

Representative Jefferson S. Burton proposes the following substitute bill:

DISASTER AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

House Sponsor: Jefferson S. Burton

LONG TITLE

General Description:

This bill concerns funding for a disaster.

Highlighted Provisions:

This bill:

- ▶ creates and modifies definitions;
- ▶ modifies provisions related to the State Disaster Recovery Restricted Account

including to:

- allow for certain emergency management expenses under certain conditions;

and

- provide funding for the Response, Recovery, and Post-disaster Mitigation

Restricted Account;

▶ renames the Post Disaster and Mitigation Restricted Account as Response, Recovery, and Post-disaster Mitigation Restricted Account;

▶ modifies the procedures and requirements for funds in the Response, Recovery, and Post-disaster Mitigation Restricted Account;

▶ modifies standards and requirements for receiving a grant from funds originating from the Response, Recovery, and Post-disaster Mitigation Restricted Account;

- ▶ grants rulemaking authority to the Division of Emergency Management; and



26 ▶ makes technical and conforming changes.

27 **Money Appropriated in this Bill:**

28 This bill appropriates in fiscal year 2023:

- 29 ▶ to Response, Recovery, and Post-disaster Mitigation Restricted Account:
 - 30 • from State Disaster Recovery Restricted Account, One-time, \$10,000,000.
- 31 ▶ to Department of Public Safety - Emergency Management:
 - 32 • from Response, Recovery, and Post-disaster Mitigation Restricted Account,
 - 33 One-time, \$10,000,000.

34 This bill appropriates in fiscal year 2024:

- 35 ▶ to Department of Public Safety - Emergency Management:
 - 36 • from State Disaster Recovery Restricted Account, \$750,000.

37 **Other Special Clauses:**

38 This bill provides a special effective date.

39 **Utah Code Sections Affected:**

40 AMENDS:

- 41 **53-2a-603**, as last amended by Laws of Utah 2022, Chapters 111, 373
- 42 **53-2a-606**, as last amended by Laws of Utah 2013, Chapter 117 and renumbered and
- 43 amended by Laws of Utah 2013, Chapter 295
- 44 **53-2a-1301**, as enacted by Laws of Utah 2019, Chapter 306
- 45 **53-2a-1302**, as enacted by Laws of Utah 2019, Chapter 306
- 46 **53-2a-1303**, as enacted by Laws of Utah 2019, Chapter 306
- 47 **53-2a-1305**, as enacted by Laws of Utah 2019, Chapter 306
- 48 **63J-1-314**, as last amended by Laws of Utah 2017, Chapter 210
- 49 **63J-1-602.1**, as last amended by Laws of Utah 2022, Chapters 48, 191, 255, 335, 415,
- 50 and 451

51 REPEALS AND REENACTS:

- 52 **53-2a-1304**, as enacted by Laws of Utah 2019, Chapter 306



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

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

56 **53-2a-603. State Disaster Recovery Restricted Account.**

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

59 (b) The disaster recovery account consists of:

60 (i) money deposited into the disaster recovery account in accordance with Section

61 [63J-1-314](#);

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

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

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

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

66 (I) the division; or

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

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

70 (2) [~~Subject to being appropriated by the Legislature, money~~] Money in the disaster
71 recovery account may only be expended or committed to be expended as follows:

72 (a) (i) subject to Section [53-2a-606](#), in any fiscal year the division may expend or
73 commit to expend an amount that does not exceed \$500,000, in accordance with Section
74 [53-2a-604](#), to fund costs to the state of emergency disaster services in response to a declared
75 disaster;

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

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

82 (B) subject to Subsection (5), provides written notice of the expenditure or
83 commitment to expend to the speaker of the House of Representatives, the president of the
84 Senate, the Division of Finance, the Executive Offices and Criminal Justice Appropriations
85 Subcommittee, the Legislative Management Committee, and the Office of the Legislative
86 Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend;
87 and

