population from any stricken or threatened area within the state if necessary for the preservation of life;
(d) recommend routes, modes of transportation, and destination in connection with evacuation;
(e) in connection with evacuation, suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles, not to include the lawful bearing of arms;
(f) control ingress and egress to and from a disaster area, the movement of persons within the area, and recommend the occupancy or evacuation of premises in a disaster area;
(g) clear or remove from publicly or privately owned land or water debris or wreckage that is an immediate threat to public health, public safety, or private property, including allowing an employee of a state department or agency designated by the governor to enter upon private land or waters and perform any tasks necessary for the removal or clearance operation if the political subdivision, corporation, organization, or individual that is affected by the removal of the debris or wreckage:
(i) presents an unconditional authorization for removal of the debris or wreckage from private property; and
(ii) agrees to indemnify the state against any claim arising from the removal of the debris or wreckage;
(h) enter into agreement with any agency of the United States:
(i) for temporary housing units to be occupied by victims of a state of emergency or persons who assist victims of a state of emergency; and
(ii) to make the housing units described in Subsection (1)(h)(i) available to a political subdivision of this state;
(i) assist any political subdivision of this state to acquire sites and utilities necessary for temporary housing units described in Subsection (1)(h)(i) by passing through any funds made available to the governor by an agency of the United States for this purpose;
(j) subject to Sections 53-2a-209 and 53-2a-214, temporarily suspend or modify by executive order, during the state of emergency, any public health, safety, zoning, transportation, or other requirement of a statute or administrative rule within this state if such action is essential to provide temporary housing described in Subsection (1)(h)(i);
(k) upon determination that a political subdivision of the state will suffer a substantial loss of tax and other revenues because of a state of emergency and the political subdivision so affected

has demonstrated a need for financial assistance to perform its governmental functions, in accordance with Utah Constitution, Article XIV, Sections 3 and 4, and Section 10-8-6:

(i) apply to the federal government for a loan on behalf of the political subdivision if the amount of the loan that the governor applies for does not exceed 25% of the annual operating budget of the political subdivision for the fiscal year in which the state of emergency occurs; and

(ii) receive and disburse the amount of the loan to the political subdivision;

(l) accept funds from the federal government and make grants to any political subdivision for the purpose of removing debris or wreckage from publicly owned land or water;

(m) upon determination that financial assistance is essential to meet expenses related to a state of emergency of individuals or families adversely affected by the state of emergency that cannot be sufficiently met from other means of assistance, apply for, accept, and expend a grant by the federal government to fund the financial assistance, subject to the terms and conditions imposed upon the grant;

(n) recommend to the Legislature other actions the governor considers to be necessary to address a state of emergency; or

(o) authorize the use of all water sources as necessary for fire suppression.

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

Amended by Chapter 437, 2021 General Session

53-2a-205 Authority of chief executive officers of political subdivisions -- Ordering of evacuations.

(1)

(a) In order to protect life and property when a state of emergency or local emergency has been declared, subject to limitation by the Legislature as described in Subsection 53-2a-206(5), and subject to Section 53-2a-216, the chief executive officer of each political subdivision of the state is authorized to:

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

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

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

(c) A chief executive officer of a municipality may not exercise powers under this chapter to respond to an epidemic or a pandemic.

(2) Subject to Section 53-2a-216, when a state of emergency or local emergency is declared, the authority of the chief executive officer includes:

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

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

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

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

(e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles in relation to an evacuation, except that the chief executive officer may not restrict the lawful bearing of arms;
(f) controlling ingress and egress to and from a disaster area, controlling the movement of persons within a disaster area, and ordering the occupancy or evacuation of premises in a disaster area;
(g) clearing or removing debris or wreckage that may threaten public health, public safety, or private property from publicly or privately owned land or waters, except that where there is no immediate threat to public health or safety, the chief executive officer shall not exercise this authority in relation to privately owned land or waters unless:
(i) the owner authorizes the employees of designated local agencies to enter upon the private land or waters to perform any tasks necessary for the removal or clearance; and
(ii) the owner provides an unconditional authorization for removal of the debris or wreckage and agrees to indemnify the local and state government against any claim arising from the removal; and
(h) invoking the provisions of any mutual aid agreement entered into by the political subdivision.
(3)
(a) If the chief executive is unavailable to issue an order for evacuation under Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area may issue an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for the preservation of life.
(b) The chief executive officer may ratify, modify, or revoke the chief law enforcement officer's order.
(4) Notice of an order or the ratification, modification, or revocation of an order issued under this section shall be:
(a) given to the persons within the jurisdiction by the most effective and reasonable means available; and
(b) filed in accordance with Subsection 53-2a-209(1).

Amended by Chapter 39, 2022 General Session

53-2a-206 State of emergency -- Declaration -- Termination -- Commander in chief of military forces.

(1) A state of emergency may be declared by executive order of the governor if the governor finds a disaster has occurred or the occurrence or threat of a disaster is imminent in any area of the state in which state government assistance is required to supplement the response and recovery efforts of the affected political subdivision or political subdivisions.
(2)
(a) Except as provided in Subsection (2)(b), a state of emergency described in Subsection (1) expires at the earlier of:
(i) the day on which the governor finds that the threat or danger has passed or the disaster reduced to the extent that emergency conditions no longer exist;
(ii) 30 days after the date on which the governor declared the state of emergency; or
(iii) the day on which the Legislature terminates the state of emergency by joint resolution.
(b)
(i) The Legislature may, by joint resolution, extend a state of emergency for a time period designated in the joint resolution.

(ii) If the Legislature extends a state of emergency in accordance with this subsection, the state of emergency expires on the date designated in the joint resolution.

(c) Except as provided in Subsection (3), if a state of emergency expires as described in Subsection (2), the governor may not declare a new state of emergency for the same disaster or occurrence as the expired state of emergency.

(3)

(a) After a state of emergency expires in accordance with Subsection (2), and subject to Subsection (4), the governor may declare a new state of emergency in response to the same disaster or occurrence as the expired state of emergency, if the governor finds that exigent circumstances exist.

(b) A state of emergency declared in accordance with Subsection (3)(a) expires in accordance with Subsections (2)(a) and (b).

(c) After a state of emergency declared in accordance with Subsection (3)(a) expires, the governor may not declare a new state of emergency in response to the same disaster or occurrence as the expired state of emergency, regardless of whether exigent circumstances exist.

(4)

(a)

(i) If the Legislature finds that emergency conditions warrant the extension of a state of emergency beyond 30 days as described in Subsection (2)(b), the Legislature may extend the state of emergency and specify which emergency powers described in this part are necessary to respond to the emergency conditions present at the time of the extension of the state of emergency.

(ii) Circumstances that may warrant the extension of a state of emergency with limited emergency powers include:

(A) the imminent threat of the emergency has passed, but continued fiscal response remains necessary; or

(B) emergency conditions warrant certain executive actions, but certain emergency powers such as suspension of enforcement of statute are not necessary.

(b) For any state of emergency extended by the Legislature beyond 30 days as described in Subsection (2)(b), the Legislature may, by joint resolution:

(i) extend the state of emergency and maintain all of the emergency powers described in this part; or

(ii) limit or restrict certain emergency powers of:

(A) the division as described in Section 53-2a-104;

(B) the governor as described in Section 53-2a-204;

(C) a chief executive officer of a political subdivision as described in Section 53-2a-205; or

(D) other executive emergency powers described in this chapter.

(c) If the Legislature limits emergency powers as described in Subsection (4)(b), the Legislature shall:

(i) include in the joint resolution findings describing the nature and current conditions of the emergency that warrant the continuation or limitation of certain emergency powers; and

(ii) clearly enumerate and describe in the joint resolution which powers:

(A) are being limited or restricted; or

(B) shall remain in force.

(5) If the Legislature terminates a state of emergency by joint resolution, the governor shall issue an executive order ending the state of emergency on receipt of the Legislature's resolution.

(6) An executive order described in this section to declare a state of emergency shall state:

(a) the nature of the state of emergency;
(b) the area or areas threatened; and
(c) the conditions creating such an emergency or those conditions allowing termination of the state of emergency.
(7) During the continuance of any state of emergency the governor is commander in chief of the military forces of the state in accordance with Utah Constitution Article VII, Section 4, and Title 39, Chapter 1, State Militia.

Amended by Chapter 437, 2021 General Session

53-2a-207 Expenditures authorized by "state of emergency" declaration.
(1)
(a) The director may use funds authorized under this part to provide:
(i) transportation to and from the disaster scene;
(ii) accommodations at the disaster scene for prolonged incidents; and
(iii) emergency purchase of response equipment and supplies in direct support of a disaster.
(b) The commissioner may authorize the use of funds accrued under Title 53, Chapter 2a, Part 10, Energy Emergency Powers of the Governor Act, only if the governor declares a state of emergency as provided under this part.
(2) These funds may not be allocated to a political subdivision unless the political subdivision has demonstrated that it is beyond its capability to respond to the disaster and that no other resources are available in sufficient amount to meet the disaster.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-208 Local emergency -- Declarations -- Termination of a local emergency.
(1)
(a) Except as provided in Subsection (1)(b), a chief executive officer of a municipality or county may declare by proclamation a state of emergency if the chief executive officer finds:
(i) a disaster has occurred or the occurrence or threat of a disaster is imminent in an area of the municipality or county; and
(ii) the municipality or county requires additional assistance to supplement the response and recovery efforts of the municipality or county.
(b) A chief executive officer of a municipality may not declare by proclamation a state of emergency in response to an epidemic or a pandemic.
(2) A declaration of a local emergency:
(a) constitutes an official recognition that a disaster situation exists within the affected municipality or county;
(b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance from other political subdivisions or from the state or federal government;
(c) activates the response and recovery aspects of any and all applicable local disaster emergency plans; and
(d) authorizes the furnishing of aid and assistance in relation to the proclamation.
(3) A local emergency proclamation issued under this section shall state:
(a) the nature of the local emergency;
(b) the area or areas that are affected or threatened; and
(c) the conditions which caused the emergency.
(4) The emergency declaration process within the state shall be as follows:

(a) a city, town, or metro township shall declare to the county;
(b) a county shall declare to the state;
(c) the state shall declare to the federal government; and
(d) a tribe, as defined in Section 23A-1-202, shall declare as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

(5) Nothing in this part affects:
(a) the governor's authority to declare a state of emergency under Section 53-2a-206; or
(b) the duties, requests, reimbursements, or other actions taken by a political subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.

(6)
(a) Except as provided in Subsection (6)(b), a state of emergency described in Subsection (1) expires the earlier of:
(i) the day on which the chief executive officer finds that:
(A) the threat or danger has passed;
(B) the disaster reduced to the extent that emergency conditions no longer exist; or
(C) the municipality or county no longer requires state government assistance to supplement the response and recovery efforts of the municipality or county;
(ii) 30 days after the day on which the chief executive officer declares the state of emergency; or
(iii) the day on which the legislative body of the municipality or county terminates the state of emergency by majority vote.

(b)
(i)
(A) The legislative body of a municipality may at any time terminate by majority vote a state of emergency declared by the chief executive officer of the municipality.
(B) The legislative body of a county may at any time terminate by majority vote a state of emergency declared by the chief executive officer of the county.
(ii) The legislative body of a municipality or county may by majority vote extend a state of emergency for a time period stated in the motion.
(iii) If the legislative body of a municipality or county extends a state of emergency in accordance with this subsection, the state of emergency expires on the date designated by the legislative body in the motion.
(iv) An action by a legislative body of a municipality or county to terminate a state of emergency as described in this Subsection (6)(b) is not subject to veto by the relevant chief executive officer.

(c) Except as provided in Subsection (7), after a state of emergency expires in accordance with this Subsection (6), the chief executive officer may not declare a new state of emergency in response to the same disaster or occurrence as the expired state of emergency.

(7)
(a) After a state of emergency expires in accordance with Subsection (6), the chief executive officer may declare a new state of emergency in response to the same disaster or occurrence as the expired state of emergency, if the chief executive officer finds that exigent circumstances exist.
(b) A state of emergency declared in accordance with Subsection (7)(a) expires in accordance with Subsections (6)(a) and (b).
(c) After a state of emergency declared in accordance with Subsection (7)(a) expires, the chief executive officer may not declare a new state of emergency in response to the same

disaster or occurrence as the expired state of emergency, regardless of whether exigent circumstances exist.

Amended by Chapter 34, 2023 General Session

53-2a-209 Orders, rules, and regulations having force of law -- Filing requirements -- Suspension of state agency rules -- Suspension of enforcement of certain statutes during a state of emergency.

(1) Subject to Section 53-2a-216, all orders, rules, and regulations promulgated by the governor, a municipality, a county, or other agency authorized by this part to make orders, rules, and regulations, not in conflict with existing laws except as specifically provided in this section, shall have the full force and effect of law during the state of emergency.

(2) A copy of the order, rule, or regulation promulgated under Subsection (1) shall be filed as soon as practicable with:

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

(b) the office of the clerk of the municipality or county, if issued by the chief executive officer of a municipality or county.

