

DISASTER RECOVERY FUNDING

AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: Daniel R. Liljenquist

LONG TITLE

General Description:

This bill modifies provisions relating to disaster recovery funding.

Highlighted Provisions:

This bill:

- ▶ includes certain local districts and special service districts among the local government entities that are authorized to create and maintain a local government disaster fund; and
- ▶ makes technical and conforming changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17B-1-605, as renumbered and amended by Laws of Utah 2007, Chapter 329

53-2-402, as last amended by Laws of Utah 2008, Chapters 250 and 382

53-2-405, as enacted by Laws of Utah 2007, Chapter 328

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



28 Section 1. Section **17B-1-605** is amended to read:

29 **17B-1-605. Budget required for certain funds -- Capital projects fund.**

30 (1) The budget officer of each local district shall prepare for each budget year a budget
31 for each of the following funds:

- 32 (a) the general fund;
- 33 (b) special revenue funds;
- 34 (c) debt service funds;
- 35 (d) capital projects funds;
- 36 (e) proprietary funds, in accordance with Section 17B-1-629; [~~and~~]
- 37 (f) if the local district has a local fund, as defined in Section 53-2-402, the local fund;

38 and

39 [~~(f)~~] (g) any other fund or funds for which a budget is required by the uniform system
40 of budgeting, accounting, and reporting.

41 (2) (a) Major capital improvements financed by general obligation bonds, capital
42 grants, or interfund transfers shall use a capital projects fund budget unless the improvements
43 financed are to be used for proprietary type activities.

44 (b) The local district shall prepare a separate budget for the term of the projects as well
45 as the annual budget required under Subsection (1).

46 Section 2. Section **53-2-402** is amended to read:

47 **53-2-402. Definitions.**

48 (1) Unless otherwise defined in this section, the terms defined in Part 1, Homeland
49 Security Act, shall have the same meaning for this part.

50 (2) As used in this part:

51 (a) "Declared disaster" means one or more events:

- 52 (i) within the state;
- 53 (ii) that occur within a limited period of time;
- 54 (iii) that involve:
 - 55 (A) a significant number of persons being at risk of bodily harm, sickness, or death; or
 - 56 (B) a significant portion of real property at risk of loss;
- 57 (iv) that are sudden in nature and generally occur less frequently than every three years;

58 and

- 59 (v) that results in:
- 60 (A) the president of the United States declaring an emergency or major disaster in the
- 61 state;
- 62 (B) the governor declaring a state of emergency under Title 63K, Chapter [2] 4,
- 63 Disaster Response and Recovery Act; or
- 64 (C) the chief executive officer of a local government declaring a local emergency under
- 65 Title 63K, Chapter [2] 4, Disaster Response and Recovery Act.
- 66 (b) "Disaster recovery fund" means the State Disaster Recovery Restricted Account
- 67 created in Section 53-2-403.
- 68 (c) "Emergency preparedness" means the following done for the purpose of being
- 69 prepared for an emergency as defined by the division by rule made in accordance with Title
- 70 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 71 (i) the purchase of equipment;
- 72 (ii) the training of personnel; or
- 73 (iii) the obtaining of a certification.
- 74 (d) (i) "Emergency disaster services" means the following that are of a temporary basis:
- 75 (A) evacuation;
- 76 (B) shelter;
- 77 (C) medical triage;
- 78 (D) emergency transportation;
- 79 (E) repair of infrastructure;
- 80 (F) safety services, including fencing or roadblocks;
- 81 (G) sandbagging;
- 82 (H) emergency debris removal;
- 83 (I) temporary bridges;
- 84 (J) procurement and distribution of food, water, or ice;
- 85 (K) procurement and deployment of generators;
- 86 (L) rescue or recovery; or
- 87 (M) services similar to those described in Subsections (2)(d)(i)(A) through (L), as
- 88 defined by the division by rule, that are generally required within the first 96 hours of a
- 89 declared disaster.