88 (C) makes the report required by Subsection 53-2a-606(2);
89 (iii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit
90 to expend an amount that exceeds \$3,000,000, but does not exceed \$5,000,000, in accordance
91 with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to
92 a declared disaster if, before making the expenditure or commitment to expend, the division:
93 (A) obtains approval for the expenditure or commitment to expend from the governor;
94 and
95 (B) submits the expenditure or commitment to expend to the Executive Appropriations
96 Committee in accordance with Subsection 53-2a-606(3); [and]
97 (iv) in any fiscal year the division may expend or commit to expend an amount that
98 does not exceed \$500,000 to fund expenses incurred by the National Guard if:
99 (A) in accordance with Section 39A-3-103, the governor orders into active service the
100 National Guard in response to a declared disaster; and
101 (B) the money is not used for expenses that qualify for payment as emergency disaster
102 services; and
103 (v) in any fiscal year, the division may expend an amount that does not exceed
104 \$750,000 to fund expenses incurred to develop or enhance emergency management capabilities
105 if:
106 (A) the money is used for personnel, equipment, supplies, contracts, training, exercises,
107 or other expenses deemed reasonable and necessary to:
108 (I) promote and strengthen the state's level of resiliency through mitigation,
109 preparedness, response, or recovery activities; or
110 (II) meet federal grant matching requirements; and
111 (B) the disaster recovery account has a balance of funds available to be utilized while
112 maintaining a minimum balance of \$5,000,000;
113 (b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or
114 committed to be expended to fund costs to the state directly related to a declared disaster that
115 are not costs related to:
116 (i) emergency disaster services;
117 (ii) emergency preparedness; or
118 (iii) notwithstanding whether a county participates in the Wildland Fire Suppression

119 Fund created in Section [65A-8-204](#), any fire suppression or presuppression costs that may be
120 paid for from the Wildland Fire Suppression Fund if the county participates in the Wildland
121 Fire Suppression Fund;

122 (c) to fund;

123 (i) the Local Government Emergency Response Loan Fund created in Section
124 [53-2a-607](#); and

125 (ii) the Response, Recovery, and Post-disaster Mitigation Restricted Account created in
126 Section [53-2a-1302](#);

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

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

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

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

135 (iv) the disaster recovery account has a balance of funds available to be utilized while
136 maintaining a minimum balance of \$5,000,000; and

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

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

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

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

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

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

153 (6) The division:

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

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

157 Section 2. Section **53-2a-606** is amended to read:

158 **53-2a-606. Reporting.**

159 (1) By no later than December 31 of each year, the division shall provide a written
160 report to the governor and the Executive Offices and Criminal Justice Appropriations
161 Subcommittee of:

162 (a) the division's activities under this part;

163 (b) money expended or committed to be expended in accordance with this part;

164 (c) the balances in the disaster recovery fund; and

165 (d) any unexpended balance of appropriations from the disaster recovery fund.

166 (2) (a) The governor and the Department of Public Safety shall report to the Legislative
167 Management Committee an expenditure or commitment to expend made in accordance with
168 Subsection [53-2a-603\(2\)\(a\)\(ii\)](#) or [53-2a-1302\(5\)\(b\)\(ii\)](#).

169 (b) The governor and the Department of Public Safety shall make the report required
170 by this Subsection (2) on or before the sooner of:

171 (i) the day on which the governor calls the Legislature into session; or

172 (ii) 15 days after the division makes the expenditure or commitment to expend
173 described in Subsection [53-2a-603\(2\)\(a\)\(ii\)](#) or [53-2a-1302\(5\)\(b\)\(ii\)](#).

174 (3) (a) Subject to Subsection (3)(b), before the division makes an expenditure or
175 commitment to expend described in Subsection [53-2a-603\(2\)\(a\)\(iii\)](#) or [53-5a-1302\(5\)\(b\)\(iii\)](#),
176 the governor and the Department of Public Safety shall submit the expenditure or commitment
177 to expend to the Executive Appropriations Committee for its review and recommendations.