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

(4)

(a) Except as provided in Subsection (4)(b) and subject to Subsections (4)(c) and (d), the governor may by executive order suspend the enforcement of a statute if:

(i) the governor declares a state of emergency in accordance with Section 53-2a-206;

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

(A) directly related to the state of emergency described in Subsection (4)(a)(i); and

(B) necessary to address the state of emergency described in Subsection (4)(a)(i);

(iii) the executive order:

(A) describes how the suspension of the enforcement of the statute is:

(I) directly related to the state of emergency described in Subsection (4)(a)(i); and

(II) necessary to address the state of emergency described in Subsection (4)(a)(i); and

(B) provides the citation of the statute that is the subject of suspended enforcement;

(iv) the governor acts in good faith;

(v) the governor provides notice of the suspension of the enforcement of the statute to the speaker of the House of Representatives and the president of the Senate no later than 24 hours after suspending the enforcement of the statute; and

(vi) the governor makes the report required by Section 53-2a-210.

(b)

(i) Except as provided in Subsection (4)(b)(ii), the governor may not suspend the enforcement of a criminal penalty created in statute.

(ii) The governor may suspend the enforcement of a misdemeanor or infraction if:

(A) the misdemeanor or infraction relates to food, health, or transportation; and

(B) the requirements of Subsection (4)(a) are met.

(c) A suspension described in this Subsection (4) terminates no later than the date the governor terminates the state of emergency in accordance with Section 53-2a-206 to which the suspension relates.

(d) The governor:

(i) shall provide the notice required by Subsection (4)(a)(v) using the best available method under the circumstances as determined by the governor;
(ii) may provide the notice required by Subsection (4)(a)(v) in electronic format; and
(iii) shall provide the notice in written form, if practicable.
(e) If circumstances prevent the governor from providing notice to the speaker of the House of Representatives or the president of the Senate, notice shall be provided in the best available method to the presiding member of the respective body as is reasonable.

Amended by Chapter 437, 2021 General Session

53-2a-210 Reporting on the suspension or modification of certain statutes or rules or the suspension of the enforcement of a statute.

(1) The governor and the Department of Public Safety shall report the following to the Legislative Management Committee:
(a) a suspension or modification of a statute or rule under Subsection 53-2a-204(1)(j); or
(b) a suspension of the enforcement of a statute under Subsection 53-2a-209(3).
(2) The governor and the Department of Public Safety shall make the report required by this section on or before the sooner of:
(a) the day on which the governor calls the Legislature into session; or
(b) seven days after the date the governor declares the state of emergency to which the suspension or modification relates.
(3) The Legislative Management Committee shall review the suspension or modification of a statute or rule or the suspension of the enforcement of a statute described in Subsection (1) and may:
(a) recommend:
(i) that the governor continue the suspension or modification of the statute or rule or the suspension of the enforcement of the statute; and
(ii) the length of the suspension or modification of the statute or rule or the suspension of the enforcement of the statute;
(b) recommend that the governor terminate the suspension or modification of the statute or rule or the suspension of the enforcement of the statute; or
(c) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the suspension or modification of the statute or rule or the suspension of the enforcement of the statute.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-211 Acquisition of property for public use -- Compensation of owners.

(1)
(a) Upon proclamation of a state of emergency, the governor may purchase or lease public or private property for public use including:
(i) food and medical supplies;
(ii) clothing;
(iii) shelter;
(iv) means of transportation;
(v) fuels;
(vi) oils; or
(vii) buildings or lands.

(b) The governor may not purchase private home storage nor privately owned arms.
(2)
(a) The governor may use property purchased under authority of this section for any purpose to meet the needs of an emergency, including its use to relieve want, distress, and disease.
(b) Any property used by the governor to meet the needs of an emergency is a public use.
(3)
(a) The governor shall compensate the owner of property taken or used under authority of this section by complying with the procedures established in Title 78B, Chapter 6, Part 5, Eminent Domain.
(b) The governor shall pay for those purchases or leases from the funds available to the Division of Emergency Management under:
(i) this part; or
(ii) Title 53, Chapter 2a, Part 6, Disaster Recovery Funding Act, to the extent provided for in that part.
(4) Nothing in this section applies to or authorizes compensation for the destruction or damage of standing timber or other property in order to provide a fire break or to the release of waters or the breach of impoundments in order to reduce pressure or other danger from actual or threatened flood.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-212 Interstate agreements authorized -- Termination -- Mutual-aid compacts between subdivisions.
(1) The governor is authorized to execute an interstate agreement or compact on behalf of this state with any other state or states only consistent with the powers herein granted concerning matters relating to a disaster affecting or likely to affect this state.
(2) The agreement or compact shall continue in force and remain binding on each party state until the Legislature or the governor of a party state takes action to withdraw. The action is not effective until 30 days after notice thereof has been sent by the governor of such party state desiring to withdraw to the governors of all other party states.
(3) Political subdivisions are authorized to enter into mutual-aid compacts with other political subdivisions within the state of Utah concerning matters involving cooperative disaster response and recovery assistance support, consistent with this chapter.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-213 Authority additional to other emergency authority.
(1) The special disaster emergency authority vested in the governor and political subdivisions of the state pursuant to this part shall be in addition to, and not in lieu of, any other emergency authority otherwise constitutionally or statutorily vested in the governor and political subdivisions of the state.
(2) The provisions of this chapter supersede and preempt any provision of law of a political subdivision of the state pertaining to disaster and emergency response.

Amended by Chapter 39, 2022 General Session

53-2a-214 Prohibition of restrictions on and confiscation of a firearm or ammunition during an emergency.

(1) As used in this section:
(a)
(i) "Confiscate" means for an individual in Utah to intentionally deprive another of a privately owned firearm.
(ii) "Confiscate" does not include the taking of a firearm from an individual:
(A) in self-defense;
(B) possessing a firearm while the individual is committing a felony or misdemeanor; or
(C) who may not, under state or federal law, possess the firearm.
(b) "Firearm" has the same meaning as defined in Section 76-10-501.
(2) During a declared state of emergency or local emergency under this part:
(a) neither the governor nor an agency of a governmental entity or political subdivision of the state may impose restrictions, which were not in force before the declared state of emergency, on the lawful possession, transfer, sale, transport, storage, display, or use of a firearm or ammunition; and
(b) an individual, while acting or purporting to act on behalf of the state or a political subdivision of the state, may not confiscate a privately owned firearm of another individual.
(3) A law or regulation passed during a declared state of emergency that does not relate specifically to the lawful possession or use of a firearm and that has attached criminal penalties may not be used to justify the confiscation of a firearm from an individual acting in defense of self, property, or others when on:
(a) the individual's private property; or
(b) the private property of another as an invitee.
(4)
(a) An individual who has a firearm confiscated in violation of Subsection (2) may bring a civil action in a court having the appropriate jurisdiction:
(i) for damages, in the maximum amount of $10,000, against a person who violates Subsection (2);
(ii) for a civil penalty, in the amount of $5,000 per violation, against a person who violates Subsection (2); and
(iii) for return of the confiscated firearm.
(b) As used in this Subsection (4), "person" means an individual, the governmental entity on whose behalf the individual is acting or purporting to act, or both the individual and the governmental entity.
(5)
(a) A law enforcement officer is not subject to disciplinary action for refusing to confiscate a firearm under this section if:
(i) ordered or directed to do so by a superior officer; and
(ii) by obeying the order or direction, the law enforcement officer would be committing a violation of this section.
(b) For purposes of this Subsection (5), disciplinary action might include:
(i) dismissal, suspension, or demotion;
(ii) loss of or decrease in benefits, pay, privileges or conditions of employment; and
(iii) any type of written or electronic indication, permanent or temporary, on the officer's personnel record of the officer's refusal to obey the unlawful order.
(6)
(a) If a law enforcement officer commits a violation of this section, the officer's liability in an action brought under Subsection (4)(a) is limited to 5% of the damages and civil penalty allowed

under Subsection (4)(a) if the officer can show by clear and convincing evidence that the officer was obeying a direct and unlawful order from a superior officer or authority.

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

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-215 Requirements for long-term emergency response -- Notice.

(1)

(a)

(i) Except as provided in Subsection (2), and in accordance with Subsection (1)(b), during a long-term state of emergency, the governor may not take an executive action in response to the emergency until the governor has provided notice of the proposed action to the legislative emergency response committee no later than 24 hours before the governor issues the executive action.

(ii) The governor:

(A) shall provide the notice required by Subsection (1)(a)(i) using the best available method under the circumstances as determined by the governor;

(B) may provide the notice required by Subsection (1)(a)(i) in electronic format; and

(C) shall provide the notice in written form, if practicable.

(b) Except for any conflicting provision in this section, the governor shall comply with the requirements of this chapter to take an executive action in response to a long-term emergency.

(c) If the governor takes executive action in response to a long-term emergency as described in this Subsection (1), the governor is not required to provide:

(i) the notice described in Subsection 53-2a-209(4)(a)(v); or

(ii) the report described in Section 53-2a-210.

(2)

(a) The governor may take executive action in response during a long-term emergency without complying with Subsection (1) only if the governor finds that:

(i) there is an imminent threat of serious bodily injury, loss of life, or substantial harm to property; and

(ii) compliance with Subsection (1) would increase the threat of serious bodily injury, loss of life, or substantial harm to property.

(b) If the governor takes executive action in response to a long-term emergency without complying with the requirements of Subsection (1)(a), the governor shall provide in the executive action an explanation why the requirements of Subsection (1)(a) were not met.

(3) This section supersedes any conflicting provisions of Utah law.

(4) Notwithstanding any other provision of law, the governor may not suspend the application or enforcement of this section.

Amended by Chapter 437, 2021 General Session

53-2a-216 Termination of an executive action or directive.

(1) The Legislature may at any time terminate by joint resolution:

(a) an order, a rule, ordinance, or action by a chief executive officer of a county or municipality as described in Section 53-2a-205 in response to a state of emergency that has been in effect for more than 30 days;
(b) a local declaration of emergency described in Section 53-2a-208 that has been in effect for more than 30 days;
(c) an order, a rule, or a regulation made by the governor, a municipality, county, or other agency as described in Section 53-2a-209;
(d) an action by the governor to suspend the enforcement of a statute as described in Subsection 53-2a-209(4); or
(e) an executive action as described in Section 53-2a-215.
(2) Notwithstanding any other provision of law, the governor may not suspend the application or enforcement of this section.

Amended by Chapter 437, 2021 General Session

53-2a-218 Legislative Emergency Response Committee.
(1) There is created an ad hoc committee known as the Legislative Emergency Response Committee.
(2)
(a) The committee membership includes:
(i) the same membership as the Executive Appropriations Committee as constituted at the time the committee is convened;
(ii) between four and six additional members designated by the speaker of the House of Representatives, chosen from the following:
(A) one or more members of the House of Representatives that serve as chair or vice-chair of a legislative committee with a subject matter focus relevant to the current emergency;
(B) one or more members of the House of Representatives with relevant expertise or experience relevant to the current emergency; or
(C) one or more members of the House of Representatives from a minority party that serves on a relevant legislative committee or that has expertise and experience relevant to the current emergency; and
(iii) between four and six additional members designated by the president of the Senate, chosen from the following:
(A) one or more members of the Senate that serve as chair or vice-chair of a legislative committee with a subject matter focus relevant to the current emergency;
(B) one or more members of the Senate with relevant expertise or experience relevant to the current emergency; or
(C) one or more members of the Senate from a minority party that serves on a relevant legislative committee or that has expertise and experience relevant to the current emergency.
(b) The speaker of the House of Representatives and the president of the Senate shall coordinate to ensure they each appoint the same number of legislators as described under Subsections (2)(a)(ii) and (iii).
(3) The speaker of the House of Representatives and the president of the Senate shall serve as chairs of the committee.
(4) The Office of Legislative Research and General Counsel shall provide staff support to the committee.
(5)

(a) If the governor declares a state of emergency as described in this chapter, and the governor finds that the emergency conditions warrant an extension of the state of emergency beyond the 30-day term or another date designated by the Legislature as described in Section 53-2a-206, the governor shall provide written notice to the speaker of the House of Representatives and the president of the Senate at least 10 days before the expiration of the state of emergency.

(b) If the speaker of the House of Representatives and the president of the Senate receive notice as described in Subsection (5)(a) for a state of emergency within the first 30 days from the initial declaration of the state of emergency, or from the Department of Health and Human Services as described in Section 26B-7-317, or from a local health department as described in Section 26A-1-121, the speaker of the House of Representatives and the president of the Senate:

(i) shall poll the members of their respective bodies to determine whether the Legislature will extend the state of emergency; and

(ii) may jointly convene the committee.

(c) If the speaker of the House of Representatives and the president of the Senate receive notice as described in Subsection (5)(a) for a state of emergency that has been extended beyond 30 days from the initial declaration of a state of emergency, the speaker of the House of Representatives and the president of the Senate shall jointly convene the committee.

