

1                   **STATE AND LOCAL EMPLOYEE DISASTER SERVICES**

2                                   2022 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Jefferson S. Burton**

5                           Senate Sponsor: Michael K. McKell

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7 **LONG TITLE**

8 **General Description:**

9           This bill modifies and enacts provisions related to state and local government disaster  
10 response personnel.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms;
- 14           ▶ in a declared emergency, classifies a state, municipal, or county employee as a  
15 disaster response personnel for the state, municipality, or county;
- 16           ▶ requires a state or local disaster response personnel to perform duties as assigned in  
17 the state or local emergency operations plan;
- 18           ▶ provides exceptions for when an employee is classified as a disaster response  
19 personnel; and
- 20           ▶ makes conforming changes.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 AMENDS:

27           **53-2a-104**, as last amended by Laws of Utah 2021, Chapters 106 and 437

28 ENACTS:

29           **53-2a-221**, Utah Code Annotated 1953

30

31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **53-2a-104** is amended to read:33 **53-2a-104. Division duties -- Powers.**34 (1) Subject to limitation by the Legislature as described in Subsection [53-2a-206\(5\)](#), the  
35 division shall:

36 (a) respond to the policies of the governor and the Legislature;

37 (b) perform functions relating to emergency management as directed by the governor  
38 or by the commissioner, including:39 (i) coordinating with state agencies and local governments the use of personnel and  
40 other resources of these governmental entities as agents of the state during an interstate disaster  
41 in accordance with the Emergency Management Assistance Compact described in Section  
42 [53-2a-402](#);43 (ii) coordinating the requesting, activating, and allocating of state resources, including  
44 use of state disaster response personnel in accordance with Section [53-2a-221](#), during an  
45 intrastate disaster or a local state of emergency;46 (iii) receiving and disbursing federal resources provided to the state in a declared  
47 disaster;48 (iv) appointing a state coordinating officer who is the governor's representative and  
49 who shall work with a federal coordinating officer during a federally declared disaster; and50 (v) appointing a state recovery officer who is the governor's representative and who  
51 shall work with a federal recovery officer during a federally declared disaster;52 (c) prepare, implement, and maintain programs and emergency operation plans to  
53 provide for:

54 (i) prevention and minimization of injury and damage caused by disasters;

55 (ii) prompt and effective response to and recovery from disasters;

56 (iii) identification of areas particularly vulnerable to disasters;

57 (iv) coordination of hazard mitigation and other preventive and preparedness measures

58 designed to eliminate or reduce disasters;

59 (v) assistance to local officials, state agencies, and the business and public sectors, in  
60 developing emergency action plans;

61 (vi) coordination of federal, state, and local emergency activities;

62 (vii) coordination of emergency operations plans with emergency plans of the federal  
63 government;

64 (viii) coordination of urban search and rescue activities;

65 (ix) coordination of rapid and efficient communications in times of emergency; and

66 (x) other measures necessary, incidental, or appropriate to this part;

67 (d) coordinate with local officials, state agencies, and the business and public sectors in  
68 developing, implementing, and maintaining a state energy emergency plan in accordance with  
69 Section [53-2a-902](#);

70 (e) coordinate with state agencies regarding development and construction of state  
71 buildings within a flood plain to ensure compliance with minimum standards of the National  
72 Flood Insurance Program, 42 U.S.C. Chapter 50, Subchapter I, as described in Section  
73 [53-2a-106](#);

74 (f) administer Part 6, Disaster Recovery Funding Act, in accordance with that part;

75 (g) conduct outreach annually to agencies and officials who have access to IPAWS;

76 and

77 (h) coordinate with counties to ensure every county has the access and ability to send,  
78 or a plan to send, IPAWS messages, including Wireless Emergency Alerts and Emergency  
79 Alert System messages.

