

679 natural phenomena, or technological hazard; and

680 (b) requires resources that are beyond the scope of local agencies in routine responses  
 681 to emergencies and accidents and may be of a magnitude or involve unusual circumstances that  
 682 require response by government, not for profit, or private entities.

683 ~~[(4)]~~ (5) "Division" means the Division of Emergency Management created in Section  
 684 ~~[53-2-103]~~ 53-2a-103.

685 ~~[(5)]~~ (6) "Energy" includes the energy resources defined in ~~[Section 63K-2-103]~~ this  
 686 chapter.

687 ~~H→~~ ~~[F]~~ ~~[(6)]~~ (7) "Expenses" means actual labor costs of government and volunteer  
 687a personnel, ~~←H~~

688 ~~[including workers' compensation benefits, fringe benefits, administrative overhead, cost of~~  
 689 ~~equipment, cost of equipment operation, cost of materials, and the cost of any contract labor]~~

690 ~~H→~~ and materials. [J]

691 ~~[(7)]~~ (8) ~~←H~~ "Hazardous materials emergency" means a sudden and unexpected  
 691a release of any

692 substance that because of its quantity, concentration, or physical, chemical, or infectious  
 693 characteristics presents a direct and immediate threat to public safety or the environment and  
 694 requires immediate action to mitigate the threat.

695 ~~H→~~ ~~[(8)]~~ (9) ~~←H~~ "Internal disturbance" means a riot, prison break, terrorism, or strike.

696 ~~H→~~ ~~[(9)]~~ (10) ~~←H~~ "Natural phenomena" means any earthquake, tornado, storm, flood,  
 696a landslide,  
 697 avalanche, forest or range fire, drought, or epidemic.

698 ~~H→~~ ~~[(10)]~~ (11) ~~←H~~ "State of emergency" means a condition in any part of this state that  
 698a requires state

699 government emergency assistance to supplement the local efforts of the affected political  
 700 subdivision to save lives and to protect property, public health, welfare, or safety in the event  
 701 of a disaster, or to avoid or reduce the threat of a disaster.

702 ~~H→~~ ~~[(11)]~~ (12) ~~←H~~ "Technological hazard" means any hazardous materials accident,  
 702a mine accident,

703 train derailment, air crash, radiation incident, pollution, structural fire, or explosion.

704 ~~H→~~ ~~[(12)]~~ (13) ~~←H~~ "Terrorism" means activities or the threat of activities that:

705 (a) involve acts dangerous to human life;

706 (b) are a violation of the criminal laws of the United States or of this state; and

707 (c) to a reasonable person, would appear to be intended to:

708 (i) intimidate or coerce a civilian population;

709 (ii) influence the policy of a government by intimidation or coercion; or

710 (iii) affect the conduct of a government by mass destruction, assassination, or  
 711 kidnapping.

712 ~~Ĥ~~→ [(13)] (14) ←Ĥ "Urban search and rescue" means the location, extrication, and  
 712a initial medical  
 713 stabilization of victims trapped in a confined space as the result of a structural collapse,  
 714 transportation accident, mining accident, or collapsed trench.

715 Section 13. Section **53-2a-103**, which is renumbered from Section 53-2-103 is  
 716 renumbered and amended to read:

717 ~~[53-2-103].~~ **53-2a-103. Division of Emergency Management -- Creation --**  
 718 **Director -- Appointment -- Term -- Compensation.**

719 (1) There is created within the [~~department~~] Department of Public Safety the Division  
 720 of Emergency Management.

721 (2) The division shall be administered by a director appointed by the commissioner  
 722 with the approval of the governor.

723 (3) The director is the executive and administrative head of the division and shall be  
 724 experienced in administration and possess additional qualifications as determined by the  
 725 commissioner and as provided by law.

726 (4) The director acts under the supervision and control of the commissioner and may be  
 727 removed from the position at the will of the commissioner.

728 (5) The director shall receive compensation as provided by Title 67, Chapter 19, Utah  
 729 State Personnel Management Act.

