

1 **EMERGENCY MANAGEMENT ACT AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Suzanne Harrison**

5 Senate Sponsor: Deidre M. Henderson

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the duties of the Division of Emergency Management.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines "alerting authority" and "IPAWS";
- 13 ▶ requires coordination with municipalities and counties to ensure access to the
- 14 Integrated Public Alert and Warning System;
- 15 ▶ requires training every three years to all emergency service agencies, managers, and
- 16 others;
- 17 ▶ requires each political subdivision to have an alert plan and to provide a copy of the
- 18 plan to the Division of Emergency Management;
- 19 ▶ adds to the membership of the Emergency Management Administration Council;
- 20 and
- 21 ▶ requires an annual report of each political subdivision's alerting authority.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53-2a-102**, as last amended by Laws of Utah 2017, Chapter 13

29 **53-2a-104**, as renumbered and amended by Laws of Utah 2013, Chapter 295

30 **53-2a-105**, as last amended by Laws of Utah 2015, Chapter 258

31 **53-2a-807**, as renumbered and amended by Laws of Utah 2013, Chapter 295

32

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

34 Section 1. Section **53-2a-102** is amended to read:

35 **53-2a-102. Definitions.**

36 As used in this chapter:

37 (1) "Alerting authority" means a political subdivision that has received access to send
38 alerts through the Integrated Public Alert and Warning System.

39 (2) "Attack" means a nuclear, cyber, conventional, biological, act of terrorism, or
40 chemical warfare action against the United States of America or this state.

41 [~~(2)~~] (3) "Commissioner" means the commissioner of the Department of Public Safety
42 or the commissioner's designee.

43 [~~(3)~~] (4) "Director" means the division director appointed under Section **53-2a-103** or
44 the director's designee.

45 [~~(4)~~] (5) "Disaster" means an event that:

46 (a) causes, or threatens to cause, loss of life, human suffering, public or private
47 property damage, or economic or social disruption resulting from attack, internal disturbance,
48 natural phenomena, or technological hazard; and

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

52 [~~(5)~~] (6) "Division" means the Division of Emergency Management created in Section
53 **53-2a-103**.

54 [~~(6)~~] (7) "Energy" includes the energy resources defined in this chapter.

55 [~~(7)~~] (8) "Expenses" means actual labor costs of government and volunteer personnel,
56 and materials.

57 [~~(8)~~] (9) "Hazardous materials emergency" means a sudden and unexpected release of

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

61 ~~[(9)]~~ (10) "Internal disturbance" means a riot, prison break, terrorism, or strike.

62 ~~[(10)]~~ (11) "IPAWS" means the Integrated Public Alert and Warning System administered by
63 the Federal Emergency Management Agency.

64 ~~[(11)]~~ (12) "Municipality" means the same as that term is defined in Section 10-1-104.

65 ~~[(12)]~~ (13) "Natural phenomena" means any earthquake, tornado, storm, flood,
66 landslide, avalanche, forest or range fire, drought, or epidemic.

67 ~~[(13)]~~ (14) "State of emergency" means a condition in any part of this state that
68 requires state government emergency assistance to supplement the local efforts of the affected
69 political subdivision to save lives and to protect property, public health, welfare, or safety in
70 the event of a disaster, or to avoid or reduce the threat of a disaster.

71 ~~[(14)]~~ (15) "Technological hazard" means any hazardous materials accident, mine
72 accident, train derailment, air crash, radiation incident, pollution, structural fire, or explosion.

73 ~~[(15)]~~ (16) "Terrorism" means activities or the threat of activities that:

- 74 (a) involve acts dangerous to human life;
- 75 (b) are a violation of the criminal laws of the United States or of this state; and
- 76 (c) to a reasonable person, would appear to be intended to:
 - 77 (i) intimidate or coerce a civilian population;
 - 78 (ii) influence the policy of a government by intimidation or coercion; or
 - 79 (iii) affect the conduct of a government by mass destruction, assassination, or
 - 80 kidnapping.

81 ~~[(16)]~~ (17) "Urban search and rescue" means the location, extrication, and initial
82 medical stabilization of victims trapped in a confined space as the result of a structural
83 collapse, transportation accident, mining accident, or collapsed trench.