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

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

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

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

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

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

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

96 (a) establish protocol for prevention, mitigation, preparedness, response, recovery, and  
97 the activities described in Subsection (3);

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

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

102 (5) The division may consult with the Legislative Management Committee, the Judicial  
103 Council, and legislative and judicial staff offices to assist the division in preparing emergency  
104 succession plans and procedures under Title 53, Chapter 2a, Part 8, Emergency Interim  
105 Succession Act.

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

109 (a) a status summary of the number of alerting authorities in Utah;

110 (b) any changes in that number;

111 (c) administrative actions taken; and

112 (d) any other information considered necessary by the division.

113 Section 2. Section 53-2a-221 is enacted to read:

114 **53-2a-221. State and local disaster response personnel.**

115 (1) As used in this section:

116 (a) "Local disaster response personnel" means a local government employee who, in  
117 accordance with this section, is reassigned duties in order to respond to a disaster.

118 (b) "Local government" means a municipality or county.

119 (c) "State agency" means any department or unit of Utah state government with  
120 authority to employ personnel.

121 (d) "State disaster response personnel" means an employee of a state agency or local  
122 government who, in accordance with this section, is reassigned duties in order to respond to a  
123 disaster.

124 (2) (a) If the governor declares a state of emergency under Section 53-2a-206, an  
125 employee of a state agency is, subject to Subsection (6), a state disaster response personnel for  
126 the duration of the declared state of emergency.

127 (b) If a chief executive officer of a municipality or county declares a local emergency  
128 under Section 53-2a-208, an employee of the municipality or county, respectively, is, subject to  
129 Subsection (6), a local disaster response personnel for the duration of the declared state of  
130 emergency.

131 (3) (a) During a state emergency, a state disaster response personnel shall perform  
132 duties as assigned in accordance with an emergency operations plan adopted by the division  
133 under Section 53-2a-104.

134 (b) During a local emergency, a local disaster response personnel shall perform duties  
135 as assigned in accordance with an emergency operations plan adopted by a county or  
136 municipality under Section 53-2a-1403.

137 (4) After a declaration of emergency as described in Subsection (2)(a) or (2)(b), the  
138 governor or chief officer may activate state or local disaster response personnel to report to  
139 work immediately.

140 (5) (a) Notwithstanding Subsection (4), a state or local disaster response personnel may  
141 check on the security of the state or local disaster response personnel's immediate family before

142 reporting to work.

143 (b) A plan described in Subsection (3)(a) or (3)(b) shall exempt a state agency or local  
144 government employee from acting as a state or local disaster response personnel, respectively,  
145 if:

146 (i) the employee's immediate family is in imminent danger because of the disaster; or

147 (ii) the employee's health precludes the employee from performing the duties otherwise  
148 assigned to that employee in accordance with the plan.

149 (c) An employee described in Subsection (5)(b)(i) or (5)(b)(ii) is exempt only for the  
150 duration of the time the employee's immediate family is in imminent danger or the underlying  
151 cause of the employee's health concern exists.

152 (6) An employee shall perform his or her assigned state or local disaster response  
153 personnel duties only for the duration of the declared state or local emergency, respectively, or  
154 until the disaster response duties are no longer needed, whichever occurs first.

155 (7) A state or local disaster response personnel may not be assigned to perform duties:

156 (a) that are technical in nature unless the state or local disaster response personnel is  
157 trained to perform those duties; or

158 (b) that the state or local disaster response personnel is physically not capable of  
159 performing.

160 (8) A state or local disaster response personnel may be relocated as necessary to  
161 respond to the disaster but only for the duration of the declared emergency.

162 (9) A state agency or local government:

163 (a) may not decrease a state or local disaster response personnel's pay only because the  
164 state or local disaster response personnel is performing duties as assigned during the  
165 emergency;

166 (b) at the state agency's or local government's discretion, may increase a state or local  
167 disaster response personnel's pay; and

168 (c) shall reimburse a state or local disaster response personnel for incidentals incurred,  
169 including any relocation expenses, while the employee is performing his or her duties as a state

170 or local disaster response personnel.