730 Section 14. Section **53-2a-104**, which is renumbered from Section 53-2-104 is  
 731 renumbered and amended to read:

732 ~~[53-2-104].~~ **53-2a-104. Division duties -- Powers.**

733 (1) The division shall:

734 (a) respond to the policies of the governor and the Legislature;

735 (b) perform functions relating to emergency management as directed by the governor  
 736 or by the commissioner, including:

737 (i) coordinating with state agencies and local governments the use of personnel and  
 738 other resources of these governmental entities as agents of the state during an interstate disaster  
 739 in accordance with the Emergency Management Assistance Compact described in Section  
 740 [~~53-2-202~~] 53-2a-402;

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

867 (ii) the city manager for a municipality operating under the council-manager form of  
868 government; [or]

869 (b) for a county:

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

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

874 (iii) the county manager for a county operating under the council-manager form of  
875 government[-]; or

876 [~~(3) "Disaster" means a situation causing, or threatening to cause, widespread damage,  
877 social disruption, or injury or loss of life or property resulting from attack, internal disturbance,  
878 natural phenomenon or technological hazard.~~]

879 [~~(4) "Internal disturbance" means a riot, prison break, terrorism, or strike.~~]

880 **H→ [(c) for a special service district:**

881 ~~—— (i) the governing body as defined in Section 17D-1-301; or~~

882 ~~—— (ii) the administrative control board as defined in Section 17D-1-301.]~~

882a **(c) for a special service district:**

882b **(i) the chief executive officer of the county or municipality that created the special**  
882c **service district if authority has not been delegated to an administrative control board as**  
882d **provided in Section 17D-1-301;**

882e **(ii) the chair of the administrative control board to which authority has been delegated**  
882f **as provided in Section 17D-1-301; or**

882g **(iii) the general manager or other officer or employee to whom authority has been**  
882h **delegated by the governing body of the special service district as provided in**  
882i **Section 17D-1-301; or**

882j **(d) for a local district:**

882k **(i) the chair of the board of trustees selected as provided in Section 17B-1-309; or**

882l **(ii) the general manager or other officer or employee to whom authority has been**  
882m **delegated by the board of trustees. ←H**

883 [~~(5)~~ (2) "Local emergency" means a condition in any **H→ [political subdivision]**

883a **municipality or county ←H** of the state

884 which requires that emergency assistance be provided by the affected **H→ municipality or**

884a **county or another** ~~←H~~ political subdivision to  
 885 save lives and protect property within its jurisdiction in response to a disaster, or to avoid or  
 886 reduce the threat of a disaster.

887 ~~[(6) "Natural phenomenon" means any earthquake, tornado, storm, flood, landslide,~~  
 888 ~~avalanche, forest or range fire, drought, or epidemic.]~~

889 ~~[(7) (3) "Political subdivision" means H→ a ←H municipality H→ [or], ←H~~  
 889a ~~county H→ , **special service district, or local district** ←H .~~

890 ~~[(8) "State of emergency" means a condition in any part of this state which requires~~  
 891 ~~state government emergency assistance to supplement the local efforts of the affected political~~  
 892 ~~subdivision to save lives and to protect property, public health, welfare, and safety in the event~~  
 893 ~~of a disaster or to avoid or reduce the threat of a disaster.]~~

894 ~~[(9) "Technological hazard" means any hazardous materials accident, mine accident,~~  
 895 ~~train derailment, truck wreck, air crash, radiation incident, pollution, structural fire or~~

1051 Recovery Act] under this part.

1052 (2) These funds may not be allocated to a political subdivision unless the political  
1053 subdivision has demonstrated that it is beyond its capability to respond to the disaster and that  
1054 no other resources are available in sufficient amount to meet the disaster.

1055 Section 23. Section **53-2a-208**, which is renumbered from Section 63K-4-301 is  
1056 renumbered and amended to read:

1057 ~~[63K-4-301].~~ **53-2a-208. Local emergency -- Declarations.**

1058 (1) (a) A local emergency may be declared by proclamation of the chief executive  
1059 officer of a ~~H→ [political subdivision]~~ municipality or county ←H .

1060 (b) A local emergency shall not be continued or renewed for a period in excess of 30  
1061 days except by or with the consent of the governing body of the ~~H→ [political subdivision]~~  
1061a municipality or county ←H .

1062 (c) Any order or proclamation declaring, continuing, or terminating a local emergency  
1063 shall be filed promptly with the office of the clerk of the affected ~~H→ [political subdivision]~~  
1063a municipality or county ←H .

1064 (2) A declaration of a local emergency:

1065 (a) constitutes an official recognition that a disaster situation exists within the affected  
1066 ~~H→ [political subdivision]~~ municipality or county ←H ;

1067 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance  
1068 from other ~~H→ [cities, counties,]~~ political subdivisions ←H or from the state or federal  
1068a government;

1069 (c) activates the response and recovery aspects of any and all applicable local disaster  
1070 emergency plans; and

1071 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

1072 (3) A local emergency proclamation issued under this section shall state:

1073 (a) the nature of the local emergency;

1074 (b) the area or areas that are affected or threatened; and

1075 (c) the conditions which caused the emergency.