84 Section 2. Section 53-2a-104 is amended to read:

85 **53-2a-104. Division duties -- Powers.**

- 86 (1) The division shall:
- 87 (a) respond to the policies of the governor and the Legislature;
- 88 (b) perform functions relating to emergency management as directed by the governor
- 89 or by the commissioner, including:
- 90 (i) coordinating with state agencies and local governments the use of personnel and
- 91 other resources of these governmental entities as agents of the state during an interstate disaster
- 92 in accordance with the Emergency Management Assistance Compact described in Section
- 93 [53-2a-402](#);
- 94 (ii) coordinating the requesting, activating, and allocating of state resources during an
- 95 intrastate disaster or a local state of emergency;
- 96 (iii) receiving and disbursing federal resources provided to the state in a declared
- 97 disaster;
- 98 (iv) appointing a state coordinating officer who is the governor's representative and
- 99 who shall work with a federal coordinating officer during a federally declared disaster; and
- 100 (v) appointing a state recovery officer who is the governor's representative and who
- 101 shall work with a federal recovery officer during a federally declared disaster;
- 102 (c) prepare, implement, and maintain programs and plans to provide for:
- 103 (i) prevention and minimization of injury and damage caused by disasters;
- 104 (ii) prompt and effective response to and recovery from disasters;
- 105 (iii) identification of areas particularly vulnerable to disasters;
- 106 (iv) coordination of hazard mitigation and other preventive and preparedness measures
- 107 designed to eliminate or reduce disasters;
- 108 (v) assistance to local officials, state agencies, and the business and public sectors, in
- 109 developing emergency action plans;
- 110 (vi) coordination of federal, state, and local emergency activities;
- 111 (vii) coordination of emergency operations plans with emergency plans of the federal
- 112 government;
- 113 (viii) coordination of urban search and rescue activities;

114 (ix) coordination of rapid and efficient communications in times of emergency; and
115 (x) other measures necessary, incidental, or appropriate to this part;
116 (d) coordinate with local officials, state agencies, and the business and public sectors in
117 developing, implementing, and maintaining a state energy emergency plan in accordance with
118 Section 53-2a-902; ~~and~~

119 (e) administer Part 6, Disaster Recovery Funding Act, in accordance with that part[-];
120 (f) conduct outreach annually to agencies and officials who have access to IPAWS; and
121 (g) coordinate with counties to ensure every county has the access and ability to send,
122 or a plan to send, IPAWS messages, including Wireless Emergency Alerts and Emergency
123 Alert System messages.

124 (2) Every three years, organizations that have the ability to send IPAWS messages,
125 including emergency service agencies, public safety answering points, and emergency
126 managers shall send verification of Federal Emergency Management Agency training to the
127 Division.

128 ~~(2)~~ (3) (a) The Department of Public Safety shall designate state geographical regions
129 and allow the political subdivisions within each region to:

130 (i) coordinate planning with other political subdivisions, tribal governments, and as
131 appropriate, other entities within that region and with state agencies as appropriate, or as
132 designated by the division;

133 (ii) coordinate grant management and resource purchases; and

134 (iii) organize joint emergency response training and exercises.

135 (b) The political subdivisions within a region designated in Subsection ~~(2)~~ (3)(a) may
136 not establish the region as a new government entity in the emergency disaster declaration
137 process under Section 53-2a-208.

138 ~~(3)~~ (4) The division may make rules in accordance with Title 63G, Chapter 3, Utah
139 Administrative Rulemaking Act, to:

140 (a) establish protocol for prevention, mitigation, preparedness, response, recovery, and
141 the activities described in Subsection ~~(2)~~ (3);

142 (b) coordinate federal, state, and local resources in a declared disaster or local
143 emergency; and

144 (c) implement provisions of the Emergency Management Assistance Compact as
145 provided in Section 53-2a-402 and Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.

146 ~~[(4)]~~ (5) The division may consult with the Legislative Management Committee, the
147 Judicial Council, and legislative and judicial staff offices to assist the division in preparing
148 emergency succession plans and procedures under Title 53, Chapter 2a, Part 8, Emergency
149 Interim Succession Act.

150 (6) The division shall report annually in writing not later than October 31 to the Law
151 Enforcement and Criminal Justice, and Political Subdivisions Interim Committees regarding
152 the status of the emergency alert system in the state. The report shall include:

- 153 (a) a status summary of the number of alerting authorities in Utah;
- 154 (b) any changes in that number;
- 155 (c) administrative actions taken; and
- 156 (d) any other information considered necessary by the division.

157 Section 3. Section 53-2a-105 is amended to read:

158 **53-2a-105. Emergency Management Administration Council created -- Function**
159 **-- Composition -- Expenses.**

160 (1) There is created the Emergency Management Administration Council to provide
161 advice and coordination for state and local government agencies on government emergency
162 prevention, mitigation, preparedness, response, and recovery actions and activities.

163 (2) The council shall meet at the call of the chair, but at least semiannually.