178 (b) The Executive Appropriations Committee shall review the expenditure or
179 commitment to expend and may:

180 (i) recommend that the division make the expenditure or commitment to expend;

181 (ii) recommend that the division not make the expenditure or commitment to expend;

182 or

183 (iii) recommend to the governor that the governor call a special session of the
184 Legislature to review and approve or reject the expenditure or commitment to expend.

185 Section 3. Section **53-2a-1301** is amended to read:

186 **Part 13. Response, Recovery, and Post-disaster Mitigation Restricted Account**

187 **53-2a-1301. Definitions.**

188 As used in the part:

189 (1) "Account" means the ~~[Post Disaster Recovery and]~~ Response, Recovery, and
190 Post-disaster Mitigation Restricted Account created in Section [53-2a-1302](#).

191 (2) "Affected community" means a community directly affected by an ongoing or
192 recent disaster.

193 (3) "Affected community member" means a resident, property owner, business,
194 nonprofit, or other individual or entity that is:

195 (a) located within an affected community; and

196 (b) suffered damage due to the ongoing or recent disaster in the affected community.

197 ~~[(3) "Chief executive officer" means the same as that term is defined in Section~~
198 ~~[53-2a-203](#).]~~

199 (4) "Community" means a county, municipality, local district, or special service
200 district.

201 ~~[(5) "Costs not recoverable" include:]~~

202 ~~[(a) the county threshold; and]~~

203 ~~[(b) costs covered by insurance or federal government grants, including funding~~
204 ~~provided to the state by FEMA's Public Assistance grant program described in 44 C.F.R.~~
205 ~~Chapter 1, Subchapter D, Part 206.]~~

206 ~~[(6) "County threshold" means, for each county, the countywide per capita indicator~~
207 ~~established by FEMA for the state, multiplied by the population of the county as determined by~~
208 ~~the division.]~~

209 ~~[(7)]~~ (5) "Disaster response and recovery" means:

210 (a) action taken to respond to and recover from a disaster, including action taken to
211 remove debris, implement life-saving emergency protective measures, or repair, replace, or

212 restore facilities in response to a disaster; and[-]

213 (b) post-disaster hazard mitigation directly related to the recovery from the disaster
214 described in Subsection (5)(a).

215 [~~(8)~~] (6) "Disaster response and recovery grant" means money granted to an affected
216 community for disaster response and recovery [~~that amounts to not more than 75% of the~~
217 ~~difference between the cost of disaster recovery, as determined by the division after reviewing~~
218 ~~the official damage assessment, and costs not recoverable].~~

219 [~~(9)~~] "FEMA" means the Federal Emergency Management Agency.]

220 (7) "Minimum threshold payment amount" means the amount of costs that an affected
221 community or an affected community member shall pay before the affected community or
222 affected community member is eligible to receive money from a disaster response and recovery
223 grant.

224 [~~(10)~~] (8) "Post-disaster hazard mitigation" means action taken, after a natural disaster,
225 to reduce or eliminate risk to people or property that may occur as a result of the long-term
226 effects of the natural disaster or a subsequent natural disaster, including action to prevent
227 damage caused by flooding, earthquake, dam failure, wildfire, landslide, severe weather,
228 drought, and problem soil.

229 [~~(11)~~] "~~Post hazard mitigation grant~~" means money granted to a community for post
230 ~~hazard mitigation that amounts to not more than 75% of the costs deemed necessary by the~~
231 ~~division to complete the post hazard mitigation.]~~

232 [~~(12)~~] (9) "Official damage assessment" means a financial assessment of the damage to
233 an affected community, caused by a disaster, that is conducted under the direction of the
234 governing body of the affected community, in accordance with the rules described in Section
235 [53-2a-1305](#).

236 Section 4. Section **53-2a-1302** is amended to read:

237 **53-2a-1302. Response, Recovery, and Post-disaster Mitigation Restricted**
238 **Account.**

239 (1) There is created a restricted account in the General Fund known as the [~~"Post~~
240 ~~Disaster Recovery and~~] "Response, Recovery, and Post-disaster Mitigation Restricted
241 Account."