(6) If the committee is convened as described in Subsection (5), the committee shall conduct a public meeting to:

(a) discuss the nature of the emergency and conditions of the emergency;

(b) evaluate options for emergency response;

(c) receive testimony from individuals with expertise relevant to the current emergency;

(d) receive testimony from members of the public; and

(e) provide a recommendation to the Legislature whether to extend the state of emergency by joint resolution.

Amended by Chapter 328, 2023 General Session

53-2a-219 Religious practice during a state of emergency.

(1) During a state of emergency declared as described in this chapter:

(a) the governor or chief executive officer of a political subdivision may not impose a restriction on a religious gathering that is more restrictive than a restriction on any other relevantly similar gathering; and

(b) an individual, while acting or purporting to act within the course and scope of the individual's official government capacity, may not:

(i) prevent a religious gathering that is held in a manner consistent with any order or restriction issued pursuant to this part; or

(ii) impose a penalty for a previous religious gathering that was held in a manner consistent with any order or restriction issued pursuant to this part.

(2) Upon proper grounds, a court of competent jurisdiction may grant an injunction to prevent the violation of this section.

(3) During a state of emergency declared as described in this title, the governor or the chief executive of a political subdivision shall not issue an executive order or impose or implement a regulation that substantially burdens an individual's exercise of religion unless the governor or chief executive officer of the political subdivision demonstrates that the application of the burden to the individual:

(a) is in furtherance of a compelling government interest; and
(b) is the least restrictive means of furthering that compelling government interest.
(4) Notwithstanding Subsections (1) and (3), an executive order shall allow reasonable accommodations for an individual to perform or participate in a religious practice or rite.

Enacted by Chapter 437, 2021 General Session

53-2a-221 State and local disaster response personnel.
(1) As used in this section:
(a) "Local disaster response personnel" means a local government employee who, in accordance with this section, is reassigned duties in order to respond to a disaster.
(b) "Local government" means a municipality or county.
(c) "State agency" means any department or unit of Utah state government with authority to employ personnel.
(d) "State disaster response personnel" means an employee of a state agency or local government who, in accordance with this section, is reassigned duties in order to respond to a disaster.
(2)
(a) If the governor declares a state of emergency under Section 53-2a-206, an employee of a state agency is, subject to Subsection (6), a state disaster response personnel for the duration of the declared state of emergency.
(b) If a chief executive officer of a municipality or county declares a local emergency under Section 53-2a-208, an employee of the municipality or county, respectively, is, subject to Subsection (6), a local disaster response personnel for the duration of the declared state of emergency.
(3)
(a) During a state emergency, a state disaster response personnel shall perform duties as assigned in accordance with an emergency operations plan adopted by the division under Section 53-2a-104.
(b) During a local emergency, a local disaster response personnel shall perform duties as assigned in accordance with an emergency operations plan adopted by a county or municipality under Section 53-2a-1403.
(4) After a declaration of emergency as described in Subsection (2)(a) or (2)(b), the governor or chief officer may activate state or local disaster response personnel to report to work immediately.
(5)
(a) Notwithstanding Subsection (4), a state or local disaster response personnel may check on the security of the state or local disaster response personnel's immediate family before reporting to work.
(b) A plan described in Subsection (3)(a) or (3)(b) shall exempt a state agency or local government employee from acting as a state or local disaster response personnel, respectively, if:
(i) the employee's immediate family is in imminent danger because of the disaster; or
(ii) the employee's health precludes the employee from performing the duties otherwise assigned to that employee in accordance with the plan.
(c) An employee described in Subsection (5)(b)(i) or (5)(b)(ii) is exempt only for the duration of the time the employee's immediate family is in imminent danger or the underlying cause of the employee's health concern exists.

(6) An employee shall perform his or her assigned state or local disaster response personnel duties only for the duration of the declared state or local emergency, respectively, or until the disaster response duties are no longer needed, whichever occurs first.
(7) A state or local disaster response personnel may not be assigned to perform duties:
(a) that are technical in nature unless the state or local disaster response personnel is trained to perform those duties; or
(b) that the state or local disaster response personnel is physically not capable of performing.
(8) A state or local disaster response personnel may be relocated as necessary to respond to the disaster but only for the duration of the declared emergency.
(9) A state agency or local government:
(a) may not decrease a state or local disaster response personnel's pay only because the state or local disaster response personnel is performing duties as assigned during the emergency;
(b) at the state agency's or local government's discretion, may increase a state or local disaster response personnel's pay; and
(c) shall reimburse a state or local disaster response personnel for incidentals incurred, including any relocation expenses, while the employee is performing his or her duties as a state or local disaster response personnel.

Enacted by Chapter 38, 2022 General Session

Part 3
Statewide Mutual Aid Act

53-2a-301 Title.
This part is known as the "Statewide Mutual Aid Act."

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-302 Definitions.
As used in this part:
(1) "Emergency responder":
(a) means a person in the public or private sector:
(i) who has special skills, qualification, training, knowledge, or experience, whether or not possessing a license, certificate, permit, or other official recognition for the skills, qualification, training, knowledge, or experience, that would benefit a participating political subdivision in responding to a locally declared emergency or in an authorized drill or exercise; and
(ii) whom a participating political subdivision requests or authorizes to assist in responding to a locally declared emergency or in an authorized drill or exercise; and
(b) includes:
(i) a law enforcement officer;
(ii) a firefighter;
(iii) an emergency medical services worker;
(iv) a physician, physician assistant, nurse, or other public health worker;
(v) an emergency management official;
(vi) a public works worker;

(vii) a building inspector;
(viii) an architect, engineer, or other design professional; or
(ix) a person with specialized equipment operations skills or training or with any other skills needed to provide aid in a declared emergency.
(2) "Participating political subdivision" means each county, municipality, public safety district, and public safety interlocal entity that has not adopted a resolution under Section 53-2a-306 withdrawing itself from the statewide mutual aid system.
(3) "Public safety district" means a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, that provides public safety service.
(4) "Public safety interlocal entity" means an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act, that provides public safety service.
(5) "Public safety service" means a service provided to the public to protect life and property and includes fire protection, police protection, emergency medical service, and hazardous material response service.
(6) "Requesting political subdivision" means a participating political subdivision that requests emergency assistance under Section 53-2a-207 from one or more other participating political subdivisions.
(7) "Responding political subdivision" means a participating political subdivision that responds to a request under Section 53-2a-307 from a requesting political subdivision.
(8) "State" means the state of Utah.
(9) "Statewide mutual aid system" or "system" means the aggregate of all participating political subdivisions and the state.

Amended by Chapter 16, 2023 General Session

53-2a-303 Statewide mutual aid committee.
(1)
(a) There is established a statewide mutual aid committee consisting of:
(i) the director, who shall chair the committee;
(ii) one or more representatives from state agencies that provide public safety service, appointed by the director;
(iii) one or more representatives of counties, appointed by the director after considering recommendations from the Utah Association of Counties;
(iv) one or more representatives of municipalities, appointed by the director after considering recommendations from the Utah League of Cities and Towns; and
(v) one or more representatives of public safety districts and public safety interlocal entities, appointed by the director after considering recommendations from the Utah Association of Special Districts.
(b) The term of each member appointed under Subsections (1)(a)(ii) through (v) shall be two years.
(c) A committee member may not receive compensation for service on the committee in addition to any compensation received as an employee or official of a state agency or participating political subdivision.
(2) The committee shall meet at least annually to:
(a) review the progress and status of the statewide mutual aid system;
(b) assist in developing methods to track and evaluate activation of the system; and

(c) examine issues facing participating political subdivisions regarding implementation of this part.

(3) The committee shall develop comprehensive guidelines and procedures that address the operation of the 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.

(4) The committee 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 an appropriate legislative committee.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-304 Withdrawal from the statewide mutual aid system.

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

(1) enacting a resolution declaring that it elects not to participate in the system; and

(2) delivering a copy of the resolution to the director.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-305 Agreements not affected by this part.

Nothing in this part may be construed:

(1) to limit the state, a county, municipality, special district, special service district, or interlocal entity from entering into an agreement allowed by law for public safety and related purposes; or

(2) to affect an agreement to which the state, a county, municipality, special district, special service district, or interlocal entity is a party.

Amended by Chapter 16, 2023 General Session

53-2a-306 Duties of the Division of Emergency Management and participating political subdivisions.

(1) The division shall:

(a) receive and maintain an inventory of the state and local services, equipment, supplies, personnel, and other resources related to participation in Title 53, Chapter 2a, Part 4, Emergency Management Assistance Compact, and this part; and

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

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

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

(b) conduct joint planning, intelligence sharing, and threat assessment development with contiguous participating political subdivisions and conduct joint training with them at least biennially;
(c) identify and inventory the services, equipment, supplies, personnel, and other resources related to participating political subdivision's planning, prevention, mitigation, response, and recovery activities; and
(d) adopt and implement the standardized incident management system approved by the division.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-307 Requests for disaster assistance or assistance with an authorized drill or exercise.

(1) The state or a participating political subdivision may request another participating political subdivision to assist:
(a) in preventing, mitigating, responding to, or recovering from a disaster, if the requesting political subdivision declares a local emergency or the state has declared a state of emergency; or
(b) with a drill or exercise that the state or requesting political subdivision has authorized.
(2) Each request under Subsection (1) shall be:
(a) made by the chief executive officer of the state or participating political subdivision or the officer's designee; and
(b) reported as soon as practical to the director.
(3)
(a) A request under Subsection (1) may be communicated orally or in writing.
(b) Each request communicated orally shall be reduced to writing and delivered to the other participating political subdivision:
(i) as soon as practical; or
(ii) within the number of days specified by the director.
(4) In responding to a request under Subsection (1), a responding political subdivision may:
(a) donate assets of any kind to a requesting political subdivision; and
(b) withhold its resources to the extent necessary to provide reasonable protection and services for its own residents.
(5) The emergency response personnel, equipment, and other assets of a responding political subdivision or the state shall be under the operational control of the incident management system of the state or requesting political subdivision, except to the extent that the exercise of operational control would result in a violation of a policy, standard, procedure, or protocol of the responding political subdivision or of the state.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-308 Reimbursement -- Resolving reimbursement disputes.

(1)
(a) Each requesting political subdivision shall reimburse each responding political subdivision providing assistance to the requesting political subdivision for any loss or damage suffered or expense or cost incurred by a responding political subdivision in the operation of equipment or in providing a service in response to a request under Section 53-2a-307.
(b) Notwithstanding Subsection (1)(a), a responding political subdivision may, in its discretion:

(i) assume some or all of the loss, damage, expense, or cost; or
(ii) loan equipment or donate services to the requesting political subdivision without charge.
(2)
(a) A responding political subdivision may request reimbursement from a requesting political subdivision for the costs of providing disaster relief assistance.
(b) Each request for reimbursement shall comply with the procedures and criteria developed by the committee.
(3) If a dispute concerning reimbursement arises between a requesting political subdivision and a responding political subdivision:
(a) the requesting political subdivision and responding political subdivision shall make every effort to resolve the dispute within 30 days after either provides written notice to the other of the other's noncompliance with applicable procedures or criteria; and
(b) if the dispute is not resolved within 90 days after the notice under Subsection (3)(a), either party may submit the dispute to the committee, whose decision shall be final.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-309 Personnel responding to requests for assistance.
(1) Each person or entity holding a license, certificate, or other permit evidencing qualification in a professional, mechanical, or other skill and responding to a request from a requesting political subdivision shall, while providing assistance during a declared emergency or during an authorized drill or exercise, be considered to be licensed, certified, or permitted in the requesting political subdivision, except as limited by the chief executive officer of the requesting political subdivision.
(2) Each law enforcement officer rendering aid as provided in this part under the authority of a state of emergency declared by the governor, whether inside or outside the officer's jurisdiction, has all law enforcement powers and the same privileges and immunities that the officer has in the officer's own jurisdiction.
(3) Each employee of a responding political subdivision responding to a request by or giving assistance to a requesting political subdivision or the state as provided in this part:
(a) is entitled to:
(i) all applicable workers compensation benefits for injury or death occurring as a result of the employee's participation in the response or assistance; and
(ii) any additional state or federal benefits available for line of duty injury or death; and
(b) is, for purposes of liability, considered to be an employee of the requesting political subdivision.
(4) Each responding political subdivision and its employees are immune from liability arising out of their actions in responding to a request from a requesting political subdivision to the extent provided in Section 63G-7-201.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-310 Severability.
A court order declaring any provision of this part unconstitutional or invalid may not be construed to affect the validity of any other provision of this part.

Renumbered and Amended by Chapter 295, 2013 General Session

Part 4
Emergency Management Assistance Compact

53-2a-401 Title.

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

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-402 Compact.

(1) Article I. Purposes and Authorities.

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

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

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

(2) Article II. General Implementation.

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

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

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

(3) Article III. Party State Responsibilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Article IV. Limitations.

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

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

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

(5) Article V. Licenses and Permits.

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

(6) Article VI. Liability.

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

(7) Article VII. Supplementary Agreements.

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

(8) Article VIII. Compensation.

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such 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 their own state.

(9) Article IX. Reimbursement.

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such 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 among those states. Article VIII expenses shall not be reimbursable under this provision.

(10) Article X. Evacuation.