164 (3) The council shall be made up of the:

- 165 (a) lieutenant governor, or the lieutenant governor's designee;
- 166 (b) attorney general, or the attorney general's designee;
- 167 (c) heads of the following state agencies, or their designees:
 - 168 (i) Department of Public Safety;
 - 169 (ii) Division of Emergency Management;

- 170 (iii) Department of Transportation;
- 171 (iv) Department of Health;
- 172 (v) Department of Environmental Quality;
- 173 (vi) Department of Workforce Services; [~~and~~]
- 174 (vii) Department of Natural Resources;
- 175 (viii) Department of Agriculture and Food;
- 176 (ix) Department of Technology Services; and
- 177 (x) Division of Indian Affairs;
- 178 (d) adjutant general of the National Guard or the adjutant general's designee;
- 179 (e) [~~commissioner of agriculture and food or the commissioner's designee;~~] statewide
- 180 interoperability coordinator of the Utah Communications Authority or the coordinator's
- 181 designee;
- 182 (f) two representatives with expertise in emergency management appointed by the Utah
- 183 League of Cities and Towns;
- 184 (g) two representatives with expertise in emergency management appointed by the
- 185 Utah Association of Counties;
- 186 (h) up to four additional members with expertise in emergency management, critical
- 187 infrastructure, or key resources as these terms are defined under 6 U.S. Code Section 101
- 188 appointed from the private sector, by the [~~chair~~] co-chairs of the council; [~~and~~]
- 189 (i) two representatives appointed by the Utah Emergency Management Association[-];
- 190 (j) one representative from the Urban Area Working Group, appointed by the council
- 191 co-chairs;
- 192 (k) one representative from education, appointed by the council co-chairs; and
- 193 (l) one representative from a volunteer or faith-based organization, appointed by the
- 194 council co-chairs.
- 195 (4) The commissioner and the lieutenant governor shall serve as [~~cochairs~~] co-chairs of
- 196 the council.
- 197 (5) A member may not receive compensation or benefits for the member's service, but

198 may receive per diem and travel expenses in accordance with:

199 (a) Section 63A-3-106;

200 (b) Section 63A-3-107; and

201 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

202 63A-3-107.

203 (6) The council shall coordinate with existing emergency management related entities
204 including:

205 (a) the Emergency Management Regional Committees established by the Department
206 of Public Safety;

207 (b) the Statewide Mutual Aid Committee established under Section 53-2a-303; and

208 (c) the Hazardous Chemical Emergency Response Commission designated under
209 Section 53-2a-703.

210 (7) The council may appoint additional members or establish other committees and
211 task forces as determined necessary by the council to carry out the duties of the council.

212 Section 4. Section 53-2a-807 is amended to read:

213 **53-2a-807. Emergency interim successors for local officers.**

214 (1) By July 1 of each year, each political subdivision [~~officer~~] shall:

215 (a) for each officer, designate three emergency interim successors and specify their
216 order of succession;

217 [~~(b) specify their order of succession; and~~]

218 (b) identify the political subdivision's alerting authority and any individuals authorized
219 to send emergency alerts;

220 [~~(c)~~] (c) provide a list of those designated successors and individuals to the division[?];
221 and

222 (d) have an emergency alert plan in place and provide a copy of the plan to the
223 division.

224 (2) In the event that a political subdivision does not designate emergency interim
225 successors as required under Subsection (1), the order of succession shall be as follows:

- 226 (a) the chief executive officer of the political subdivision;
- 227 (b) the chief deputy executive officer of the political subdivision;
- 228 (c) the chair of the legislative body of the political subdivision; and
- 229 (d) the chief law enforcement officer of the political subdivision.
- 230 (3) (a) Notwithstanding any other provision of law:
- 231 (i) if any political subdivision officer or the political subdivision officer's legal deputy,
- 232 if any, is unavailable, a designated emergency interim successor shall exercise the powers and
- 233 duties of the office according to the order of succession specified by the political subdivision
- 234 officer; or
- 235 (ii) counties may provide by ordinance that one member of the county legislative body
- 236 may act as the county legislative body if the other members are absent.
- 237 (b) An emergency interim successor shall exercise the powers and duties of the office
- 238 only until:
- 239 (i) the vacancy is filled in accordance with the constitution or statutes; or
- 240 (ii) the political subdivision officer, the political subdivision officer's deputy, or an
- 241 emergency interim successor earlier in the order of succession becomes available to exercise
- 242 the powers and duties of the office.
- 243 (4) The legislative bodies of each political subdivision may enact resolutions or
- 244 ordinances consistent with this part and also provide for emergency interim successors to
- 245 officers of the political subdivision not governed by this section.