242 (2) The account consists of:

243 (a) money appropriated to the account by the Legislature;
 244 (b) money deposited into the account in accordance with Section [63J-1-314](#);
 245 ~~[(b)]~~ (c) income and interest derived from the deposit and investment of money in the
 246 account; and

247 ~~[(c)]~~ (d) private donations, grants, gifts, bequests, or money made available from any
 248 other source to implement this section.

249 (3) (a) At the close of a fiscal year, money in the account exceeding [~~\$10,000,000~~]
 250 \$50,000,000, excluding money granted to the account under [~~Subsection (2)(c)]~~ Subsection
 251 (2)(d), shall be transferred to the [~~General Fund~~] State Disaster Recovery Restricted Account.

252 (b) Except as provided by Subsection (3)(a), money in the Response, Recovery, and
 253 Post-disaster Mitigation Restricted Account may only be used for the purposes set forth in this
 254 part.

255 (4) Subject to the requirements described in this part, and upon appropriation by the
 256 Legislature, the division may grant money appropriated from the account[~~;~~]

257 ~~[(a)]~~ to an affected community for the affected community's disaster response and
 258 recovery efforts as described in Section [53-2a-1303](#)[~~;~~or].

259 ~~[(b) to a community for post hazard mitigation as described in Section [53-2a-1304](#).]~~

260 (5) (a) Money in the account may only be expended or committed to be expended as
 261 provided in Subsections (5)(b) and (5)(c).

262 (b) Subject to Section [53-2a-606](#), in any fiscal year the division may expend or commit
 263 to expend for disaster response and recovery efforts as described in Section [53-2a-1303](#):

264 (i) an amount that does not exceed \$500,000 in response to a disaster described in
 265 Subsection [53-2a-1303](#)(2)(b);

266 (ii) an amount that exceeds \$500,000 but does not exceed \$3,000,000 for a disaster
 267 described in Subsection [53-2a-1303](#)(2)(b) if the division:

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

270 (B) provides written notice of the expenditure or commitment to expend to the speaker
 271 of the House of Representatives, the president of the Senate, the Division of Finance, the
 272 Executive Offices and Criminal Justice Appropriations Subcommittee, the Legislative
 273 Management Committee, and the Office of the Legislative Fiscal Analyst no later than 72

274 hours after making the expenditure or commitment to expend; and

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

276 (iii) an amount that exceeds \$3,000,000 but does not exceed \$5,000,000, if, before
277 making the expenditure or commitment to expend, the division:

278 (A) obtains approval for the expenditure or commitment from the governor; and

279 (B) submits the expenditure or commitment to expend to the Executive Appropriations
280 Committee in accordance with Subsection 53-2a-606(3).

281 (c) Money paid by the division under this part to government entities and private
282 persons providing emergency disaster services are subject to Title 63G, Chapter 6a, Utah
283 Procurement Code.

284 Section 5. Section 53-2a-1303 is amended to read:

285 **53-2a-1303. Disaster Response and Recovery Grant.**

286 (1) The division may grant money under Subsection [~~53-2a-1302(4)(a)~~] 53-2a-1302(4)
287 appropriated from the account after receiving an application from an affected community for a
288 disaster response and recovery grant.

289 (2) An affected community is eligible to receive a disaster response and recovery grant
290 appropriated from the account if:

291 (a) the affected community submits an application described in Subsection (1) that
292 includes the information required by the rules described in Section 53-2a-1305;

293 (b) the occurrence of a disaster in the affected community results in:

294 (i) the president of the United States declaring an emergency or major disaster in the
295 state; [or]

296 (ii) the governor declaring a state of emergency under Section 53-2a-206; or

297 (iii) the local municipality or county declaring an emergency under Section 53-2a-208;

298 (c) the governing body of the affected community conducts an official damage
299 assessment of the disaster;

300 (d) [~~the cost of disaster recovery, as determined by~~] the division, after reviewing the
301 application described in Subsection (2)(a), the official damage assessment[~~, exceeds the county~~
302 threshold for the county in which the affected community is located; and] described in
303 Subsection (2)(c), and other information relevant to the division's determination, determines
304 that a grant to the affected community would be an appropriate and necessary use of account

305 funds;

306 (e) the division [~~maintains~~] determines there is sufficient money for the grant[-]; and

307 (f) the affected community agrees to grant funding requirements as determined by the

308 division, including the affected community's minimum threshold payment amount and

309 cost-sharing requirements.

