

**EMERGENCY MANAGEMENT FUNDING AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis Oda**

Senate Sponsor: \_\_\_\_\_

Cosponsor: Val L. Peterson

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the Disaster Recovery Funding Act.

**Highlighted Provisions:**

This bill:

- ▶ modifies definitions;
- ▶ provides that the Division of Emergency Management may expend money, subject to appropriation by the Legislature, deposited in the fund for expenses incurred by the National Guard in certain circumstances;
- ▶ amends provisions authorizing the division to expend or commit money in the fund for expenditures necessary in response to a disaster; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2014:

- ▶ to the Division of Public Safety - Division of Emergency Management - National Guard Response as a one-time appropriation:
  - from State Disaster Recovery Restricted Account, One-time, \$150,000.

**Other Special Clauses:**

This bill takes effect on July 1, 2013.

**⚡→ This bill coordinates with H.B. 302, Emergency Response Amendments, by providing substantive and technical corrections. ←⚡**



27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53-2-402**, as last amended by Laws of Utah 2009, Chapter 77

30 **53-2-403**, as last amended by Laws of Utah 2011, Chapter 342

31 **53-2-404 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347

32 **53-2-406**, as last amended by Laws of Utah 2010, Chapters 323 and 370

33 **63J-1-602.3**, as last amended by Laws of Utah 2012, Chapters 71, 341, and 398

33a **H→ Utah Code Sections Affected by Coordination Clause:**

33b **53-2-404, (Effective 05/01/13), as last amended by Laws of Utah 2012, Chapter 347**

33c **63J-1-602.3, as last amended by Laws of Utah 2012, Chapters 71, 341, and 398 ←H**



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

36 Section 1. Section **53-2-402** is amended to read:

37 **53-2-402. Definitions.**

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

40 (2) As used in this part:

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

42 (i) within the state;

43 (ii) that occur within a limited period of time;

44 (iii) that involve:

45 (A) a significant number of persons being at risk of bodily harm, sickness, or death; or

46 (B) a significant portion of real property at risk of loss;

47 (iv) that are sudden in nature and generally occur less frequently than every three years;

48 and

49 (v) that results in:

50 (A) the president of the United States declaring an emergency or major disaster in the  
51 state;

52 (B) the governor declaring a state of emergency under Title 63K, Chapter 4, Disaster  
53 Response and Recovery Act; or

54 (C) the chief executive officer of a local government declaring a local emergency under  
55 Title 63K, Chapter 4, Disaster Response and Recovery Act.

56 (b) "Disaster recovery fund" means the State Disaster Recovery Restricted Account  
57 created in Section 53-2-403.

182 two-thirds of all the members elected to each house.

183 [~~(4)~~] (5) The division:

184 (a) shall provide the notice required by Subsection [~~(1)(d)(i)(B)~~] (2)(a)(ii) using the  
185 best available method under the circumstances as determined by the division; and

186 (b) may provide the notice required by Subsection [~~(1)(d)(i)(B)~~] (2)(a)(ii) in electronic  
187 format.

188 Section 3. Section **53-2-404 (Effective 05/01/13)** is amended to read:

189 **53-2-404 (Effective 05/01/13). State costs for emergency disaster services.**

190 (1) Subject to this section and Section 53-2-403, the division [~~shall expend or commit~~  
191 ~~to expend money described in Subsection 53-2-403(1)(d)(i) to fund costs to the state of~~  
192 ~~emergency disaster services]~~ may expend or commit to expend money described in

192a ~~H→~~ [~~Subsections~~] Subsection ←H

193 53-2-403(2)(a)(i), (ii), or (iii) to fund costs to the state of emergency disaster services if, at the  
194 discretion of the division, the expenditure is necessary in response to the disaster.

195 (2) Money paid by the division under this section to government entities and private  
196 persons providing emergency disaster services are subject to Title 63G, Chapter 6a, Utah  
197 Procurement Code.

198 Section 4. Section **53-2-406** is amended to read:

199 **53-2-406. Reporting.**

200 (1) By no later than December 31 of each year, the division shall provide a written  
201 report to the governor and the Executive Offices and Criminal Justice Appropriations  
202 Subcommittee of:

203 (a) the division's activities under this part;

204 (b) money expended or committed to be expended in accordance with this part;

205 (c) the balances in the disaster recovery fund; and

206 (d) any unexpended balance of appropriations from the disaster recovery fund.

207 (2) (a) The governor and the Department of Public Safety shall report to the Legislative  
208 Management Committee an expenditure or commitment to expend made in accordance with  
209 Subsection 53-2-403[~~(1)(d)(i)(B)~~](2)(a)(ii).

210 (b) The governor and the Department of Public Safety shall make the report required  
211 by this Subsection (2) on or before the sooner of:

212 (i) the day on which the governor calls the Legislature into session in accordance with

275 Recovery Restricted Account, as provided in Subsection 53-2-403(2)(iv).

276 Section 7. **Effective date.**

277 This bill takes effect on July 1, 2013.

277a **Ĥ→ Section 8. Coordinating H.B. 223 with H.B. 302 -- Substantive and technical amendments.**

277b **If this H.B. 223 and H.B. 302, Emergency Response Amendments, both pass and**  
 277c **become law, it is the intent of the Legislature that:**

277d **(1) Subsection 53-2-404(1) shall be amended to read:**

277e **"(1) Subject to this section and Section [~~53-2-403~~] 53-2a-603, the division [~~shall expend or~~**  
 277f **commit to expend money described in Subsection 53-2-403(1)(d)(i) to fund costs to the state of**  
 277g **emergency disaster services] may expend or commit to expend money described in Subsection**  
 277h **53-2a-603(2)(a)(i), (ii), or (iii) to fund costs to the state of emergency disaster services if, at the**  
 277i **discretion of the division, the expenditure is necessary in response to the disaster." ;**

277j **(2) Subsection 63J-1-602.3(2) shall be amended to read:**

277k **"(2) Appropriations made to the Division of Emergency Management from the State Disaster**  
 277l **Recovery Restricted Account, as provided in Section 53-2a-603. "; and**

277m **(3) the Office of Legislative Research and General Counsel make these changes when**  
 277n **preparing the Utah Code database for publication. ←Ĥ**

Legislative Review Note

as of 2-4-13 10:47 AM

Office of Legislative Research and General Counsel