(10) (a) Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant shall be worked out and maintained between the party states and the emergency management or

services directors of the various jurisdictions where any type of incident requiring evacuations might occur.

(b) Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such 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 such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors.

(c) Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

(11) Article XI. Implementation.

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

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

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

(12) Article XII. Validity.

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

(13) Article XIII. Additional Provisions.

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

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-403 Authority of governor to join compact.

The governor of Utah is authorized and directed to execute a compact on behalf of this state with any other state or states joining the Emergency Management Assistance Compact as provided in Section 53-2a-402.

Renumbered and Amended by Chapter 295, 2013 General Session

Part 5
Interstate Emergency Responder Mutual Aid Agreement

53-2a-501 Title.

This part is known as "Interstate Emergency Responder Mutual Aid Agreement."

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-502 Definitions.

As used in this 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 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 are in danger of sinking, medical situations where care is needed, and transportation of persons 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 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 medical technicians, ambulance personnel, Department of Natural Resources employees, park rangers, public utilities workers, and volunteers participating in search and rescue and other emergency management operations; and
    (ii) persons and parties identified in the interstate mutual aid agreement.
(4) "Interstate mutual aid agreement" means an agreement that establishes procedures for claims against an out-of-state emergency responder, and that:
  (a) is established reciprocally between the Utah Highway Patrol and the Idaho State Police;
  (b) is on file with the Utah Highway Patrol; and
  (c) has a duration of one year from the time the agreement is entered into by Utah and Idaho.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-503 Notice of claim requirements.

(1) Any claim against an emergency responder or the responder's employer shall be treated for the purpose of a notice of claim as a claim against the state.
(2) The person making the claim shall comply with:
  (a)Title 63G, Chapter 7, Governmental Immunity Act of Utah; and

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

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

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-504 Emergency responder entering Utah to respond to an emergency.

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

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-505 Privileges and immunities of law enforcement officers.

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

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-506 Privileges and immunities of emergency responders.

(1) An emergency responder from another state who enters into this state has the same authority to act as an emergency responder of this state while:

(a) responding to an emergency, including providing care; or

(b) providing aid or assistance at the request of a public agency in this state.

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

Amended by Chapter 452, 2023 General Session

53-2a-507 Legislative findings -- Comity with Idaho.

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

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

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

(2) The Legislature finds:

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

(b) the damage caps of Idaho apply to any claim, including any lawsuit, brought against an emergency responder, who resides in or is employed as an emergency responder in Idaho,

and the emergency responder's employer, based on the emergency responder's actions in Utah when acting as an emergency responder.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-508 Chapter takes effect when Idaho provisions enacted.

(1) This chapter takes effect when statutory provisions are enacted by Idaho that are reciprocal to the provisions of this part.
(2) This part remains in effect as long as the statutory provisions enacted by Idaho under Subsection (1) are in effect.

Renumbered and Amended by Chapter 295, 2013 General Session

Part 6
Disaster Recovery Funding Act

53-2a-601 Title.

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

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-602 Definitions.

(1) Unless otherwise defined in this section, the terms that are used in this part mean the same as those terms are defined in Part 1, Emergency Management Act.
(2) As used in this part:
  (a) "Agent of the state" means any representative of a state agency, local agency, or non-profit entity that agrees to provide support to a requesting intrastate or interstate government entity that has declared an emergency or disaster and has requested assistance through the division.
  (b) "Declared disaster" means one or more events:
    (i) within the state;
    (ii) that occur within a limited period of time;
    (iii) that involve:
      (A) a significant number of persons being at risk of bodily harm, sickness, or death; or
      (B) a significant portion of real property at risk of loss;
    (iv) that are sudden in nature and generally occur less frequently than every three years; and
    (v) that results in:
      (A) the president of the United States declaring an emergency or major disaster in the state;
      (B) the governor declaring a state of emergency under Part 2 Disaster Response and Recovery Act; or
      (C) the chief executive officer of a local government declaring a local emergency under Part 2, Disaster Response and Recovery Act.
  (c) "Disaster recovery account" means the State Disaster Recovery Restricted Account created in Section 53-2a-603.
  (d)
    (i) "Emergency disaster services" means:

(A) evacuation;
(B) shelter;
(C) medical triage;
(D) emergency transportation;
(E) repair of infrastructure;
(F) safety services, including fencing or roadblocks;
(G) sandbagging;
(H) debris removal;
(I) temporary bridges;
(J) procurement and distribution of food, water, or ice;
(K) procurement and deployment of generators;
(L) rescue or recovery;
(M) emergency protective measures; or
(N) services similar to those described in Subsections (2)(d)(i)(A) through (M), as defined by the division by rule, that are generally required in response to a declared disaster.

(ii) "Emergency disaster services" does not include:
(A) emergency preparedness; or
(B) notwithstanding whether or not a county participates in the Wildland Fire Suppression Fund created in Section 65A-8-204, any fire suppression or presuppression costs that may be paid for from the Wildland Fire Suppression Fund if the county participates in the Wildland Fire Suppression Fund.

(e) "Emergency preparedness" means the following done for the purpose of being prepared for an emergency as defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
(i) the purchase of equipment;
(ii) the training of personnel; or
(iii) the obtaining of a certification.

(f) "Governing body" means:
(i) for a county, city, or town, the legislative body of the county, city, or town;
(ii) for a special district, the board of trustees of the special district; and
(iii) for a special service district:
(A) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or
(B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301.

(g) "Local fund" means a local government disaster fund created in accordance with Section 53-2a-605.

(h) "Local government" means:
(i) a county;
(ii) a city or town; or
(iii) a special district or special service district that:
(A) operates a water system;
(B) provides transportation service;
(C) provides, operates, and maintains correctional and rehabilitative facilities and programs for municipal, state, and other detainees and prisoners;
(D) provides consolidated 911 and emergency dispatch service;
(E) operates an airport; or
(F) operates a sewage system.

(i) "Special district" means the same as that term is defined in Section 17B-1-102.
(j) "Special fund" means a fund other than a general fund of a local government that is created for a special purpose established under the uniform system of budgeting, accounting, and reporting.
(k) "Special service district" means the same as that term is defined in Section 17D-1-102.
(l) "State's prime interest rate" means the average interest rate paid by the state on general obligation bonds issued during the most recent fiscal year in which bonds were sold.

Amended by Chapter 16, 2023 General Session

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

(1)
(a) There is created a restricted account in the General Fund known as the "State Disaster Recovery Restricted Account."
(b) The disaster recovery account consists of:
(i) money deposited into the disaster recovery account in accordance with Section 63J-1-314;
(ii) money appropriated to the disaster recovery account by the Legislature; and
(iii) any other public or private money received by the division that is:
(A) given to the division for purposes consistent with this section; and
(B) deposited into the disaster recovery account at the request of:
(I) the division; or
(II) the person or entity giving the money.
(c) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.
(2) Money in the disaster recovery account may only be expended or committed to be expended as follows:
(a)
(i) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that does not exceed $500,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster;
(ii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that exceeds $500,000, but does not exceed $3,000,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster if the division:
(A) before making the expenditure or commitment to expend, obtains approval for the expenditure or commitment to expend from the governor;
(B) subject to Subsection (5), provides written notice of the expenditure or commitment to expend to the speaker of the House of Representatives, the president of the Senate, the Division of Finance, the Executive Offices and Criminal Justice Appropriations Subcommittee, the Legislative Management Committee, and the Office of the Legislative Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend; and
(C) makes the report required by Subsection 53-2a-606(2);
(iii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that exceeds $3,000,000, but does not exceed $5,000,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster if, before making the expenditure or commitment to expend, the division:

(A) obtains approval for the expenditure or commitment to expend from the governor; and
(B) submits the expenditure or commitment to expend to the Executive Appropriations Committee in accordance with Subsection 53-2a-606(3);
(iv) in any fiscal year the division may expend or commit to expend an amount that does not exceed $500,000 to fund expenses incurred by the National Guard if:
(A) in accordance with Section 39A-3-103, the governor orders into active service the National Guard in response to a declared disaster; and
(B) the money is not used for expenses that qualify for payment as emergency disaster services; and
(v) in any fiscal year, the division may expend an amount that does not exceed $750,000 to fund expenses incurred to develop or enhance emergency management capabilities if:
(A) the money is used for personnel, equipment, supplies, contracts, training, exercises, or other expenses deemed reasonable and necessary to:
(I) promote and strengthen the state's level of resiliency through mitigation, preparedness, response, or recovery activities; or
(II) meet federal grant matching requirements; and
(B) the disaster recovery account has a balance of funds available to be utilized while maintaining a minimum balance of $5,000,000;
(b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or committed to be expended to fund costs to the state directly related to a declared disaster that are not costs related to:
(i) emergency disaster services;
(ii) emergency preparedness; or
(iii) notwithstanding whether a county participates in the Wildland Fire Suppression Fund created in Section 65A-8-204, any fire suppression or presuppression costs that may be paid for from the Wildland Fire Suppression Fund if the county participates in the Wildland Fire Suppression Fund;
(c) to fund:
(i) the Local Government Emergency Response Loan Fund created in Section 53-2a-607; and
(ii) the Response, Recovery, and Post-disaster Mitigation Restricted Account created in Section 53-2a-1302;
(d) the division may provide advanced funding from the disaster recovery account to recognized agents of the state when:
(i) Utah has agreed, through the division, to enact the Emergency Management Assistance Compact with another member state that has requested assistance during a declared disaster;
(ii) Utah agrees to provide resources to the requesting member state;
(iii) the agent of the state who represents the requested resource has no other funding source available at the time of the Emergency Management Assistance Compact request; and
(iv) the disaster recovery account has a balance of funds available to be utilized while maintaining a minimum balance of $5,000,000;
(e) to fund up to $500,000 for the governor's emergency appropriations described in Subsection 63J-1-217(4); and
(f) to pay the state's deductible in the event of an earthquake.
(3) All funding provided in advance to an agent of the state and subsequently reimbursed shall be credited to the account.
(4) The state treasurer shall invest money in the disaster recovery account according to Title 51, Chapter 7, State Money Management Act.

(5)
(a) Except as provided in Subsections (1) and (2), the money in the disaster recovery account may not be diverted, appropriated, expended, or committed to be expended for a purpose that is not listed in this section.
(b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money from the disaster recovery account to eliminate or otherwise reduce an operating deficit if the money appropriated from the disaster recovery account is expended or committed to be expended for a purpose other than one listed in this section.
(c) The Legislature may not amend the purposes for which money in the disaster recovery account may be expended or committed to be expended except by the affirmative vote of two-thirds of all the members elected to each house.
(6) The division:
(a) shall provide the notice required by Subsection (2)(a)(ii) using the best available method under the circumstances as determined by the division; and
(b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.

Amended by Chapter 434, 2023 General Session
Amended by Chapter 534, 2023 General Session

53-2a-604 State costs for emergency disaster services.
(1) Subject to this section and Section 53-2a-603, the division may expend or commit to expend money described in Subsection 53-2a-603(2)(a)(i), (ii), or (iii) to fund costs to the state of emergency disaster services if, at the discretion of the division, the expenditure is necessary in response to the disaster.
(2) Money paid by the division under this section to government entities and private persons providing emergency disaster services are subject to Title 63G, Chapter 6a, Utah Procurement Code.
(3) If Utah requests and receives a federal disaster declaration, the applicant or sub-applicant agencies approved to receive assistance through federal disaster programs are responsible for any financial match requirements.

Amended by Chapter 83, 2016 General Session

53-2a-605 Local government disaster funds.
(1)
(a) Subject to this section and notwithstanding anything to the contrary contained in Title 10, Utah Municipal Code, or Title 17, Counties, Title 17B, Limited Purpose Local Government Entities - Special Districts, or Title 17D, Chapter 1, Special Service District Act, the governing body of a local government may create and maintain by ordinance a special fund known as a local government disaster fund.
(b) The local fund shall consist of:
(i) subject to the limitations of this section, money transferred to it in accordance with Subsection (2);
(ii) any other public or private money received by the local government that is:
(A) given to the local government for purposes consistent with this section; and
(B) deposited into the local fund at the request of:
(I) the governing body of the local government; or
(II) the person giving the money; and

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

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

(d) Money in a local fund may be:

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

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

(e)

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

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

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

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

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

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

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

(b) the aftermath of the disaster that gave rise to a declared disaster within the boundaries of the local government; and

(c) subject to Subsection (5), emergency preparedness.