310 Section 6. Section **53-2a-1304** is repealed and reenacted to read:

311 **53-2a-1304. Allowed uses for disaster response and recovery grant funds.**

312 (1) An affected community may use or distribute grant funds provided under Section

313 53-2a-1303 in accordance with funding guidelines provided by the division, which may include

314 providing funds for disaster response and recovery to:

315 (a) an affected community member;

316 (b) a publicly owned facility in the affected community; or

317 (c) publicly owned infrastructure in the affected community.

318 (2) The director may expend money from the account to pay necessary costs of

319 evaluating and administering grants under this part.

320 (3) In accordance with Section 53-2a-1305, the division shall establish standards and

321 procedures for the distribution of grant funds under this section, including standards and

322 procedures for determining:

323 (a) when an individual or entity described in Subsection (1) (a), (b), or (c) may receive

324 grant funds;

325 (b) which costs are eligible for grant funds, including administration costs; and

326 (c) minimum threshold payment amounts and cost-sharing requirements.

327 Section 7. Section **53-2a-1305** is amended to read:

328 **53-2a-1305. Rulemaking authority and division responsibilities.**

329 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

330 division may make rules to:

331 (a) designate the requirements and procedures[?]

332 [(+)] for the governing body of an affected community to:

333 [(A)] (i) apply for a disaster response and recovery grant; and

334 [(B)] (ii) conduct an official damage assessment; [~~and~~]

335 [(ii) for the governing body of a community to apply for a post hazard mitigation grant;

336 and]

337 (b) establish standards to determine:

338 (i) the categories of and criteria for entities and costs that are eligible for grant funds;

339 and

340 (ii) minimum threshold payment amounts and cost-sharing requirements; and

341 ~~[(b)]~~ (c) establish standards and procedures to ensure that ~~[projects completed]~~ funds

342 distributed in accordance with this ~~[section are completed]~~ part are distributed in a cost

343 effective and equitable manner, are reasonably necessary for disaster response and recovery [or

344 post hazard mitigation], are an appropriate and necessary use of public funds, and that all

345 receipts and invoices are documented.

346 (2) No later than December 31 of each year, the division shall provide the governor and

347 the Criminal Justice Appropriations Subcommittee a written report of the division's activities

348 under this part, including:

349 (a) an accounting of the money expended or committed to be expended under this part;

350 and

351 (b) the balance of the account.

352 Section 8. Section **63J-1-314** is amended to read:

353 **63J-1-314. Deposits related to the Wildland Fire Suppression Fund and the**

354 **Disaster Recovery Funding Act.**

355 (1) As used in this section, "operating deficit" means that, at the end of the fiscal year,

356 the unassigned fund balance in the General Fund is less than zero.

357 (2) Except as provided under Subsections (3) and (4), at the end of each fiscal year, the

358 Division of Finance shall, after the transfer of General Fund revenue surplus has been made to

359 the Medicaid Growth Reduction and Budget Stabilization Account, as provided in Section

360 [63J-1-315](#), and the General Fund Budget Reserve Account, as provided in Section [63J-1-312](#),

361 transfer:

362 (a) to the Wildland Fire Suppression Fund created in Section [65A-8-204](#) an amount

363 equal to the lesser of:

364 (i) \$4,000,000; or

365 (ii) an amount necessary to make the balance in the Wildland Fire Suppression Fund

366 equal to \$12,000,000; and

367 (b) an amount into the State Disaster Recovery Restricted Account, created in Section
368 53-2a-603, from the General Fund revenue surplus as defined in Section 63J-1-312, calculated
369 by:

