

1 **DISASTER RECOVERY FUND AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Joel Ferry**

5 Senate Sponsor: Jacob L. Anderegg

7 **LONG TITLE**

8 **General Description:**

9 This bill increases certain amounts that may be expended from the Disaster Recovery
10 Restricted Account.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ increases the amounts the Division of Emergency Management may expend or
14 commit to expending from the Disaster Recovery Restricted Account during an
15 emergency or declared disaster;
- 16 ▶ adds the Executive Offices and Criminal Justice Appropriations Subcommittee and
17 the Legislative Management Committee to the list of entities to receive notice of
18 expenditures of commitments to expend funds; and
- 19 ▶ allows an expenditure of up to \$3,200,000 during fiscal year 2019 for operational
20 costs.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **53-2a-603**, as last amended by Laws of Utah 2016, Chapters 83 and 134

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

30 Section 1. Section **53-2a-603** is amended to read:

31 **53-2a-603. State Disaster Recovery Restricted Account.**

32 (1) (a) There is created a restricted account in the General Fund known as the "State
33 Disaster Recovery Restricted Account."

34 (b) The disaster recovery account consists of:

35 (i) money deposited into the disaster recovery account in accordance with Section
36 [63J-1-314](#);

37 (ii) money appropriated to the disaster recovery account by the Legislature; and

38 (iii) any other public or private money received by the division that is:

39 (A) given to the division for purposes consistent with this section; and

40 (B) deposited into the disaster recovery account at the request of:

41 (I) the division; or

42 (II) the person or entity giving the money.

43 (c) The Division of Finance shall deposit interest or other earnings derived from
44 investment of account money into the General Fund.

45 (2) Subject to being appropriated by the Legislature, money in the disaster recovery
46 account may only be expended or committed to be expended as follows:

47 (a) (i) subject to Section [53-2a-606](#), in any fiscal year the division may expend or
48 commit to expend an amount that does not exceed [~~\$250,000~~] \$500,000, in accordance with
49 Section [53-2a-604](#), to fund costs to the state of emergency disaster services in response to a
50 declared disaster;

51 (ii) subject to Section [53-2a-606](#), in any fiscal year the division may expend or commit
52 to expend an amount that exceeds [~~\$250,000~~] \$500,000, but does not exceed [~~\$1,000,000~~]
53 \$3,000,000, in accordance with Section [53-2a-604](#), to fund costs to the state of emergency
54 disaster services in response to a declared disaster if the division:

55 (A) before making the expenditure or commitment to expend, obtains approval for the
56 expenditure or commitment to expend from the governor;

57 (B) subject to Subsection (5), provides written notice of the expenditure or

58 commitment to expend to the speaker of the House of Representatives, the president of the
59 Senate, the Division of Finance, the Executive Offices and Criminal Justice Appropriations
60 Subcommittee, the Legislative Management Committee, and the Office of the Legislative
61 Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend;
62 and

63 (C) makes the report required by Subsection 53-2a-606(2);

64 (iii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit
65 to expend an amount that exceeds [~~\$1,000,000~~] \$3,000,000, but does not exceed [~~\$3,000,000~~]
66 \$5,000,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency
67 disaster services in response to a declared disaster if, before making the expenditure or
68 commitment to expend, the division:

69 (A) obtains approval for the expenditure or commitment to expend from the governor;
70 and

71 (B) submits the expenditure or commitment to expend to the Executive Appropriations
72 Committee in accordance with Subsection 53-2a-606(3); and

73 (iv) in any fiscal year the division may expend or commit to expend an amount that
74 does not exceed \$150,000 to fund expenses incurred by the National Guard if:

75 (A) in accordance with Section 39-1-5, the governor orders into active service the
76 National Guard in response to a declared disaster; and

77 (B) the money is not used for expenses that qualify for payment as emergency disaster
78 services;

79 (b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or
80 committed to be expended to fund costs to the state directly related to a declared disaster that
81 are not costs related to:

82 (i) emergency disaster services;

83 (ii) emergency preparedness; or

84 (iii) notwithstanding whether a county participates in the Wildland Fire Suppression
85 Fund created in Section 65A-8-204, any fire suppression or presuppression costs that may be

86 paid for from the Wildland Fire Suppression Fund if the county participates in the Wildland
87 Fire Suppression Fund;

88 (c) to fund the Local Government Emergency Response Loan Fund created in Section
89 53-2a-607; ~~and~~

90 (d) the division may provide advanced funding from the disaster recovery account to
91 recognized agents of the state when:

92 (i) Utah has agreed, through the division, to enact the Emergency Management
93 Assistance Compact with another member state that has requested assistance during a declared
94 disaster;

95 (ii) Utah agrees to provide resources to the requesting member state;

96 (iii) the agent of the state who represents the requested resource has no other funding
97 source available at the time of the Emergency Management Assistance Compact request; and

98 (iv) the disaster recovery account has a balance of funds available to be utilized while
99 maintaining a minimum balance of \$10,000,000~~[-];~~ and

100 (e) the division may expend up to \$3,200,000 during fiscal year 2019 to fund
101 operational costs incurred by the division during fiscal year 2019.

102 (3) All funding provided in advance to an agent of the state and subsequently
103 reimbursed shall be credited to the account.

104 (4) The state treasurer shall invest money in the disaster recovery account according to
105 Title 51, Chapter 7, State Money Management Act.

106 (5) (a) Except as provided in Subsections (1) and (2), the money in the disaster
107 recovery account may not be diverted, appropriated, expended, or committed to be expended
108 for a purpose that is not listed in this section.

109 (b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money
110 from the disaster recovery account to eliminate or otherwise reduce an operating deficit if the
111 money appropriated from the disaster recovery account is expended or committed to be
112 expended for a purpose other than one listed in this section.

113 (c) The Legislature may not amend the purposes for which money in the disaster

114 recovery account may be expended or committed to be expended except by the affirmative vote
115 of two-thirds of all the members elected to each house.

116 (6) The division:

117 (a) shall provide the notice required by Subsection (2)(a)(ii) using the best available
118 method under the circumstances as determined by the division; and

119 (b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.