

1 **EMERGENCY SERVICES ACCOUNT LOAN AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis Oda**

5 Senate Sponsor: Todd Weiler

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Emergency Management Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines "agent of the state" for emergency response purposes;
- 13 ▶ authorizes the Division of Emergency Management to provide short-term loans to
- 14 agents of the state for the purpose of providing emergency services to a member
- 15 state of the Emergency Management Assistance Compact when:
- 16 • the member state has a declared disaster;
- 17 • the member state has requested support from the agent of the state; and
- 18 • the agent of the state has no funds available to respond to the request from a
- 19 member state;
- 20 ▶ provides that agents of the state will reimburse the State Disaster Recovery
- 21 Restricted Account when reimbursed by the member state for emergency services
- 22 provided; and
- 23 ▶ clarifies that the applicant or sub-applicant agency is responsible for any financial
- 24 match requirements when requesting a federal disaster declaration.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53-2a-602**, as last amended by Laws of Utah 2013, Chapter 117 and renumbered and
32 amended by Laws of Utah 2013, Chapter 295

33 **53-2a-603**, as last amended by Laws of Utah 2013, Chapter 117 and renumbered and
34 amended by Laws of Utah 2013, Chapter 295

35 **53-2a-604**, as last amended by Laws of Utah 2013, Chapter 117 and renumbered and
36 amended by Laws of Utah 2013, Chapter 295 and last amended by Coordination
37 Clause, Laws of Utah 2013, Chapter 117



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

40 Section 1. Section **53-2a-602** is amended to read:

41 **53-2a-602. Definitions.**

42 (1) Unless otherwise defined in this section, the terms [~~defined in Part 1, Emergency~~
43 ~~Management Act, shall have the same meaning for this part~~] that are used in this part mean the
44 same as those terms are defined in Part 1, Emergency Management Act.

45 (2) As used in this part:

46 (a) "Agent of the state" means any representative of a state agency, local agency, or
47 non-profit entity that agrees to provide support to a requesting intrastate or interstate
48 government entity that has declared an emergency or disaster and has requested assistance
49 through the division.

50 [(a)] (b) "Declared disaster" means one or more events:

51 (i) within the state;

52 (ii) that occur within a limited period of time;

53 (iii) that involve:

54 (A) a significant number of persons being at risk of bodily harm, sickness, or death; or

55 (B) a significant portion of real property at risk of loss;

56 (iv) that are sudden in nature and generally occur less frequently than every three years;

57 and

- 58 (v) that results in:
- 59 (A) the president of the United States declaring an emergency or major disaster in the
- 60 state;
- 61 (B) the governor declaring a state of emergency under Title 53, Chapter 2a, Part 2,
- 62 Disaster Response and Recovery Act; or
- 63 (C) the chief executive officer of a local government declaring a local emergency under
- 64 Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

65 ~~[(b)]~~ (c) "Disaster recovery ~~[fund]~~ account" means the State Disaster Recovery

66 Restricted Account created in Section [53-2a-603](#).

67 (d) (i) "Emergency disaster services" means ~~[the following]~~:

- 68 (A) evacuation;
- 69 (B) shelter;
- 70 (C) medical triage;
- 71 (D) emergency transportation;
- 72 (E) repair of infrastructure;
- 73 (F) safety services, including fencing or roadblocks;
- 74 (G) sandbagging;
- 75 (H) debris removal;
- 76 (I) temporary bridges;
- 77 (J) procurement and distribution of food, water, or ice;
- 78 (K) procurement and deployment of generators;
- 79 (L) rescue or recovery;
- 80 (M) emergency protective measures; or
- 81 (N) services similar to those described in Subsections (2)(d)(i)(A) through (M), as
- 82 defined by the division by rule, that are generally required in response to a declared disaster.

83 (ii) "Emergency disaster services" does not include:

- 84 (A) emergency preparedness; or
- 85 (B) notwithstanding whether or not a county participates in the Wildland Fire

86 Suppression Fund created in Section 65A-8-204, any fire suppression or presuppression costs
87 that may be paid for from the Wildland Fire Suppression Fund if the county participates in the
88 Wildland Fire Suppression Fund.

