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EMERGENCY RESPONSE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Michael K. McKell

LONG TITLE

Committee Note:

The Political Subdivisions Interim Committee recommended this bill.

Legislative Vote: 10 voting for 0 voting against 5 absent

General Description:

This bill modifies provisions of the Emergency Management Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies provisions related to the State Disaster Recovery Restricted Account;
- ▶ provides that the Division of Emergency Management may enter into an agreement with an entity to operate an emergency response team;
- ▶ describes the purposes for which an emergency response team member is considered an employee of the division; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **53-2a-603**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

29 ENACTS:

30 **53-2a-1501**, Utah Code Annotated 1953

31 **53-2a-1502**, Utah Code Annotated 1953

32 **53-2a-1503**, Utah Code Annotated 1953

33

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

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

36 **53-2a-603. State Disaster Recovery Restricted Account.**

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

39 (b) The disaster recovery account consists of:

40 (i) money deposited into the disaster recovery account in accordance with Section
41 **63J-1-314**;

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

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

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

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

46 (I) the division; or

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

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

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

52 (a) (i) subject to Section **53-2a-606**, in any fiscal year the division may expend or
53 commit to expend an amount that does not exceed \$500,000, in accordance with Section
54 **53-2a-604**, to fund costs to the state of emergency disaster services in response to a declared
55 disaster;

56 (ii) subject to Section **53-2a-606**, in any fiscal year the division may expend or commit
57 to expend an amount that exceeds \$500,000, but does not exceed \$3,000,000, in accordance
58 with Section **53-2a-604**, to fund costs to the state of emergency disaster services in response to

59 a declared disaster if the division:

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

62 (B) subject to Subsection (5), provides written notice of the expenditure or
63 commitment to expend to the speaker of the House of Representatives, the president of the
64 Senate, the Division of Finance, the Executive Offices and Criminal Justice Appropriations
65 Subcommittee, the Legislative Management Committee, and the Office of the Legislative
66 Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend;
67 and

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

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

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

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

77 (iv) in any fiscal year the division may expend or commit to expend an amount that
78 does not exceed [~~\$150,000~~] \$500,000 to fund expenses incurred by the National Guard if:

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

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

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

86 (i) emergency disaster services;

87 (ii) emergency preparedness; or

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

90 paid for from the Wildland Fire Suppression Fund if the county participates in the Wildland
91 Fire Suppression Fund;

92 (c) to fund the Local Government Emergency Response Loan Fund created in Section
93 53-2a-607;

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

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

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

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

102 (iv) the disaster recovery account has a balance of funds available to be utilized while
103 maintaining a minimum balance of [~~\$10,000,000;~~] \$5,000,000; and

104 [~~(e) the division may expend up to \$3,200,000 during fiscal year 2019 to fund~~
105 ~~operational costs incurred by the division during fiscal year 2019; and]~~

106 [~~(f)~~] (e) to fund up to \$500,000 for the governor's emergency appropriations described
107 in Subsection 63J-1-217(4).

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

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

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

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

119 (c) The Legislature may not amend the purposes for which money in the disaster
120 recovery account may be expended or committed to be expended except by the affirmative vote

121 of two-thirds of all the members elected to each house.

122 (6) The division:

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

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

126 Section 2. Section **53-2a-1501** is enacted to read:

126a **§→ Part 15. Emergency Response Team ←§**

127 **53-2a-1501. Definitions.**

128 **§→ As used in this part: ←§** (1) "Emergency response team" means a group of emergency
128a responders placed at the
129 direction, control, and funding of the division, in accordance with an agreement between the
130 division and a sponsoring agency and the provisions of this part, §→ **to assist in urban search and**
130a **rescue,** ←§ in response to or in
131 anticipation of a disaster, emergency, or special security event.

132 (2) "Emergency response team member" means an individual who is:

133 (a) a member of an emergency response team; and

134 (b) acting within the course and scope of the individual's duties for an emergency
135 response team.

136 (3) "Sponsoring agency" means an entity **§→ in the state ←§** that executes a memorandum
of
137 understanding §→ [~~with the United States Department of Homeland Security~~] ←§ to organize a
137a National
138 Urban Search and Rescue Response System task force §→, ←§ as described in 44 C.F.R. Part 208
138a §→ [;] , to assist the Federal Emergency Management Agency during a disaster or emergency.

138b **←§**

139 Section 3. Section **53-2a-1502** is enacted to read:

140 **53-2a-1502. Emergency response team agreement -- Creation.**

141 (1) The division may enter into an agreement with a sponsoring agency to establish
142 terms and conditions that apply to an emergency response team.

143 (2) If the division enters into an agreement described in Subsection (1), the agreement
144 shall allow the division to reimburse the sponsoring agency for costs related to the operation of
145 an emergency response team at rates equivalent to those described in 44 C.F.R. Part 208.

146 Section 4. Section **53-2a-1503** is enacted to read:

147 **53-2a-1503. Purposes for which an emergency response team member is**
148 **considered an employee of the division.**

149 An emergency response team member is considered a division employee only for the
150 following purposes:

151 (1) receiving workers' compensation benefits, which shall be the exclusive remedy for

152 any injuries or occupational diseases, as provided under Title 34A, Chapter 2, Workers'
153 Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act;
154 (2) operating a motor vehicle or equipment if the emergency response team member is
155 properly licensed and authorized to do so; and
156 (3) receiving the protection and indemnification normally afforded a division
157 employee.