1076 (4) The emergency declaration process within the state shall be as follows:

1077 (a) a city, town, or township shall declare to the county;

1078 (b) a county shall declare to the state;

1079 (c) the state shall declare to the federal government; and

1080 (d) a tribe, as defined in Section 23-13-12.5, shall declare as determined under the

1081 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

1082 (5) Nothing in this part affects:

1083 (a) the governor's authority to declare a state of emergency under Section [~~63K-4-203~~  
1084 53-2a-206]; or

1085 (b) the duties, requests, reimbursements, or other actions taken by a political  
1086 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter [~~2~~  
1087 2a, Part [~~5~~] 3, Statewide Mutual Aid Act.

1088 Section 24. Section ~~53-2a-209~~, which is renumbered from Section 63K-4-401 is  
1089 renumbered and amended to read:

1090 [~~63K-4-401~~]. **53-2a-209. Orders, rules, and regulations having force of law**  
1091 **-- Filing requirements -- Suspension of state agency rules -- Suspension of enforcement of**  
1092 **certain statutes during a state of emergency.**

1093 (1) All orders, rules, and regulations promulgated by the governor, ~~H→~~ [~~a political~~  
1094 ~~subdivision;~~] **a municipality, a county,** ~~←H~~ or other agency authorized by this [act] part to make  
1094a orders, rules, and regulations,  
1095 not in conflict with existing laws except as specifically provided herein, shall have the full  
1096 force and effect of law during the state of emergency, when a copy of the order, rule, or  
1097 regulation is filed with:

1098 (a) the Division of Administrative Rules, if issued by the governor or a state agency; or

1099 (b) the office of the clerk of the ~~H→~~ [~~political subdivision~~] **municipality or county** ~~←H~~ ,  
1099a if issued by the chief executive  
1100 officer of a ~~H→~~ [~~political subdivision of the state or agency of the state~~] **municipality**  
1100a **or county** ~~←H~~ .

1101 (2) The governor may suspend the provisions of any order, rule, or regulation of any  
1102 state agency, if the strict compliance with the provisions of the order, rule, or regulation would  
1103 substantially prevent, hinder, or delay necessary action in coping with the emergency or  
1104 disaster.

1105 (3) (a) Except as provided in Subsection (3)(b) and subject to Subsections (3)(c) and  
1106 (d), the governor may by executive order suspend the enforcement of a statute if:

1107 (i) the governor declares a state of emergency in accordance with Section [~~63K-4-203~~  
1108 53-2a-206];

1109 (ii) the governor determines that suspending the enforcement of the statute is:

1110 (A) directly related to the state of emergency described in Subsection (3)(a)(i); and

1111 (B) necessary to address the state of emergency described in Subsection (3)(a)(i);

1112 (iii) the executive order:

2539 The powers vested in the governor under this [act] part shall be in addition to, and not  
 2540 in lieu of, any other emergency powers otherwise constitutionally or statutorily vested in the  
 2541 governor.

2542 Section 85. Section **53-2a-1010**, which is renumbered from Section 63K-2-301 is  
 2543 renumbered and amended to read:

2544 ~~[63K-2-301].~~ **53-2a-1010. Existing agencies to be used in implementation.**

2545 The governor shall use, to the extent practicable, existing state boards, commissions, or  
 2546 agencies or officers or employees for the purpose of carrying out the provisions of this [act]  
 2547 part.

2548 Section 86. Section **53-2a-1011**, which is renumbered from Section 63K-2-302 is  
 2549 renumbered and amended to read:

2550 ~~[63K-2-302].~~ **53-2a-1011. Enforcement of orders and rules.**

2551 The governor may apply to any district court for appropriate equitable relief against any  
 2552 person violating or failing to carry out the provisions of this [act] part or any order or rule  
 2553 issued pursuant to this [act] part.

2554 Section 87. Section **53-2a-1012**, which is renumbered from Section 63K-2-303 is  
 2555 renumbered and amended to read:

2556 ~~[63K-2-303].~~ **53-2a-1012. Rules and regulations -- Approval by**  
 2557 **Legislature.**

2558 The board, commission, or agency designated by the governor for carrying out the  
 2559 provisions of this [act] part is authorized to promulgate [such] rules and regulations as are  
 2560 necessary for effective administration of this [act] part with approval of the Legislature.

