

1                   **STATE DISASTER RECOVERY RESTRICTED**

2                               **ACCOUNT AMENDMENTS**

3                                       2009 GENERAL SESSION

4   STATE OF UTAH

5                               **Chief Sponsor: Ron Bigelow**

6                               Senate Sponsor: Lyle W. Hillyard

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8   **LONG TITLE**

9   **General Description:**

10           This bill modifies the Public Safety Code regarding the use of state disaster recovery  
11 funds.

12   **Highlighted Provisions:**

13           This bill:

14           ▶ modifies the State Disaster Recovery Restricted Account to authorize the  
15 Legislature to appropriate funds from the account to address a General Fund budget  
16 deficit.

17   **Monies Appropriated in this Bill:**

18           None

19   **Other Special Clauses:**

20           This bill provides an immediate effective date.

21   **Utah Code Sections Affected:**

22   AMENDS:

23           **53-2-403**, as last amended by Laws of Utah 2008, Chapters 216, 250, and 382

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

26           Section 1. Section **53-2-403** is amended to read:

27           **53-2-403. State Disaster Recovery Restricted Account.**

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

30 (b) The disaster recovery fund shall consist of:

31 (i) monies deposited into the disaster recovery fund in accordance with Section

32 63J-1-204;

33 (ii) monies appropriated to the disaster recovery fund by the Legislature; and

34 (iii) any other public or private monies received by the division that are:

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

36 (B) deposited into the disaster recovery fund at the request of:

37 (I) the division; or

38 (II) the person giving the monies.

39 (c) The Division of Finance shall deposit interest or other earnings derived from

40 investment of fund monies into the General Fund.

41 (d) Monies in the disaster recovery fund may only be used as follows:

42 (i) without the monies being appropriated by the Legislature, in any fiscal year the

43 division may use \$100,000 to fund, in accordance with Section 53-2-404, costs to the state of

44 emergency disaster services in response to a declared disaster; ~~and~~

45 (ii) subject to being appropriated by the Legislature, monies not described in

46 Subsection (1)(d)(i) may be used to fund costs to the state directly related to a declared

47 disaster that are not costs related to:

48 (A) emergency disaster services;

49 (B) emergency preparedness; or

50 (C) notwithstanding whether or not a county participates in the Wildland Fire

51 Suppression Fund created in Section 65A-8-204, any fire suppression or presuppression costs

52 that may be paid for from the Wildland Fire Suppression Fund if the county participates in the

53 Wildland Fire Suppression Fund[-]; and

54 (iii) for fiscal years 2009 and 2010 only, to address a General Fund budget deficit as

55 defined in Section 63J-1-202.

56 (2) The state treasurer shall invest monies in the disaster recovery fund according to

57 Title 51, Chapter 7, State Money Management Act.

58           (3) (a) Except as provided in Subsection (1), the monies in the disaster recovery fund  
59 may not be diverted, appropriated, or used for a purpose that is not listed in this section.

60           (b) Notwithstanding Section 63J-1-307, the Legislature may not appropriate monies  
61 from the disaster recovery fund to eliminate or otherwise reduce an operating deficit if the  
62 monies appropriated from the disaster recovery fund are used for a purpose other than one  
63 listed in this section.

64           (c) The Legislature may not amend the purposes for which monies in the disaster  
65 recovery fund may be used except by the affirmative vote of two-thirds of all the members  
66 elected to each house.

67           Section 2. **Effective date.**

68           If approved by two-thirds of all the members elected to each house, this bill takes effect  
69 upon approval by the governor, or the day following the constitutional time limit of Utah  
70 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
71 the date of veto override.