(4)

(a) A local fund is subject to this part and:

(i) in the case of a town, Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, except that:

(A) in addition to the funds listed in Section 10-5-106, the mayor shall prepare a budget for the local fund;

(B) Section 10-5-119 addressing termination of special funds does not apply to a local fund; and

(C) the council of the town may not authorize an interfund loan under Section 10-5-120 from the local fund;

(ii) in the case of a city, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, except that:

(A) in addition to the funds listed in Section 10-6-109, the mayor shall prepare a budget for the local fund;

(B) Section 10-6-131 addressing termination of special funds does not apply to a local fund; and

(C) the governing body of the city may not authorize an interfund loan under Section 10-6-132 from the local fund; and

(iii) in the case of a county, Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, except that:

(A) Section 17-36-29 addressing termination of special funds does not apply to a local fund; and

(B) the governing body of the county may not authorize an interfund loan under Section 17-36-30 from the local fund;

(iv) in the case of a special district or special service district, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts, except that:

(A) Section 17B-1-625, addressing termination of a special fund, does not apply to a local fund; and
(B) the governing body of the special district or special service district may not authorize an interfund loan under Section 17B-1-626 from the local fund; and
(v) in the case of an interlocal entity, Title 11, Chapter 13, Part 5, Fiscal Procedures for Interlocal Entities, except for the following provisions:
(A) Section 11-13-522 addressing termination of a special fund does not apply to a local fund; and
(B) the governing board of the interlocal entity may not authorize an interfund loan under Section 11-13-523 from the local fund.
(b) Notwithstanding Subsection (4)(a), transfers of money to a local fund or the accumulation of money in a local fund do not affect any limits on fund balances, net assets, or the accumulation of retained earnings in any of the following of a local government:
(i) a general fund;
(ii) an enterprise fund;
(iii) an internal service fund; or
(iv) any other fund.
(5)
(a) A local government may not expend during a fiscal year more than 10% of the money budgeted to be deposited into a local fund during that fiscal year for emergency preparedness.
(b) The amount described in Subsection (5)(a) shall be determined before the adoption of the tentative budget.

Amended by Chapter 16, 2023 General Session

53-2a-606 Reporting.
(1) By no later than December 31 of each year, the division shall provide a written report to the governor and the Executive Offices and Criminal Justice Appropriations Subcommittee of:
(a) the division's activities under this part;
(b) money expended or committed to be expended in accordance with this part;
(c) the balances in the disaster recovery fund; and
(d) any unexpended balance of appropriations from the disaster recovery fund.
(2)
(a) The governor and the Department of Public Safety shall report to the Legislative Management Committee an expenditure or commitment to expend made in accordance with Subsection 53-2a-603(2)(a)(ii) or 53-2a-1302(5)(b)(ii).
(b) The governor and the Department of Public Safety shall make the report required by this Subsection (2) on or before the sooner of:
(i) the day on which the governor calls the Legislature into session; or
(ii) 15 days after the division makes the expenditure or commitment to expend described in Subsection 53-2a-603(2)(a)(ii) or 53-2a-1302(5)(b)(ii).
(3)
(a) Subject to Subsection (3)(b), before the division makes an expenditure or commitment to expend described in Subsection 53-2a-603(2)(a)(iii) or 53-2a-1302(5)(b)(iii), the governor and the Department of Public Safety shall submit the expenditure or commitment to expend to the Executive Appropriations Committee for its review and recommendations.

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

Amended by Chapter 434, 2023 General Session

53-2a-607 Creation and administration.

(1)
(a) There is created an enterprise fund known as the Local Government Emergency Response Loan Fund.
(b) The division as defined in Section 53-2a-103 is the administrator of the fund.
(2) The fund consists of:
(a) money appropriated to the fund by the Legislature;
(b) money received for the repayment of loans made from the fund;
(c) interest earned on the fund; and
(d) money deposited into the fund in accordance with Section 63J-1-314.
(3) The money in the fund shall be invested by the state treasurer according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that all interest or other earnings derived from money in the fund shall be deposited into the fund.
(4) Local government entities may apply through the division for a short-term loan from the fund for the purposes provided in Section 53-2a-608, provided that the local government entity:
(a) agrees to the terms of the loan; and
(b) is not in default on any other state loans administered by the Division of Finance or any other state agency.
(5) The division may not loan out:
(a) more than 50% of the total account balance available at the time that a loan request is made by a local government entity; or
(b) an amount that will leave the fund balance at less than $10,000,000.

Enacted by Chapter 134, 2016 General Session

53-2a-608 Purposes and criteria for loans.

(1) Money in the fund shall be used by the division, as prioritized by the director, only to:
(a) provide loans to local government entities for:
(i) the costs incurred by a local government entity for providing emergency disaster services as defined in Section 53-2a-602; or
(ii) providing any state or local matching funds to secure federal funds or grants related to a declared disaster, as defined in Section 53-2a-602;
(b) pay the Division of Finance for the costs of administering the fund, providing loans, and obtaining repayments of loans; and
(c) provide funds to state agencies for the costs of responding to a declared disaster.
(2) The division shall establish the terms and conditions of the loans and the repayment schedule consistent with the following criteria:
(a) the interest rate charged and the maximum payback period on all loans shall be:

(i) the state's prime interest rate at the time of loan closing, plus zero percent, with a maximum payback period of 10 years if the applicant has reserved an average of 90% to 100% of the amount authorized in Section 53-2a-605 over the previous five fiscal years;
(ii) the state's prime interest rate at the time of loan closing, plus 2%, with a maximum payback period of five years if the applicant has reserved an average of 70% up to 90% of the amount authorized in Section 53-2a-605 over the previous five fiscal years; or
(iii) the state's prime interest rate at the time of loan closing, plus 4%, with a maximum payback period of three years if the applicant has reserved an average of 50% up to 70% of the amount authorized in Section 53-2a-605 over the previous five fiscal years; and

(b) the division may not authorize a loan from this fund on any terms or conditions to local government entities that have reserved an average of less than 50% of the amount authorized in Section 53-2a-605 over the previous five fiscal years.

(3) If the division receives multiple loan applications concurrently, priority shall be given to applicants based on the extent of their participation in the reserve account authorized in Section 53-2a-605.

Enacted by Chapter 134, 2016 General Session

53-2a-609 Division to make rules to administer the loan program.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:
(1) form, content, and procedure for loan and grant applications;
(2) criteria and procedures for prioritizing loan and grant applications;
(3) requirements and procedures for securing loans and grants;
(4) procedures for making loans;
(5) procedures for administering and ensuring repayment of loans, including late payment penalties; and
(6) procedures for recovering on defaulted loans.

Enacted by Chapter 134, 2016 General Session

Part 7
Hazardous Materials Emergency Act

53-2a-701 Title.

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

Enacted by Chapter 295, 2013 General Session

53-2a-702 Hazardous Chemical Emergency Response Commission -- Allocation of responsibilities -- Local planning committees -- Specified federal law considered law of state -- Application to federal agencies and facilities.

(1)
(a) The commissioner and the executive director of the Department of Environmental Quality, or their respective designees, are designated as the state's Hazardous Chemical Emergency

Response Commission for purposes of carrying out all requirements of the federal Emergency Planning and Community Right To Know Act of 1986.

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

(i) Section 63A-3-106;

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

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

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

(3) The Department of Environmental Quality has primary responsibility for receiving, processing, and managing hazardous chemical information and notifications under the federal Emergency Planning and Community Right To Know Act of 1986, including preparation of policy and procedure, and promulgation of rules necessary for implementation of that act. Funding for this program must be from the appropriation acts.

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

(5)

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

(b)

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

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

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

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-703 Hazardous materials emergency -- Recovery of expenses.

(1)

(a) The Hazardous Chemical Emergency Response Commission may recover from those persons whose negligent actions caused the hazardous materials emergency, expenses directly associated with a response to a hazardous materials emergency taken under authority of this part, Title 53, Chapter 2a, Part 1, Emergency Management Act, or Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act, that are incurred by:

(i) a state agency;

(ii) a political subdivision as defined in Section 53-2a-203; or

(iii) an interlocal entity, described in Section 11-13-203, providing emergency services to a political subdivision pursuant to written agreement.

(b) The payment of expenses under this Subsection (1) is not an admission of liability or negligence in any legal action for damages.
(c) The Hazardous Chemical Emergency Response Commission may obtain assistance from the attorney general or a county attorney of the affected jurisdiction to assist in recovering expenses and legal fees.
(d) Any recovered costs shall be deposited in the General Fund as dedicated credits to be used by the division to reimburse an entity described in Subsection (1)(a) for costs incurred by the entity.
(2)
(a) If the cost directly associated with emergency response exceeds all available funds of the division within a given fiscal year, the division, with approval from the governor, may incur a deficit in its line item budget.
(b) The Legislature shall provide a supplemental appropriation in the following year to cover the deficit.
(c) The division shall deposit all costs associated with any emergency response that are collected in subsequent fiscal years into the General Fund.
(3) Any political subdivision may enact local ordinances pursuant to existing statutory or constitutional authority to provide for the recovery of expenses incurred by the political subdivision.

Amended by Chapter 437, 2021 General Session

Part 8
Emergency Interim Succession Act

53-2a-801 Title.

This part is known as the "Emergency Interim Succession Act."

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-802 Definitions.

(1)
(a) "Absent" means:
(i) not physically present or not able to be communicated with for 48 hours; or
(ii) for local government officers, as defined by local ordinances.
(b) "Absent" does not include a person who can be communicated with via telephone, radio, or telecommunications.
(2) "Department" means the Department of Government Operations, the Department of Agriculture and Food, the Alcoholic Beverage Services Commission, the Department of Commerce, the Department of Cultural and Community Engagement, the Department of Corrections, the Department of Environmental Quality, the Department of Financial Institutions, the Department of Health, the Department of Workforce Services, the Labor Commission, the National Guard, the Department of Insurance, the Department of Natural Resources, the Department of Public Safety, the Public Service Commission, the Department of Human Services, the State Tax Commission, the Department of Transportation, any other major administrative subdivisions of state government, the State Board of Education, the Utah Board of Higher Education, the

Utah Housing Corporation, the State Retirement Board, and each institution of higher education within the system of higher education.
(3) "Division" means the Division of Emergency Management established in Title 53, Chapter 2a, Part 1, Emergency Management Act.
(4) "Emergency interim successor" means a person designated by this part to exercise the powers and discharge the duties of an office when the person legally exercising the powers and duties of the office is unavailable.
(5) "Executive director" means the person with ultimate responsibility for managing and overseeing the operations of each department, however denominated.
(6)
(a) "Office" includes all state and local offices, the powers and duties of which are defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.
(b) "Office" does not include the office of governor or the legislative or judicial offices.
(7) "Place of governance" means the physical location where the powers of an office are being exercised.
(8) "Political subdivision" includes counties, cities, towns, metro townships, districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.
(9) "Political subdivision officer" means a person holding an office in a political subdivision.
(10) "State officer" means the attorney general, the state treasurer, the state auditor, and the executive director of each department.
(11) "Unavailable" means:
(a) absent from the place of governance during a disaster that seriously disrupts normal governmental operations, whether or not that absence or inability would give rise to a vacancy under existing constitutional or statutory provisions; or
(b) as otherwise defined by local ordinance.

Amended by Chapter 447, 2022 General Session

53-2a-803 Emergency interim successor to office of governor.
(1) If the governor is unavailable, and if the lieutenant governor, president of the Senate, and the speaker of the House of Representatives are unavailable to exercise the powers and duties of the office of governor, the attorney general, state auditor, or state treasurer shall, in the order named, exercise the powers and duties of the office of governor until:
(a) the governor, lieutenant governor, president of the Senate, or speaker of the House of Representatives becomes available; or
(b) a new governor is elected and qualified.
(2) Notwithstanding the provisions of Subsection (1), no emergency interim successor to the lieutenant governor, president of the Senate, speaker of the House of Representatives, attorney general, state auditor, or state treasurer may serve as governor.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-804 Emergency interim successors for state officers.
(1) By July 1 of each year, each state officer shall:
(a) designate three qualified emergency interim successors from within the state officer's department who meet the constitutional qualifications for the office, if any;
(b) specify their order of succession;

(c) provide a list of those designated successors to the division; and
(d) notify emergency interim successors within 30 days of designation.
(2)
(a) If any state officer is unavailable following a disaster, and if the state officer's deputy, if any, is also unavailable, a designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession specified by the state officer.
(b) An emergency interim successor other than the attorney general, state auditor, or state treasurer shall exercise the state officer's powers and duties only until:
(i) the person exercising the powers and duties of the office of governor appoints a successor to fill the vacancy;
(ii) a permanent successor is appointed or elected and qualified as provided by law; or
(iii) the state officer, the state officer's deputy, or an emergency interim successor earlier in the order of succession becomes available to exercise or resume the exercise of the powers and duties of the office.
(c) An emergency interim successor of the attorney general, state auditor, or state treasurer shall exercise the powers and duties of those offices only until:
(i) a permanent successor is appointed or elected and qualified as provided by law; or
(ii) the attorney general, state auditor, or state treasurer, their deputy, or an emergency interim successor earlier in the order of succession becomes available to exercise or resume the exercise of the powers and duties of the office.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-805 Division to consult with legislative and judicial branch.

The Division of Emergency Management 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.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-806 Place of legislative session.

(1) If the governor or the governor's interim successor declares a state of emergency or finds that a state of emergency is imminent, and the governor or the interim successor determines that the prescribed place of session is unsafe, the governor may change the place of session to any place in Utah that the governor considers safe and convenient.
(2) Each legislator shall proceed to the place of session as expeditiously as practicable.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-807 Emergency interim successors for local officers.