370 (i) determining the amount of General Fund revenue surplus after the transfer to the
371 Medicaid Growth Reduction and Budget Stabilization Account under Section 63J-1-315, the
372 General Fund Budget Reserve Account under Section 63J-1-312, and the transfer to the
373 Wildland Fire Suppression Fund as described in Subsection (2)(a);

374 (ii) calculating an amount equal to the lesser of:

375 (A) 25% of the amount determined under Subsection (2)(b)(i); or

376 (B) 6% of the total of the General Fund appropriation amount for the fiscal year in
377 which the surplus occurs; and

378 (iii) adding to the amount calculated under Subsection (2)(b)(ii) an amount equal to the
379 lesser of:

380 (A) 25% more of the amount described in Subsection (2)(b)(i); or

381 (B) the amount necessary to replace, in accordance with this Subsection (2)(b)(iii), any
382 amount appropriated from the State Disaster Recovery Restricted Account within 10 fiscal
383 years before the fiscal year in which the surplus occurs if:

384 (I) a surplus exists; and

385 (II) the Legislature appropriates money from the State Disaster Recovery Restricted
386 Account that is not replaced by appropriation or as provided in this Subsection (2)(b)(iii).

387 (3) (a) Notwithstanding Subsection (2), if, at the end of a fiscal year, the Division of
388 Finance determines that an operating deficit exists, the division shall reduce the transfer to the
389 State Disaster Recovery Restricted Account by an amount necessary to eliminate the operating
390 deficit, up to the full amount of the transfer.

391 (b) If, after reducing the transfer to the State Disaster Recovery Account to zero under
392 Subsection (3)(a), the Division of Finance determines that an operating deficit still exists, the
393 division shall reduce the transfer to the Wildland Fire Suppression Fund by an amount
394 necessary to eliminate the operating deficit, up to the full amount of the transfer.

395 (4) Notwithstanding Subsection (2):

396 (a) for the period beginning July 1, 2015, and ending June 30, 2020, the Division of
397 Finance shall transfer to the Local Government Emergency Response Loan Fund 25% of the

398 amount to be transferred into the State Disaster Recovery Restricted Account as provided in
399 Subsection (2)(b)(ii); [~~and~~]

400 (b) on and after July 1, 2020, the Division of Finance shall transfer to the Local
401 Government Emergency Response Loan Fund 10% of the amount to be transferred into the
402 State Disaster Recovery Restricted Account as provided in Subsection (2)(b); and

403 (c) on and after July 1, 2023, the Division of Finance shall transfer to the Response,
404 Recovery, and Post-disaster Mitigation Restricted Account 25% of the amount to be transferred
405 into the State Disaster Recovery Restricted Account as provided in Subsection (2)(b).

406 Section 9. Section **63J-1-602.1** is amended to read:

407 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

408 Appropriations made from the following accounts or funds are nonlapsing:

409 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
410 and Leadership Restricted Account created in Section [4-42-102](#).

411 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

412 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
413 Section [9-18-102](#).

414 (4) The National Professional Men's Soccer Team Support of Building Communities
415 Restricted Account created in Section [9-19-102](#).

416 (5) Funds collected for directing and administering the C-PACE district created in
417 Section [11-42a-106](#).

418 (6) Money received by the Utah Inland Port Authority, as provided in Section
419 [11-58-105](#).

420 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).

421 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).

422 (9) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in
423 Section [19-2a-106](#).

424 (10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
425 Section [19-5-126](#).

426 (11) The "Support for State-Owned Shooting Ranges Restricted Account" created in
427 Section [23-14-13.5](#).

428 (12) Award money under the State Asset Forfeiture Grant Program, as provided under

429 Section 24-4-117.

430 (13) Funds collected from the program fund for local health department expenses
431 incurred in responding to a local health emergency under Section 26-1-38.

432 (14) The Children with Cancer Support Restricted Account created in Section
433 26-21a-304.

434 (15) State funds for matching federal funds in the Children's Health Insurance Program
435 as provided in Section 26-40-108.

436 (16) The Children with Heart Disease Support Restricted Account created in Section
437 26-58-102.

