

1 **HAZARDOUS MATERIALS EMERGENCY AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kelly B. Miles**

5 Senate Sponsor: Daniel W. Thatcher

7 **LONG TITLE**

8 **General Description:**

9 This bill amends certain provisions of the Utah Public Safety Code relating to recovery
10 of expenses incurred in response to a hazardous materials emergency.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides that the Hazardous Chemical Emergency Response Commission may
14 recover from a negligent party expenses incurred by a political subdivision in a
15 hazardous materials emergency; and
16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **53-2a-703**, as renumbered and amended by Laws of Utah 2013, Chapter 295

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

26 Section 1. Section **53-2a-703** is amended to read:

27 **53-2a-703. Hazardous materials emergency -- Recovery of expenses.**

28 (1) (a) The Hazardous Chemical Emergency Response Commission may recover from
29 those persons whose negligent actions caused the hazardous materials emergency, expenses

30 [~~incurred by state agencies~~] directly associated with a response to a hazardous materials
31 emergency taken under authority of this part, Title 53, Chapter 2a, Part 1, Emergency
32 Management Act, or Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act[-], that
33 are incurred by:

- 34 (i) a state agency;
- 35 (ii) a political subdivision as defined in Subsection 53-2a-203(3); or
- 36 (iii) an interlocal entity, described in Section 11-13-203, providing emergency services
37 to a political subdivision pursuant to written agreement.

38 (b) The payment of expenses under this Subsection (1) [~~does not constitute~~] is not an
39 admission of liability or negligence in any legal action for damages.

40 (c) The Hazardous Chemical Emergency Response Commission may obtain assistance
41 from the attorney general or a county attorney of the affected jurisdiction to assist in recovering
42 expenses and legal fees.

43 (d) Any recovered costs shall be deposited in the General Fund as dedicated credits to
44 be used by the division to reimburse [~~state and local government agencies or political~~
45 ~~subdivisions for the costs they have incurred~~] an entity described in Subsection (1)(a) for costs
46 incurred by the entity.

47 (2) (a) If the cost directly associated with emergency response exceeds all available
48 funds of the division within a given fiscal year, the division, with approval from the governor,
49 may incur a deficit in its line item budget.

50 (b) The Legislature shall provide a supplemental appropriation in the following year to
51 cover the deficit.

52 (c) The division shall deposit all costs associated with any emergency response that are
53 collected in subsequent fiscal years into the General Fund.

54 (3) Any political subdivision may enact local ordinances pursuant to existing statutory
55 or constitutional authority to provide for the recovery of expenses incurred by the political
56 subdivision.