(1) By July 1 of each year, each political subdivision shall:
(a) for each officer and the emergency manager described in Part 14, Local Emergency Management Act, designate three emergency interim successors and specify their order of succession;
(b) identify the political subdivision's alerting authority and any individuals authorized to send emergency alerts;
(c) provide a list of those designated successors and individuals to the division; and
(d) have an emergency alert plan in place and provide a copy of the plan to the division.

(2) In the event that a political subdivision does not designate emergency interim successors as required under Subsection (1), the order of succession shall be as follows:
(a) the chief executive officer of the political subdivision;
(b) the chief deputy executive officer of the political subdivision;
(c) the chair of the legislative body of the political subdivision; and
(d) the chief law enforcement officer of the political subdivision.
(3)
(a) Notwithstanding any other provision of law:
(i) if any political subdivision officer or the political subdivision officer's legal deputy, if any, is unavailable, a designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession specified by the political subdivision officer; or
(ii) counties may provide by ordinance that one member of the county legislative body may act as the county legislative body if the other members are absent.
(b) An emergency interim successor shall exercise the powers and duties of the office only until:
(i) the vacancy is filled in accordance with the constitution or statutes; or
(ii) the political subdivision officer, the political subdivision officer's deputy, or an emergency interim successor earlier in the order of succession becomes available to exercise the powers and duties of the office.
(4) The legislative bodies of each political subdivision may enact resolutions or ordinances consistent with this part and also provide for emergency interim successors to officers of the political subdivision not governed by this section.

Amended by Chapter 106, 2021 General Session

53-2a-808 Formalities of taking office.
(1) At the time that they are appointed as emergency interim successors or special emergency judges, emergency interim successors and special emergency judges shall sign prospectively whatever oath is required to enable them to exercise the powers and duties of the office to which they may succeed.
(2) Notwithstanding any other provision of law, no person is required to comply with any other provision of law relative to taking office as a prerequisite to the exercise of the powers or discharge of the duties of an office to which the person succeeds.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-809 Period in which authority may be exercised.
(1) Persons authorized to act as governor, emergency interim successors, and special emergency judges shall exercise the powers and duties of the office to which they succeed only when a disaster has occurred.
(2)
(a) Emergency interim successors serve for 30 days after the date the governor or the governor's emergency successor calls the Legislature into special session, unless the unavailability of the elected official ends or an emergency interim successor earlier in the order of succession becomes available before expiration of the 30-day period.
(b) Notwithstanding the provisions of Subsection (2)(a), if the emergency interim successor is serving for a legislator who is killed or resigns, the emergency interim successor shall serve until the legislator's legal replacement is sworn in.

(3) The Legislature, by concurrent resolution, may:
(a) terminate the authority of any or all emergency interim successors and special emergency judges to exercise the powers and duties of their office at any time; and
(b) extend the time during which any or all emergency interim successors and special emergency judges may exercise the powers and duties of their office.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-810 Removal of designees.

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

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-811 Disputes.

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

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-812 Governor to declare location of emergency seat of government.

(1) Whenever, due to an emergency resulting from the effects of a disaster, it becomes imprudent, inexpedient, or impossible to conduct the affairs of the state government in Salt Lake City, Utah, the governor shall:
(a) by proclamation, declare an emergency temporary location for the seat of government in Utah; and
(b) take whatever action and issue whatever orders are necessary for an orderly transition of the affairs of the state government to that emergency temporary location.
(2) That emergency temporary location shall remain as the seat of government until the Legislature establishes a new location by law, or until the emergency is declared to be ended by the governor and the seat of government is returned to its normal location.
(3) Local governments may provide, by ordinance, for temporary emergency locations for the seat of government.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-813 Official acts at emergency seat of government -- Validity.

During the time when the seat of government remains at an emergency location, all official acts required by law to be performed at the seat of government by any officer, agency, department, or authority of this state or local government, including the convening and meeting of the Legislature in regular, extraordinary, or emergency session, shall be as valid and binding as when performed at the normal location of the seat of government.

Renumbered and Amended by Chapter 295, 2013 General Session

Part 9
Energy Emergency Plan

53-2a-901 Title.

This part is known as the "Energy Emergency Plan."

Enacted by Chapter 295, 2013 General Session

53-2a-902 Energy emergency plan.

(1) The division shall develop an energy emergency plan consistent with Title 53, Chapter 2a, Part 10, Energy Emergency Powers of the Governor Act.
(2) In developing the energy emergency plan, the division shall coordinate with:
  (a) the Division of Public Utilities;
  (b) the Division of Oil, Gas, and Mining;
  (c) the Division of Air Quality; and
  (d) the Department of Agriculture and Food with regard to weights and measures.
(3) The energy emergency plan shall:
  (a) designate the division as the entity that will coordinate the implementation of the energy emergency plan;
  (b) provide for annual review of the energy emergency plan;
  (c) provide for cooperation with public utilities and other relevant private sector persons;
  (d) provide a procedure for maintaining a current list of contact persons required under the energy emergency plan; and
  (e) provide that the energy emergency plan may only be implemented if the governor declares:
    (i) a state of emergency as provided in Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; or
    (ii) a state of emergency related to energy as provided in Title 53, Chapter 2a, Part 10, Energy Emergency Powers of the Governor Act.
(4) If an event requires the implementation of the energy emergency plan, the division shall report on that event and the implementation of the energy emergency plan to:
  (a) the governor; and
  (b) the Public Utilities, Energy, and Technology Interim Committee.
(5) If the energy emergency plan includes a procedure for obtaining information, the energy emergency plan shall incorporate reporting procedures that conform to existing requirements of federal, state, and local regulatory authorities wherever possible.

Amended by Chapter 13, 2016 General Session

Part 10
Energy Emergency Powers of the Governor Act

53-2a-1001 Title.

This part is known as the "Energy Emergency Powers of the Governor Act."

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-1002 Legislative findings and purpose.

(1) The Legislature finds that the lack of energy resources and other energy resource emergencies may threaten the availability of essential services and transportation and the operation of the economy, jeopardizing the peace, health, safety, and welfare of the people of this state.

(2) The Legislature further finds that it is necessary to provide an orderly procedure for anticipating and responding to energy resource shortages and disruptions and to grant, under conditions prescribed in this part, emergency powers to the governor to order involuntary curtailments in the use of energy resources.

(3) The Legislature further finds and declares that it is the policy of this state to assist the United States in effective management and control of factors and situations as contribute to an emergency affecting or likely to affect this state; to cooperate with other states in matters related to an emergency affecting or likely to affect this state; to meet extraordinary conditions in this state arising out of the crisis by taking steps as are necessary and appropriate; and generally to protect the peace, health, safety, and welfare of the people of this state.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-1003 "Energy resources" defined.

As used in this part, "energy resources" includes electricity, natural gas, gasoline and middle distillates, coal, wood fuels, geothermal sources, radioactive materials, and any other resource yielding energy.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-1004 Information-gathering powers -- Subpoena power -- Coordination with other regulatory authorities.

(1) On a continuing basis the governor may obtain all necessary information from energy resource producers, manufacturers, suppliers, and consumers doing business within, and from political subdivisions in, this state as necessary to determine whether shortages or an emergency will require energy resource conservation measures. This information may include, but shall not be limited to:

(a) sales volumes;

(b) forecasts of energy resource requirements;

(c) from manufacturers, suppliers, and consumers, an inventory of energy resources; and

(d) local distribution patterns of the information described in Subsections (1)(a), (1)(b), and (1)(c).

(2) In obtaining information at any time from energy resource producers, manufacturers, suppliers, or consumers under Subsection (1)(c) and in obtaining any other information under Subsection (1) during a state of emergency proclaimed, the governor may subpoena witnesses, material and relevant books, papers, accounts, records, and memoranda, administer oaths, and cause the depositions of persons residing within or without the state to be taken in the manner prescribed for depositions in civil actions in district courts, to obtain information relevant to energy resources that are the subject of the proclaimed emergency.

(3) In obtaining information under this section the governor shall:

(a) seek to avoid eliciting information already furnished by a person or political subdivision in this state to a federal, state, or local regulatory authority that is available for the governor's study; and

(b) cause reporting procedures, including forms, to conform to existing requirements of federal, state, and local regulatory authorities wherever possible.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-1005 Confidential nature of information preserved -- Relief from subpoena -- Unauthorized disclosure as misdemeanor -- Removal from office.

(1) Information furnished pursuant to Section 53-2a-1004 and designated by that person as confidential shall be maintained as confidential by the governor and any person who obtains information which the person knows to be confidential under this part. The governor shall not make known in any manner any particulars of such information to persons other than those specified in Subsection (4). No subpoena or judicial order may be issued compelling the governor or any other person to divulge or make known such confidential information, except when relevant to a prosecution for violation of Subsection (5).

(2) Nothing in this section shall prohibit the use of confidential information to prepare statistics or other general data for publication, so presented as to prevent identification of particular persons.

(3) Any person who is served with a subpoena to give testimony orally or in writing, or to produce books, papers, correspondence, memoranda, agreements, or other documents or records pursuant to this part may apply to any district court of this state for protection against abuse or hardship in the manner provided by law.

(4) References to the governor in this section include the governor and any other individuals designated for this purpose in writing by the governor.

(5) Any person who wilfully discloses confidential information in violation of this section is guilty of a class A misdemeanor and, in addition, may be subject to removal from office or immediate dismissal from public employment.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-1006 Curtailment of energy use -- Standby priorities -- Restriction on involuntary curtailment.

In consultation with appropriate federal and state officials and officials of political subdivisions in this state, the governor shall cause to be established, and revised as appropriate, standby priorities for curtailment in the use of energy resources. Involuntary curtailments, however, may be ordered only by means of executive orders issued pursuant to this part.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-1007 Proclamation of emergency -- Effective period -- Extension of renewal by Legislature.

(1)

(a) The governor may issue a proclamation declaring that a state of emergency exists with regard to one or more energy resources if the governor determines that an existing or imminent severe disruption or impending shortage in the supply of one or more energy resources, in this state or elsewhere:

(i) threatens:

(A) the availability of essential services or transportation; or

(B) the operation of the economy; and

(ii) because of the threats described in Subsection (1)(a)(i), jeopardizes the peace, health, safety, and welfare of the people of this state.

(b) The proclamation declaring a state of emergency described in Subsection (1)(a) shall state with specificity the nature of the disruption or shortage in an energy resource.

(c)

(i) Within seven calendar days of the day on which the governor issues a proclamation declaring a state of emergency under this section, the Legislative Management Committee shall:

(A) review the proclamation; and

(B) advise the governor on the proclamation.

(ii) The failure of the Legislative Management Committee to meet as required by Subsection (1)(c)(i) does not affect the validity of the proclamation declaring a state of emergency.

(2)

(a) A proclamation issued under this section, and any order or rule issued as a result of the proclamation shall continue in effect until 60 days from the date of the proclamation of the state of emergency unless the governor rescinds the proclamation and declares the emergency ended prior to the expiration of this 60-day period.

(b) A proclamation issued within 30 days of the expiration of a prior proclamation for the same emergency shall be considered a renewal or extension subject to Subsection (3).

(3) A proclamation may be renewed or extended only by joint resolution of the Legislature.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-1008 Curtailment, adjustment, and allocation of energy use by executive orders -- Limitations and considerations in issuance and application.

(1) Upon issuance of a proclamation pursuant to Section 53-2a-1007, the governor in addition may by executive order:

(a) require reduction in energy resource usage and the application of conservation, prevention of waste, and the salvaging of energy resources and the materials, services, and facilities derived therefrom or dependent thereon, by state agencies and political subdivisions in this state;

(b) direct the establishment by state agencies and political subdivisions in this state of programs necessary to implement and comply with federal energy conservation programs where these programs have not theretofore been so established, including, but not limited to, allocation or rationing of energy resources and the distribution of the state's discretionary allotments;

(c) require involuntary curtailments, adjustments, or allocations in the supply and consumption of energy resources applicable to all suppliers and consumers including, but not limited to, specification of the times and manner in which these resources are supplied or consumed; or

(d) prescribe and direct activities promoting the conservation, prevention of waste, and salvage of energy resources and the materials, services, and facilities derived therefrom or dependent thereon, including, but not limited to, the modification of transportation routes and schedules, or the suspension of weight limits or other restrictions from the transportation of energy resources, to the extent permissible under federal law and regulations.

(2) Any restrictions, curtailments, adjustments, or allocations pursuant to Subsection (1) shall:

(a) be ordered and continue only so long as demonstrably necessary for the maintenance of essential services or transportation, or the continued operation of the economy but no longer than the duration of the proclamation;

(b) be applied as uniformly as practicable within each class of suppliers and consumers and without discrimination within a class; and
(c) give due consideration to the needs of commercial, retail, professional, and service establishments whose normal function is to supply goods or services or both of an essential nature, including, but not limited to, food, lodging, fuel, or medical care facilities during times of the day other than conventional daytime working hours.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-1009 Other emergency powers of governor unaffected.
The powers vested in the governor under this part shall be in addition to, and not in lieu of, any other emergency powers otherwise constitutionally or statutorily vested in the governor.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-1010 Existing agencies to be used in implementation.
The governor shall use, to the extent practicable, existing state boards, commissions, or agencies or officers or employees for the purpose of carrying out the provisions of this part.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-1011 Enforcement of orders and rules.
The governor may apply to any district court for appropriate equitable relief against any person violating or failing to carry out the provisions of this part or any order or rule issued pursuant to this part.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-1012 Rules and regulations -- Approval by Legislature.
The board, commission, or agency designated by the governor for carrying out the provisions of this part is authorized to promulgate rules and regulations as are necessary for effective administration of this part with approval of the Legislature.