438 (17) The Technology Development Restricted Account created in Section 31A-3-104.

439 (18) The Criminal Background Check Restricted Account created in Section
440 31A-3-105.

441 (19) The Captive Insurance Restricted Account created in Section 31A-3-304, except
442 to the extent that Section 31A-3-304 makes the money received under that section free revenue.

443 (20) The Title Licensee Enforcement Restricted Account created in Section
444 31A-23a-415.

445 (21) The Health Insurance Actuarial Review Restricted Account created in Section
446 31A-30-115.

447 (22) The Insurance Fraud Investigation Restricted Account created in Section
448 31A-31-108.

449 (23) The Underage Drinking Prevention Media and Education Campaign Restricted
450 Account created in Section 32B-2-306.

451 (24) The Drinking While Pregnant Prevention Media and Education Campaign
452 Restricted Account created in Section 32B-2-308.

453 (25) The School Readiness Restricted Account created in Section 35A-15-203.

454 (26) Money received by the Utah State Office of Rehabilitation for the sale of certain
455 products or services, as provided in Section 35A-13-202.

456 (27) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.

457 (28) The Oil and Gas Conservation Account created in Section 40-6-14.5.

458 (29) The Division of Oil, Gas, and Mining Restricted account created in Section
459 40-6-23.

460 (30) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to
461 the Motor Vehicle Division.

462 (31) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
463 created by Section 41-3-110 to the State Tax Commission.

464 (32) The Utah Law Enforcement Memorial Support Restricted Account created in
465 Section 53-1-120.

466 (33) The State Disaster Recovery Restricted Account to the Division of Emergency
467 Management, as provided in Section 53-2a-603.

468 (34) The [~~Post Disaster Recovery and~~] Response, Recovery, and Post-disaster
469 Mitigation Restricted Account created in Section 53-2a-1302.

470 (35) The Department of Public Safety Restricted Account to the Department of Public
471 Safety, as provided in Section 53-3-106.

472 (36) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
473 53-8-303.

474 (37) The DNA Specimen Restricted Account created in Section 53-10-407.

475 (38) The Canine Body Armor Restricted Account created in Section 53-16-201.

476 (39) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

477 (40) The Higher Education Capital Projects Fund created in Section 53B-22-202.

478 (41) A certain portion of money collected for administrative costs under the School
479 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

480 (42) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
481 subject to Subsection 54-5-1.5(4)(d).

482 (43) Funds collected from a surcharge fee to provide certain licensees with access to an
483 electronic reference library, as provided in Section 58-3a-105.

484 (44) Certain fines collected by the Division of Professional Licensing for violation of
485 unlawful or unprofessional conduct that are used for education and enforcement purposes, as
486 provided in Section 58-17b-505.

487 (45) Funds collected from a surcharge fee to provide certain licensees with access to an
488 electronic reference library, as provided in Section 58-22-104.

489 (46) Funds collected from a surcharge fee to provide certain licensees with access to an
490 electronic reference library, as provided in Section 58-55-106.

491 (47) Funds collected from a surcharge fee to provide certain licensees with access to an
492 electronic reference library, as provided in Section 58-56-3.5.

493 (48) Certain fines collected by the Division of Professional Licensing for use in
494 education and enforcement of the Security Personnel Licensing Act, as provided in Section
495 58-63-103.

496 (49) The Relative Value Study Restricted Account created in Section 59-9-105.

497 (50) The Cigarette Tax Restricted Account created in Section 59-14-204.

498 (51) Funds paid to the Division of Real Estate for the cost of a criminal background
499 check for a mortgage loan license, as provided in Section 61-2c-202.

500 (52) Funds paid to the Division of Real Estate for the cost of a criminal background
501 check for principal broker, associate broker, and sales agent licenses, as provided in Section
502 61-2f-204.

503 (53) Certain funds donated to the Department of Health and Human Services, as
504 provided in Section 26B-1-202.

505 (54) The National Professional Men's Basketball Team Support of Women and
506 Children Issues Restricted Account created in Section 26B-1-302.