2561 Section 88. Section **53-2a-1101** is enacted to read:

2562 **Part 11. Search and Rescue Act**

2563 **53-2a-1101. Title.**

2564 This part is known as the "Search and Rescue Act."

2565 Section 89. Section **53-2a-1102**, which is renumbered from Section 53-2-107 is  
 2566 renumbered and amended to read:

2567 ~~[53-2-107].~~ **53-2a-1102. Search and Rescue Financial Assistance Program --**  
 2568 **Uses -- Rulemaking -- Distribution.**

2569 ~~H→ [(1) "Expenses" means actual labor costs of government and volunteer personnel;~~

2570 ~~including workers' compensation benefits, fringe benefits, administrative overhead, cost of~~  
 2571 ~~equipment, cost of equipment operation, cost of materials, and the cost of any contract labor~~  
 2572 ~~and materials.]~~

2573 [f] (1) [f] [~~2~~] ←H (a) "Reimbursable expenses," as used in this section, means  
 2573a those reasonable

2574 [~~costs~~] expenses incidental to search and rescue activities.

2575 (b) "Reimbursable expenses" include:

2576 (i) rental for fixed wing aircraft, helicopters, snowmobiles, boats, and generators;

2577 (ii) replacement and upgrade of search and rescue equipment;

2578 (iii) training of search and rescue volunteers;

2579 (iv) costs of providing workers' compensation benefits for volunteer search and rescue  
 2580 team members under Section 67-20-7.5; and

2581 (v) any other equipment or expenses necessary or appropriate for conducting search  
 2582 and rescue activities.

2583 (c) "Reimbursable expenses" do not include any salary or overtime paid to any person  
 2584 on a regular or permanent payroll, including permanent part-time employees of any agency or  
 2585 political subdivision of the state.

2586 H→ [f] (2) [f] [~~3~~] ←H There is created the Search and Rescue Financial Assistance  
 2586a Program within  
 2587 the division.

2588 H→ [f] (3) [f] [~~4~~] ←H (a) The program shall be funded from the following revenue  
 2588a sources:

2589 (i) any voluntary contributions to the state received for search and rescue operations;

2590 (ii) money received by the state under Section 23-19-42, Section 41-22-34, and Section  
 2591 73-18-24; and

2592 (iii) appropriations made to the program by the Legislature.

2593 (b) All funding for the program shall be nonlapsing.

2594 H→ [f] (4) [f] [~~5~~] ←H The director shall use the money to reimburse counties for all  
 2594a or a portion of

2595 each county's reimbursable expenses for search and rescue operations, subject to:

2596 (a) the approval of the Search and Rescue Advisory Board as provided in Section  
 2597 [~~53-2-109~~] 53-2a-1104;

2598 (b) money available in the program; and

2599 (c) rules made under Subsection H→ [f] (7) [f] [~~8~~] ←H .

2600 H→ [f] (5) [f] [~~6~~] ←H Program money may not be used to reimburse for any paid  
 2600a personnel costs or



2601 paid man hours spent in emergency response and search and rescue related activities.

2602           ~~H~~→ [f] (6) [f] [~~7~~] ←~~H~~ The Legislature finds that these funds are for a general and  
2602a statewide public  
2603 purpose.

2604           ~~H~~→ [f] (7) [f] [~~8~~] ←~~H~~ The division, with the approval of the Search and Rescue  
2604a Advisory Board,  
2605 shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
2606 Act, and consistent with this act:

2607           (a) specifying the costs that qualify as reimbursable expenses;

2608           (b) defining the procedures of agencies to submit expenses and be reimbursed; and

2609           (c) providing a formula to govern the distribution of available money among the  
2610 counties for uncompensated search and rescue expenses based on:

2611           (i) the total qualifying expenses submitted;

2612           (ii) the number of search and rescue incidents per county population;

2613           (iii) the number of victims that reside outside the county; and

2614           (iv) the number of volunteer hours spent in each county in emergency response and  
2615 search and rescue related activities per county population.

2616           Section 90. Section **53-2a-1103**, which is renumbered from Section 53-2-108 is  
2617 renumbered and amended to read:

2618           ~~[53-2-108].~~   **53-2a-1103. Search and Rescue Advisory Board -- Members --**  
2619 **Compensation.**

2620           (1) There is created the Search and Rescue Advisory Board consisting of seven  
2621 members appointed as follows:

2622           (a) two representatives designated by the Utah Search and Rescue Association, one of  
2623 whom is from a county having a population of 75,000 or more; and one from a county having a  
2624 population of less than 75,000;

2625           (b) three representatives designated by the Utah Sheriff's Association, at least one of  
2626 whom shall be a member of a voluntary search and rescue unit operating in the state, at least  
2627 one of whom shall be from a county having a population of 75,000 or more, and at least one of  
2628 whom shall be from a county having a population of less than 75,000;

2629           (c) one representative of the Division of Emergency Management designated by the  
2630 director; and

2631           (d) one private citizen appointed by the governor with the consent of the Senate.