Renumbered and Amended by Chapter 295, 2013 General Session

Part 11
Search and Rescue Act

53-2a-1101 Title.
This part is known as the "Search and Rescue Act."

Enacted by Chapter 295, 2013 General Session

53-2a-1102 Search and Rescue Financial Assistance Program -- Uses -- Rulemaking -- Distribution.
(1) As used in this section:

(a) "Assistance card program" means the Utah Search and Rescue Assistance Card Program created within this section.
(b) "Card" means the Search and Rescue Assistance Card issued under this section to a participant.
(c) "Participant" means an individual, family, or group who is registered pursuant to this section as having a valid card at the time search, rescue, or both are provided.
(d) "Program" means the Search and Rescue Financial Assistance Program created within this section.
(e)
(i) "Reimbursable base expenses" means those reasonable expenses incidental to search and rescue activities.
(ii) "Reimbursable base expenses" include:
(A) rental for fixed wing aircraft, snowmobiles, boats, and generators;
(B) replacement and upgrade of search and rescue equipment;
(C) training of search and rescue volunteers;
(D) costs of providing life insurance and workers' compensation benefits for volunteer search and rescue team members under Section 67-20-7.5; and
(E) any other equipment or expenses necessary or appropriate for conducting search and rescue activities.
(iii) "Reimbursable base expenses" do not include any salary or overtime paid to an individual on a regular or permanent payroll, including permanent part-time employees of any agency of the state.
(f) "Rescue" means search services, rescue services, or both search and rescue services.
(2) There is created the Search and Rescue Financial Assistance Program within the division.
(3)
(a) The financial program and the assistance card program shall be funded from the following revenue sources:
(i) any voluntary contributions to the state received for search and rescue operations;
(ii) money received by the state under Subsection (11) and under Sections 23A-4-209, 41-22-34, and 73-18-24;
(iii) money deposited under Subsection 59-12-103(13);
(iv) contributions deposited in accordance with Section 41-1a-230.7; and
(v) appropriations made to the program by the Legislature.
(b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the General Fund as a dedicated credit to be used solely for the program.
(c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into the General Fund as a dedicated credit to be used solely to promote the assistance card program.
(d) Funding for the program is nonlapsing.
(4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this section to reimburse counties for all or a portion of each county's reimbursable base expenses for search and rescue operations, subject to:
(a) the approval of the Search and Rescue Advisory Board as provided in Section 53-2a-1104;
(b) money available in the program; and
(c) rules made under Subsection (7).
(5) Money described in Subsection (3) may not be used to reimburse for any paid personnel costs or paid man hours spent in emergency response and search and rescue related activities.

(6) The Legislature finds that these funds are for a general and statewide public purpose.
(7) The division, with the approval of the Search and Rescue Advisory Board, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section:
(a) specifying the costs that qualify as reimbursable base expenses;
(b) defining the procedures of counties to submit expenses and be reimbursed;
(c) defining a participant in the assistance card program, including:
(i) individuals; and
(ii) families and organized groups who qualify as participants;
(d) defining the procedure for issuing a card to a participant;
(e) defining excluded expenses that may not be reimbursed under the program, including medical expenses;
(f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card Program;
(g) establishing the frequency of review of the fee schedule;
(h) providing for the administration of the program; and
(i) providing a formula to govern the distribution of available money among the counties for uncompensated search and rescue expenses based on:
(i) the total qualifying expenses submitted;
(ii) the number of search and rescue incidents per county population;
(iii) the number of victims that reside outside the county; and
(iv) the number of volunteer hours spent in each county in emergency response and search and rescue related activities per county population.
(8)
(a) The division shall, in consultation with the Division of Outdoor Recreation, establish the fee schedule of the Utah Search and Rescue Assistance Card Program under Subsection 63J-1-504(7).
(b) The division shall provide a discount of not less than 10% of the card fee under Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34, or 73-18-24 during the same calendar year in which the person applies to be a participant in the assistance card program.
(9) Counties may not bill reimbursable base expenses to an individual for costs incurred for the rescue of an individual, if the individual is a current participant in the Utah Search and Rescue Assistance Card Program at the time of rescue, unless:
(a) the rescuing county finds that the participant acted recklessly in creating a situation resulting in the need for the county to provide rescue services; or
(b) the rescuing county finds that the participant intentionally created a situation resulting in the need for the county to provide rescue services.
(10)
(a) There is created the Utah Search and Rescue Assistance Card Program. The program is located within the division.
(b) The program may not be used to cover any expenses, such as medically related expenses, that are not reimbursable base expenses related to the rescue.
(11)
(a) To participate in the program, a person shall purchase a search and rescue assistance card from the division by paying the fee as determined by the division in Subsection (8).
(b) The money generated by the fees shall be deposited into the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created in this section.

(c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34, and 73-18-24 do not constitute purchase of a card under this section.

(12) The division shall consult with the Division of Outdoor Recreation regarding:

(a) administration of the assistance card program; and

(b) outreach and marketing strategies.

(13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card Program under this section is exempt from being considered insurance as that term is defined in Section 31A-1-301.

Amended by Chapter 34, 2023 General Session
Amended by Chapter 471, 2023 General Session

53-2a-1103 Search and Rescue Advisory Board -- Members -- Compensation.

(1) There is created the Search and Rescue Advisory Board consisting of seven members appointed as follows:

(a) two representatives designated by the Utah Sheriff's Association, who are members of a voluntary search and rescue unit operating in the state, one of whom is from a county having a population of 75,000 or more; and one from a county having a population of less than 75,000;

(b) three sheriffs designated by the Utah Sheriff's Association, at least one of whom shall be from a county having a population of 75,000 or more, and at least one of whom shall be from a county having a population of less than 75,000;

(c) one representative of the Division of Emergency Management designated by the director; and

(d) one private citizen appointed by the governor with the advice and consent of the Senate.

(2)

(a) The term of each member of the board is four years.

(b) A member may be reappointed to successive terms.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(d) In order to stagger the terms of membership, the members appointed or reappointed to represent the Utah Sheriff's Association on or after May 2, 2005, shall serve a term of two years, and all subsequent terms shall be four years.

(3) 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.

Amended by Chapter 352, 2020 General Session

53-2a-1104 General duties of the Search and Rescue Advisory Board.

The duties of the Search and Rescue Advisory Board shall include:

(1) conducting a board meeting at least once per quarter;

(2) receiving applications for reimbursement of eligible expenses from county search and rescue operations by the end of the first quarter of each calendar year;

(3) determining the reimbursement to be provided from the Search and Rescue Financial Assistance Program to each applicant;

(4) standardizing the format and maintaining key search and rescue statistical data from each county within the state; and
(5) disbursing funds accrued in the Search and Rescue Financial Assistance Program, created under Section 53-2a-1102, to eligible applicants.

Amended by Chapter 258, 2015 General Session

Part 12
Facilitating Business Rapid Response to State Declared Disasters Act

53-2a-1201 Title.

This part is known as the "Facilitating Business Rapid Response to State Declared Disasters Act."

Enacted by Chapter 376, 2014 General Session

53-2a-1202 Definitions.

As used in this part:
(1) "Declared state disaster or emergency" means a declared disaster as defined in Section 53-2a-602.
(2) "Disaster- or emergency-related work" means repairing, renovating, installing, building, rendering services, or other business activities that relate to infrastructure that has been damaged, impaired, or destroyed by a declared state disaster or emergency.
(3) "Disaster period" means a period that begins within 10 days after the first day of a declared state disaster or emergency and that extends for a period of 60 calendar days after the end of the declared state disaster or emergency.
(4) "Infrastructure" means property and equipment owned or used by communications networks, electric generation systems, transmission and distribution systems, gas distribution systems, water pipelines, and related support facilities that serve multiple customers or citizens, including real and personal property, such as buildings, offices, power and communication lines and poles, pipes, structures, and equipment.
(5) "Out-of-state business" means a business entity that:
  (a) has no presence in the state, other than any prior disaster- or emergency-related work, and conducts no business in the state, and whose services are requested by a registered business or by a state or local government for purposes of performing disaster- or emergency-related work in the state; and
  (b) has no registration or tax filings or presence sufficient to require the collection or payment of a tax in the state prior to the declared state disaster or emergency.
(6) "Out-of-state employee" means an employee who does not work in the state, except for disaster- or emergency-related work during the disaster period.
(7) "Registered business" means a business entity that is currently registered to do business in the state prior to the declared state disaster or emergency.

Enacted by Chapter 376, 2014 General Session

53-2a-1203 Business and employee status during disaster period.

(1) Notwithstanding any other provision, an out-of-state business that conducts operations within the state for purposes of performing work or services related to a declared state disaster or emergency during the disaster period:
  (a) is not considered to have established a level of presence that would require that business to be subject to any state licensing or registration requirements, provided that the out-of-state business is in substantial compliance with all applicable regulatory and licensing requirements in its state of domicile, including:
    (i) unemployment insurance;
    (ii) state or local occupational licensing fees;
    (iii) public service commission regulation; or
    (iv) state or local licensing or regulatory requirements; and
  (b) is exempt from the registration requirements under Title 16, Corporations, Title 42, Names, and Title 48, Unincorporated Business Entity Act; and
  (c) shall, within a reasonable time after entry, upon the request of the Labor Commission or the Department of Insurance, confirm that it is in compliance with Subsections 34A-2-406(1)(a), (1)(b), and (2).
(2) Notwithstanding any other provision, an out-of-state employee who performs disaster- or emergency-related work specific to a declared state disaster or emergency during the disaster period is not subject to any state licensing or registration requirements provided that the out-of-state employee is in substantial compliance with all applicable regulatory and licensing requirements in the employee's state of residence or state of employment.
(3)
  (a) Income taxation related to an out-of-state employee or an out-of-state business is as provided in:
    (i)Title 59, Chapter 7, Corporate Franchise and Income Taxes; and
    (ii)Title 59, Chapter 10, Individual Income Tax Act.
  (b) Sales and use taxation during a disaster period is as provided in Title 59, Chapter 12, Sales and Use Tax Act.
  (c) Any property brought into the state temporarily during the disaster period is not subject to any state or local ad valorem taxes under Title 59, Chapter 2, Property Tax Act.

Enacted by Chapter 376, 2014 General Session

53-2a-1204 Business or employee activity after disaster period.

Any out-of-state business or out-of-state employee that remains in the state after the disaster period will become subject to the state's normal standards for establishing presence or residency, or doing business in the state.

Enacted by Chapter 376, 2014 General Session

53-2a-1205 Administration -- Notification and procedures.

(1) Any out-of-state business that enters the state shall, within a reasonable time after entry, not to exceed 30 days, provide to the Division of Professional Licensing a statement that it is in the state for purposes of responding to the disaster or emergency, which statement shall include the business's:
  (a) name;
  (b) state of domicile;
  (c) principal business address;

(d) federal tax identification number;
(e) date of entry;
(f) contact information; and
(g) evidence of compliance with the regulatory or licensing requirements in Section 53-2a-1203, such as a copy of applicable permits or licenses.

(2) Any affiliate of a registered business in the state and any out-of-state business that is registered as a public utility in another state and that is providing assistance under the terms of a utility multistate mutual aid agreement shall not be required to provide the information required in Subsection (1), unless requested by the Division of Professional Licensing within a reasonable period of time.

(3) An out-of-state business or an out-of-state employee that remains in the state after the disaster period shall complete state and local registration, licensing, and filing requirements that establish the requisite business presence or residency in the state.

(4) The Division of Professional Licensing shall:
(a) make rules necessary to implement Subsection (3);
(b) develop and provide forms or online processes; and
(c) maintain and make available an annual report of any designations made pursuant to this section.

Amended by Chapter 415, 2022 General Session

Part 13
Response, Recovery, and Post-disaster Mitigation Restricted Account

53-2a-1301 Definitions.

As used in the part:

(1) "Account" means the Response, Recovery, and Post-disaster Mitigation Restricted Account created in Section 53-2a-1302.

(2) "Affected community" means a community directly affected by an ongoing or recent disaster.

(3) "Affected community member" means a resident, property owner, business, nonprofit, or other individual or entity that is:
(a) located within an affected community; and
(b) suffered damage due to the ongoing or recent disaster in the affected community.

(4) "Community" means a county, municipality, special district, or special service district.

(5) "Disaster response and recovery" means:
(a) action taken to respond to and recover from a disaster, including action taken to remove debris, implement life-saving emergency protective measures, or repair, replace, or restore facilities in response to a disaster; and
(b) post-disaster hazard mitigation directly related to the recovery from the disaster described in Subsection (5)(a).

