

Representative Michael K. McKell proposes the following substitute bill:

POST DISASTER RECOVERY AND MITIGATION

RESTRICTED ACCOUNT

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This bill creates a restricted account and sets eligibility requirements for counties, municipalities, local districts, and special service districts to receive grants from the restricted account.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Post Disaster Recovery and Mitigation Restricted Account;
- ▶ designates the purposes, limitations, and sources of the restricted account;
- ▶ sets standards and requirements for receiving a grant from funds originating from the restricted account; and
- ▶ grants rulemaking authority to the Division of Emergency Management.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to the General Fund Restricted -- Post Disaster Recovery and Mitigation Restricted Account -- as an ongoing appropriation:
 - from the General Fund, ~~\$→ [\$2,000,000]~~ \$300,000 ←\$.

2nd Sub. H.B. 305



- 26 ▶ to the Department of Public Safety -- as an ongoing appropriation
- 27 • from the General Fund Restricted -- Post Disaster Recovery and Mitigation
- 28 Restricted Account, ~~‎\$~~→ [~~‎\$2,000,000~~] ‎\$300,000 ←~~‎\$~~ .

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 ENACTS:

- 33 53-2a-1301, Utah Code Annotated 1953
- 34 53-2a-1302, Utah Code Annotated 1953
- 35 53-2a-1303, Utah Code Annotated 1953
- 36 53-2a-1304, Utah Code Annotated 1953
- 37 53-2a-1305, Utah Code Annotated 1953

38

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

40 Section 1. Section **53-2a-1301** is enacted to read:

41 **Part 13. Post Disaster Recovery and Mitigation Restricted Account**

42 **53-2a-1301. Definitions.**

43 As used in the part:

44 (1) "Account" means the Post Disaster Recovery and Mitigation Restricted Account
45 created in Section [53-2a-1302](#).

46 (2) "Affected community" means a community directly affected by an ongoing or
47 recent disaster.

48 (3) "Chief executive officer" means the same as that term is defined in Section
49 [53-2a-203](#).

50 (4) "Community" means a county, municipality, local district, or special service
51 district.

52 (5) "Costs not recoverable" include:

53 (a) the county threshold; and

54 (b) costs covered by insurance or federal government grants, including funding
55 provided to the state by FEMA's Public Assistance grant program described in 44 C.F.R.
56 Chapter 1, Subchapter D, Part 206.

88 source to implement this section.

89 (3) At the close of a fiscal year, money in the account exceeding \$10,000,000,
90 excluding money granted to the account under Subsection (2)(c), shall be transferred to the
91 General Fund.

92 (4) Subject to the requirements described in this part, and upon appropriation by the
93 Legislature, the division may grant money appropriated from the account:

94 (a) to an affected community for the affected community's disaster recovery efforts as
95 described in Section 53-2a-1303; or

96 (b) to a community for post hazard mitigation as described in Section 53-2a-1304.

97 Section 3. Section 53-2a-1303 is enacted to read:

98 **53-2a-1303. Disaster Recovery Grant.**

99 (1) The division may grant money under Subsection 53-2a-1302(4)(a) appropriated
100 from the account after receiving an application from an affected community for a disaster
101 recovery grant.

102 (2) An affected community is eligible to receive a disaster recovery grant appropriated
103 from the account if:

104 (a) the affected community submits an application described in Subsection (1) that
105 includes the information required by the rules described in Section 53- 2a-1305;

106 (b) the occurrence of disaster in the affected community results in:

107 (i) the president of the United States declaring an emergency or major disaster in the
108 state; ~~H~~→ or ~~H~~

109 (ii) the governor declaring a state of emergency under Section 53-2a-206; ~~H~~→ [or

110 ~~— (iii) the chief executive officer of a local government within the affected community~~
111 ~~declaring a local emergency under Section 53-2a-205;]~~ ~~H~~

112 (c) the governing body of the affected community conducts an official damage
113 assessment of the disaster;

114 (d) the cost of disaster recovery, as determined by the division after reviewing the
115 official damage assessment, exceeds the county threshold for the county in which the affected
116 community is located; and

117 (e) the division maintains sufficient money for the grant.

118 Section 4. Section 53-2a-1304 is enacted to read:

150 the Criminal Justice Appropriations Subcommittee a written report of the division's activities
151 under this part, including:

152 (a) an accounting of the money expended or committed to be expended under this part;

153 and

154 (b) the balance of the account.

155 **Section 6. Appropriation.**

156 The following sums of money are appropriated for the fiscal year beginning July 1,
157 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
158 fiscal year 2020.

159 **Subsection 6a. Restricted Fund and Account Transfers.**

160 The Legislature authorizes the State Division of Finance to transfer the following
161 amounts between the following funds or accounts as indicated. Expenditures and outlays from
162 the funds or accounts to which the money is transferred must be authorized by an
163 appropriation.

164 ITEM 1

165 To the General Fund Restricted -- Post Disaster Recovery and Mitigation

166 Restricted Account

167 From General Fund $\$ \rightarrow [$ \$2,000,000] \$300,000 $\leftarrow \$$

168 Schedule of Programs:

169 General Fund Restricted -- Post Disaster Recovery and

170 Mitigation Restricted Account $\$ \rightarrow [$ \$2,000,000] \$300,000 $\leftarrow \$$

171 **Subsection 6b. Operating and Capital Budgets.**

172 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
173 Legislature appropriates the following sums of money from the funds or accounts indicated for
174 the use and support of the government of the state of Utah.

175 ITEM 2

176 To Department of Public Safety -- Emergency Management

177 From General Fund Restricted -- Post Disaster Recovery and Mitigation

178 Restricted Account $\$ \rightarrow [$ \$2,000,000] \$300,000 $\leftarrow \$$

179 Schedule of Programs:

180 Emergency Management: $\$ \rightarrow [$ \$2,000,000] \$300,000 $\leftarrow \$$