

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

6

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



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; and

50 (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.