(6) "Disaster response and recovery grant" means money granted to an affected community for disaster response and recovery.

(7) "Minimum threshold payment amount" means the amount of costs that an affected community or an affected community member shall pay before the affected community or affected community member is eligible to receive money from a disaster response and recovery grant.

(8) "Post-disaster hazard mitigation" means action taken, after a natural disaster, to reduce or eliminate risk to people or property that may occur as a result of the long-term effects of the natural disaster or a subsequent natural disaster, including action to prevent damage caused by flooding, earthquake, dam failure, wildfire, landslide, severe weather, drought, and problem soil.
(9) "Official damage assessment" means a financial assessment of the damage to an affected community, caused by a disaster, that is conducted under the direction of the governing body of the affected community, in accordance with the rules described in Section 53-2a-1305.

Amended by Chapter 16, 2023 General Session
Amended by Chapter 434, 2023 General Session

53-2a-1302 Response, Recovery, and Post-disaster Mitigation Restricted Account.
(1) There is created a restricted account in the General Fund known as the "Response, Recovery, and Post-disaster Mitigation Restricted Account."
(2) The account consists of:
  (a) money appropriated to the account by the Legislature;
  (b) money deposited into the account in accordance with Section 63J-1-314;
  (c) income and interest derived from the deposit and investment of money in the account; and
  (d) private donations, grants, gifts, bequests, or money made available from any other source to implement this section.
(3)
  (a) At the close of a fiscal year, money in the account exceeding $50,000,000, excluding money granted to the account under Subsection (2)(d), shall be transferred to the State Disaster Recovery Restricted Account.
  (b) Except as provided by Subsection (3)(a), money in the Response, Recovery, and Post-disaster Mitigation Restricted Account may only be used for the purposes set forth in this part.
(4) Subject to the requirements described in this part, and upon appropriation by the Legislature, the division may grant money appropriated from the account to an affected community for the affected community's disaster response and recovery efforts as described in Section 53-2a-1303.
(5)
  (a) Money in the account may only be expended or committed to be expended as provided in Subsections (5)(b) and (5)(c).
  (b) Subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend for disaster response and recovery efforts as described in Section 53-2a-1303:
    (i) an amount that does not exceed $500,000 in response to a disaster described in Subsection 53-2a-1303(2)(b);
    (ii) an amount that exceeds $500,000 but does not exceed $3,000,000 for a disaster described in Subsection 53-2a-1303(2)(b) if the division:
      (A) before making the expenditure or commitment to expend, obtains approval for the expenditure or commitment from the governor;
      (B) provides written notice of the expenditure or commitment to expend to the speaker of the House of Representatives, the president of the Senate, the Division of Finance, the Executive Offices and Criminal Justice Appropriations Subcommittee, the Legislative Management Committee, and the Office of the Legislative Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend; and
      (C) makes the report required by Subsection 53-2a-606(2); and

(iii) an amount that exceeds $3,000,000 but does not exceed $5,000,000, if, before making the expenditure or commitment to expend, the division:
(A) obtains approval for the expenditure or commitment from the governor; and
(B) submits the expenditure or commitment to expend to the Executive Appropriations Committee in accordance with Subsection 53-2a-606(3).
(c) Money paid by the division under this part to government entities and private persons providing emergency disaster services are subject to Title 63G, Chapter 6a, Utah Procurement Code.

Amended by Chapter 434, 2023 General Session

53-2a-1303 Disaster Response and Recovery Grant.
(1) The division may grant money under Subsection 53-2a-1302(4) appropriated from the account after receiving an application from an affected community for a disaster response and recovery grant.
(2) An affected community is eligible to receive a disaster response and recovery grant appropriated from the account if:
(a) the affected community submits an application described in Subsection (1) that includes the information required by the rules described in Section 53-2a-1305;
(b) the occurrence of a disaster in the affected community results in:
(i) the president of the United States declaring an emergency or major disaster in the state;
(ii) the governor declaring a state of emergency under Section 53-2a-206; or
(iii) the local municipality or county declaring an emergency under Section 53-2a-208;
(c) the governing body of the affected community conducts an official damage assessment of the disaster;
(d) the division, after reviewing the application described in Subsection (2)(a), the official damage assessment described in Subsection (2)(c), and other information relevant to the division's determination, determines that a grant to the affected community would be an appropriate and necessary use of account funds;
(e) the division determines there is sufficient money for the grant; and
(f) the affected community agrees to grant funding requirements as determined by the division, including the affected community's minimum threshold payment amount and cost-sharing requirements.

Amended by Chapter 434, 2023 General Session

53-2a-1304 Allowed uses for disaster response and recovery grant funds.
(1) An affected community may use or distribute grant funds provided under Section 53-2a-1303 in accordance with funding guidelines provided by the division, which may include providing funds for disaster response and recovery to:
(a) an affected community member;
(b) a publicly owned facility in the affected community; or
(c) publicly owned infrastructure in the affected community.
(2) The director may expend money from the account to pay necessary costs of evaluating and administering grants under this part.
(3) In accordance with Section 53-2a-1305, the division shall establish standards and procedures for the distribution of grant funds under this section, including standards and procedures for determining:

(a) when an individual or entity described in Subsection (1) (a), (b), or (c) may receive grant funds;
(b) which costs are eligible for grant funds, including administration costs; and
(c) minimum threshold payment amounts and cost-sharing requirements.

Repealed and Re-enacted by Chapter 434, 2023 General Session

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

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to:
(a) designate the requirements and procedures for the governing body of an affected community to:
(i) apply for a disaster response and recovery grant; and
(ii) conduct an official damage assessment;
(b) establish standards to determine:
(i) the categories of and criteria for entities and costs that are eligible for grant funds; and
(ii) minimum threshold payment amounts and cost-sharing requirements; and
(c) establish standards and procedures to ensure that funds distributed in accordance with this part are distributed in a cost effective and equitable manner, are reasonably necessary for disaster response and recovery, are an appropriate and necessary use of public funds, and that all receipts and invoices are documented.
(2) No later than December 31 of each year, the division shall provide the governor and the Criminal Justice Appropriations Subcommittee a written report of the division's activities under this part, including:
(a) an accounting of the money expended or committed to be expended under this part; and
(b) the balance of the account.

Amended by Chapter 434, 2023 General Session

Part 14
Local Emergency Management Act

53-2a-1401 Title.

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

Enacted by Chapter 106, 2021 General Session

53-2a-1402 Designation and duties of emergency managers.

(1) Each political subdivision of the state of Utah shall designate an emergency manager.
(2) A political subdivision may designate an officer of the political subdivision to serve as the emergency manager.
(3) An emergency manager shall:
(a) create a plan to coordinate emergency preparedness, response, mitigation, coordination, and other recovery activities; and
(b) coordinate with other emergency managers and officials to ensure efficient, appropriate, and coordinated emergency preparedness, response, mitigation, and recovery.

(4) Each political subdivision shall provide for emergency interim succession of the emergency manager as described in Part 8, Emergency Interim Succession Act.

Enacted by Chapter 106, 2021 General Session

53-2a-1403 Emergency operations plan.

(1) Each county shall create and maintain an emergency operations plan.
(2) Each city, town, and metro township shall:
  (a) create and maintain an emergency operations plan; or
  (b) adopt the emergency operations plan created by the county in which the city, town, or metro township is located.

Enacted by Chapter 106, 2021 General Session

Part 15
Grid Resilience Committee

53-2a-1501 Definitions.

As used in this part:
(1) "Committee" means the Grid Resilience Committee created in Section 53-2a-1503.
(2) "Division" means the Utah Division of Emergency Management created in Section 53-21-103.
(3) "Grid resilience" means efforts to provide greater resilience to the state's infrastructure with respect to:
  (a) weather events;
  (b) wildfire;
  (c) acts of terrorism; or
  (d) other potentially damaging events.

Enacted by Chapter 396, 2022 General Session

53-2a-1502 Grid Resilience Committee -- Creation -- Membership.

(1) There is created the Grid Resilience Committee composed of the following members:
  (a) the director of the division shall appoint two representatives from the division;
  (b) the director of the Office of Energy Development shall appoint a representative from the Office of Energy Development;
  (c) the director of the Division of Public Utilities shall appoint a representative from the Division of Public Utilities;
  (d) the adjutant general of the Utah Army National Guard shall appoint a representative of the Utah Army National Guard;
  (e) the chief executive officer of Utah Associated Municipal Power Systems shall appoint a representative of Utah Associated Municipal Power Systems;
  (f) the chief executive officer of the Utah Municipal Power Agency shall appoint a representative of the Utah Municipal Power Agency; and
  (g) the governor shall appoint:
    (i) one member who is currently employed by a large-scale electric utility, as that term is defined in Section 54-2-1;

(ii) one member who is currently employed by a wholesale electric cooperative, as that term is defined in Section 54-2-1;
(iii) one member who is currently employed by a rural electric cooperative, as that term is defined in Section 54-24-102;
(iv) one member who is currently employed in the power plant fuels sector; and
(v) two members with expertise in critical infrastructure protection.
(2) The committee shall elect a chair from among the members of the committee.
(3) If a vacancy occurs in the membership of the committee:
(a) the replacement shall be replaced in the same manner in which the original appointment was made; and
(b) the replacement shall be appointed for the unexpired term.
(4)
(a) A majority of the members of the committee constitutes a quorum.
(b) The action of a majority of a quorum constitutes an action of the committee.
(5)
(a) Except as described in Subsections (5)(b) and (c), a member shall serve a term of three years.
(b) A member shall serve until the member's successor is appointed and qualified.
(c) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or replacement, adjust the length of terms to ensure that the terms of the committee members are staggered so that approximately half of the committee members appointed under Subsection (1)(g) are appointed for an initial term of one and one-half years.
(6) A member may be appointed to more than one term.
(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses incurred as a member of the committee at the rates established by the Division of Finance under:
(a) Sections 63A-3-106 and 63A-3-107; and
(b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

Enacted by Chapter 396, 2022 General Session

53-2a-1503 Committee duties -- Reporting -- Staffing.
(1) The committee shall:
(a) develop knowledge about grid resilience and critical infrastructure protection;
(b) invite, as necessary, presenters with expertise in grid resilience or critical infrastructure protection; and
(c) discuss recommendations for state action related to increasing grid resilience and enhancing critical infrastructure protection.
(2) The committee shall meet no fewer than four times each year.
(3) Annually, on or before November 30, the committee shall report recommendations to increase grid resilience and enhance critical infrastructure protection to the Public Utilities, Energy, and Technology Interim Committee.
(4) Any recommendations the committee makes in accordance with Subsection (2) shall comply with national standards that are:
(a) developed by the Institute of Electrical and Electronics Engineers;
(b) developed by a federal regulatory agency; or
(c) commonly accepted by public utilities as best practices.
(5) The division shall provide staff and support to the committee.

Enacted by Chapter 396, 2022 General Session

Part 16
Emergency Response Team

53-2a-1601 Definitions.

As used in this part:

(1) "Emergency responder" includes a:
  (a) firefighter;
  (b) structural engineer;
  (c) physician;
  (d) paramedic; or
  (e) technical rescue specialist.

(2) "Emergency response team" means a group of emergency responders placed at the direction, control, and funding of the Division of Emergency Management, in accordance with an agreement between the Division of Emergency Management and a sponsoring agency and the provisions of this part, to assist in urban search and rescue:
  (a) in response to a disaster, emergency, or important event; or
  (b) in anticipation of a forecasted severe weather event, a flood, or a planned important event.

(3) "Emergency response team member" means an individual who is:
  (a) an emergency responder;
  (b) a member of an emergency response team; and
  (c) acting within the scope of the individual's duties for an emergency response team.

(4) "Important event" includes an event attended by one or more officials of the United States or one or more foreign dignitaries and where a large crowd has or is anticipated to gather.

(5) "Sponsoring agency" means an entity in the state that executes a written agreement to organize a National Urban Search and Rescue Response System task force as described in 44 C.F.R. Part 208 to assist the Federal Emergency Management Agency during a disaster or emergency.

Enacted by Chapter 111, 2022 General Session

53-2a-1602 Emergency response team agreement -- Creation.

(1) The division may enter into an agreement with a sponsoring agency to establish terms and conditions that apply to an emergency response team.

(2) If the division enters into an agreement described in Subsection (1), the agreement shall allow the division to reimburse the sponsoring agency for costs related to the operation of an emergency response team at rates equivalent to those described in 44 C.F.R. Part 208.

Enacted by Chapter 111, 2022 General Session

53-2a-1603 Purposes for which an emergency response team member is considered an employee of the division.

An emergency response team member is considered a division employee only for the following purposes:

(1) receiving workers' compensation benefits, which shall be the exclusive remedy for any injuries or occupational diseases, as provided under Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act;
(2) operating a motor vehicle or equipment if the emergency response team member is properly licensed and authorized to do so; and
(3) receiving the protection and indemnification normally afforded a division employee.

Enacted by Chapter 111, 2022 General Session