

Senator Michael K. McKell proposes the following substitute bill:

EMERGENCY RESPONSE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Michael K. McKell

LONG TITLE

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:

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



26 ENACTS:

27 [53-2a-1501](#), Utah Code Annotated 1953

28 [53-2a-1502](#), Utah Code Annotated 1953

29 [53-2a-1503](#), Utah Code Annotated 1953

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

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

33 **53-2a-603. State Disaster Recovery Restricted Account.**

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

36 (b) The disaster recovery account consists of:

37 (i) money deposited into the disaster recovery account in accordance with Section
38 [63J-1-314](#);

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

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

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

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

43 (I) the division; or

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

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

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

49 (a) (i) subject to Section [53-2a-606](#), in any fiscal year the division may expend or
50 commit to expend an amount that does not exceed \$500,000, in accordance with Section
51 [53-2a-604](#), to fund costs to the state of emergency disaster services in response to a declared
52 disaster;

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

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

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

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

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

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

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

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

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

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

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

83 (i) emergency disaster services;

84 (ii) emergency preparedness; or

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

88 Fire Suppression Fund;

89 (c) to fund the Local Government Emergency Response Loan Fund created in Section
90 53-2a-607;

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

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

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

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

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

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

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

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

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

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

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

116 (c) The Legislature may not amend the purposes for which money in the disaster
117 recovery account may be expended or committed to be expended except by the affirmative vote
118 of two-thirds of all the members elected to each house.

- 119 (6) The division:
 - 120 (a) shall provide the notice required by Subsection (2)(a)(ii) using the best available
 - 121 method under the circumstances as determined by the division; and
 - 122 (b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.
- 123 Section 2. Section **53-2a-1501** is enacted to read:

124 **Part 15. Emergency Response Team**

125 **53-2a-1501. Definitions.**

126 As used in this part:

127 (1) "Emergency responder" includes a:

- 128 (a) firefighter;
- 129 (b) structural engineer;
- 130 (c) physician;
- 131 (d) paramedic; or
- 132 (e) technical rescue specialist.

133 (2) "Emergency response team" means a group of emergency responders placed at the
134 direction, control, and funding of the Division of Emergency Management, in accordance with
135 an agreement between the Division of Emergency Management and a sponsoring agency and
136 the provisions of this part, to assist in urban search and rescue:

- 137 (a) in response to a disaster, emergency, or important event; or
- 138 (b) in anticipation of a forecasted severe weather event, a flood, or a planned important
139 event.

140 (3) "Emergency response team member" means an individual who is:

- 141 (a) an emergency responder;
- 142 (b) a member of an emergency response team; and
- 143 (c) acting within the scope of the individual's duties for an emergency response team.

144 (4) "Important event" includes an event attended by one or more officials of the United
145 States or one or more foreign dignitaries and where a large crowd has or is anticipated to
146 gather.

147 (5) "Sponsoring agency" means an entity in the state that executes a written agreement
148 to organize a National Urban Search and Rescue Response System task force as described in 44
149 C.F.R. Part 208 to assist the Federal Emergency Management Agency during a disaster or

150 emergency.

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

152 **53-2a-1502. Emergency response team agreement -- Creation.**

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

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

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

159 **53-2a-1503. Purposes for which an emergency response team member is**
160 **considered an employee of the division.**

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

163 (1) receiving workers' compensation benefits, which shall be the exclusive remedy for
164 any injuries or occupational diseases, as provided under Title 34A, Chapter 2, Workers'
165 Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act;

166 (2) operating a motor vehicle or equipment if the emergency response team member is
167 properly licensed and authorized to do so; and

168 (3) receiving the protection and indemnification normally afforded a division
169 employee.