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

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

104 (f) "Local district" has the same meaning as defined in Section 17B-1-102.
 105 [~~e~~] (g) "Local fund" means a local government disaster fund created in accordance
 106 with Section 53-2-405.

107 [~~f~~] (h) "Local government" means:
 108 (i) a county[;];
 109 (ii) a city[;] or town[;]; or
 110 (iii) a local district or special service district that:
 111 (A) operates a water system;
 112 (B) provides transportation service;
 113 (C) provides, operates, and maintains correctional and rehabilitative facilities and
 114 programs for municipal, state, and other detainees and prisoners;
 115 (D) provides consolidated 911 and emergency dispatch service; or
 116 (E) operates an airport.

117 [~~g~~] (i) "Special fund" means a fund other than a general fund of a local government
 118 that is created for a special purpose established under the uniform system of budgeting,
 119 accounting, and reporting.

120 (j) "Special service district" has the same meaning as defined in Section 17D-1-102.

121 Section 3. Section **53-2-405** is amended to read:

122 **53-2-405. Local government disaster funds.**

123 (1) (a) Subject to this section and notwithstanding anything to the contrary contained in
124 Title 10, Utah Municipal Code, or Title 17, Counties, [~~the legislative~~] Title 17B, Limited
125 Purpose Local Government Entities - Local Districts, or Title 17D, Chapter 1, Special Service
126 District Act, the governing body of a local government may create and maintain by ordinance a
127 special fund known as a local government disaster fund.

128 (b) The local fund shall consist of:

129 (i) subject to the limitations of this section, monies transferred to it in accordance with
130 Subsection (2);

131 (ii) any other public or private monies received by the local government that are:

132 (A) given to the local government for purposes consistent with this section; and

133 (B) deposited into the local fund at the request of:

134 (I) the [~~legislative~~] governing body of the local government; or

135 (II) the person giving the monies; and

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

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

139 (d) Monies in a local fund may be:

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

141 (ii) transferred by the local government treasurer to the state treasurer under Section
142 51-7-5 for the state treasurer's management and control under Title 51, Chapter 7, State Money
143 Management Act.

144 (e) (i) The monies in a local fund may accumulate from year to year until the local
145 government [~~legislative~~] governing body determines to spend any money in the local fund for
146 one or more of the purposes specified in Subsection (3).

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

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

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

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

152 otherwise obligated.

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

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

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

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

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

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

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

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

166 (C) the council of the town may not authorize an interfund loan under Section
167 10-5-120 from the local fund;

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

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

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

174 (C) the governing body of the city may not authorize an interfund loan under Section
175 10-6-132 from the local fund; and

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

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

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

182 (iv) in the case of a local district or special service district, Title 17B, Chapter 1, Part 6,

183 Fiscal Procedures for Local Districts, except that:

184 (A) Section 17B-1-625, addressing termination of a special fund, does not apply to a
185 local fund; and

186 (B) the governing body of the local district or special service district may not authorize
187 an interfund loan under Section 17B-1-626 from the local fund.

188 (b) Notwithstanding Subsection (4)(a), transfers of monies to a local fund or the
189 accumulation of monies in a local fund do not affect any limits on fund balances, net assets, or
190 the accumulation of retained earnings in any of the following of a local government:

- 191 (i) a general fund;
- 192 (ii) an enterprise fund;
- 193 (iii) an internal service fund; or
- 194 (iv) any other fund.

195 (5) (a) A local government may not expend during a fiscal year more than 10% of the
196 monies budgeted to be deposited into a local fund during that fiscal year for emergency
197 preparedness.

198 (b) The amount described in Subsection (5)(a) shall be determined before the adoption
199 of the tentative budget.

Legislative Review Note
as of 1-15-09 2:55 PM

Office of Legislative Research and General Counsel

H.B. 319 - Disaster Recovery Funding Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