507 (55) Certain funds donated to the Division of Child and Family Services, as provided
508 in Section 80-2-404.

509 (56) The Choose Life Adoption Support Restricted Account created in Section
510 80-2-502.

511 (57) Funds collected by the Office of Administrative Rules for publishing, as provided
512 in Section 63G-3-402.

513 (58) The Immigration Act Restricted Account created in Section 63G-12-103.

514 (59) Money received by the military installation development authority, as provided in
515 Section 63H-1-504.

516 (60) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

517 (61) The Unified Statewide 911 Emergency Service Account created in Section
518 63H-7a-304.

519 (62) The Utah Statewide Radio System Restricted Account created in Section
520 63H-7a-403.

521 (63) The Utah Capital Investment Restricted Account created in Section 63N-6-204.

- 522 (64) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 523 (65) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
524 as provided under Section [63N-10-301](#).
- 525 (66) Funds collected by the housing of state probationary inmates or state parole
526 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 527 (67) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
528 and State Lands, as provided in Section [65A-8-103](#).
- 529 (68) The Amusement Ride Safety Restricted Account, as provided in Section
530 [72-16-204](#).
- 531 (69) Certain funds received by the Office of the State Engineer for well drilling fines or
532 bonds, as provided in Section [73-3-25](#).
- 533 (70) The Water Resources Conservation and Development Fund, as provided in
534 Section [73-23-2](#).
- 535 (71) Funds donated or paid to a juvenile court by private sources, as provided in
536 Subsection [78A-6-203\(1\)\(c\)](#).
- 537 (72) Fees for certificate of admission created under Section [78A-9-102](#).
- 538 (73) Funds collected for adoption document access as provided in Sections [78B-6-141](#),
539 [78B-6-144](#), and [78B-6-144.5](#).
- 540 (74) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
541 Utah Indigent Defense Commission.
- 542 (75) The Utah Geological Survey Oil, Gas, and Mining Restricted Account created in
543 Section [79-3-403](#).
- 544 (76) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
545 Park, and Green River State Park, as provided under Section [79-4-403](#).
- 546 (77) Funds donated as described in Section [41-1a-422](#) for the State Park Fees
547 Restricted Account created in Section [79-4-402](#) for support of the Division of State Parks' dark
548 sky initiative.
- 549 (78) Certain funds received by the Division of State Parks from the sale or disposal of
550 buffalo, as provided under Section [79-4-1001](#).
- 551 **Section 10. Appropriation.**
- 552 The following sums of money are appropriated for the fiscal year beginning July 1,

553 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
 554 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 555 Act, the Legislature appropriates the following sums of money from the funds or accounts
 556 indicated for the use and support of the government of the state of Utah.

557 ITEM 1

558 To Response, Recovery, and Post-disaster Mitigation Restricted Account
 559 From State Disaster Recovery Restricted Account, One-time 10,000,000

560 Schedule of Programs:

561 Response, Recovery, and Post-disaster Mitigation
 562 Restricted Account 10,000,000

563 ITEM 2

564 To Department of Public Safety - Emergency Management
 565 From Response, Recovery, and Post-disaster Mitigation
 566 Restricted Account, One-time 10,000,000

567 Schedule of Programs:

568 Emergency Management 10,000,000

569 The following sums of money are appropriated for the fiscal year beginning July 1,
 570 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
 571 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 572 Act, the Legislature appropriates the following sums of money from the funds or accounts
 573 indicated for the use and support of the government of the state of Utah.

574 ITEM 3

575 To Department of Public Safety - Emergency Management
 576 From State Disaster Recovery Restricted Account 750,000

577 Schedule of Programs:

578 Emergency Management 750,000

579 **Section 11. Effective date and two-thirds majority required to pass.**

580 (1) If approved by two-thirds of all the members elected to each house, this bill takes
 581 effect on May 3, 2023.

582 (2) In accordance with Subsection 53-2a-603(5)(c), if this bill is not approved by
 583 two-thirds of all the members elected to each house, this bill will not go into effect.