89 ~~[(e)]~~ (e) "Emergency preparedness" means the following done for the purpose of being
90 prepared for an emergency as defined by the division by rule made in accordance with Title
91 63G, Chapter 3, Utah Administrative Rulemaking Act:

- 92 (i) the purchase of equipment;
- 93 (ii) the training of personnel; or
- 94 (iii) the obtaining of a certification.

95 ~~[(e)]~~ (f) "Governing body" means:

- 96 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 97 (ii) for a local district, the board of trustees of the local district; and
- 98 (iii) for a special service district:

99 (A) the legislative body of the county, city, or town that established the special service
100 district, if no administrative control board has been appointed under Section 17D-1-301; or

101 (B) the administrative control board of the special service district, if an administrative
102 control board has been appointed under Section 17D-1-301.

103 ~~[(f)]~~ (g) "Local district" ~~[has the same meaning as]~~ means the same as that term is
104 defined in Section 17B-1-102.

105 ~~[(g)]~~ (h) "Local fund" means a local government disaster fund created in accordance
106 with Section 53-2a-605.

107 ~~[(h)]~~ (i) "Local government" means:

- 108 (i) a county;
- 109 (ii) a city or town; or
- 110 (iii) a local district or special service district that:
 - 111 (A) operates a water system;
 - 112 (B) provides transportation service;
 - 113 (C) provides, operates, and maintains correctional and rehabilitative facilities and

114 programs for municipal, state, and other detainees and prisoners;

115 (D) provides consolidated 911 and emergency dispatch service;

116 (E) operates an airport; or

117 (F) operates a sewage system.

118 [(†)] (j) "Special fund" means a fund other than a general fund of a local government
119 that is created for a special purpose established under the uniform system of budgeting,
120 accounting, and reporting.

121 [(†)] (k) "Special service district" [~~has the same meaning as~~] means the same as that
122 term is defined in Section 17D-1-102.

123 Section 2. Section 53-2a-603 is amended to read:

124 **53-2a-603. State Disaster Recovery Restricted Account.**

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

127 (b) The disaster recovery [~~fund shall consist~~] account consists of:

128 (i) money deposited into the disaster recovery [~~fund~~] account in accordance with
129 Section 63J-1-314;

130 (ii) money appropriated to the disaster recovery [~~fund~~] account by the Legislature; and

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

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

133 (B) deposited into the disaster recovery [~~fund~~] account at the request of:

134 (I) the division; or

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

136 (c) The Division of Finance shall deposit interest or other earnings derived from
137 investment of [~~fund~~] account money into the General Fund.

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

140 (a) (i) subject to Section 53-2a-606, in any fiscal year the division may expend or
141 commit to expend an amount that does not exceed \$250,000, in accordance with Section

142 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared
143 disaster;

144 (ii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit
145 to expend an amount that exceeds \$250,000, but does not exceed \$1,000,000, in accordance
146 with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to
147 a declared disaster if the division:

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

150 (B) subject to Subsection (5), provides written notice of the expenditure or
151 commitment to expend to the speaker of the House of Representatives, the president of the
152 Senate, the Division of Finance, and the Office of the Legislative Fiscal Analyst no later than
153 72 hours after making the expenditure or commitment to expend; and

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

155 (iii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit
156 to expend an amount that exceeds \$1,000,000, but does not exceed \$3,000,000, in accordance
157 with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to
158 a declared disaster if, before making the expenditure or commitment to expend, the division:

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

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

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

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

167 (B) the money is not used for expenses that qualify for payment as emergency disaster
168 services; ~~and~~

169 (b) ~~[subject to being appropriated by the Legislature,]~~ money not described in

170 Subsections (2)(a)(i), (ii), and (iii) may be expended or committed to be expended to fund costs
171 to the state directly related to a declared disaster that are not costs related to:

172 (i) emergency disaster services;

173 (ii) emergency preparedness; or

174 (iii) notwithstanding whether a county participates in the Wildland Fire Suppression
175 Fund created in Section 65A-8-204, any fire suppression or presuppression costs that may be
176 paid for from the Wildland Fire Suppression Fund if the county participates in the Wildland
177 Fire Suppression Fund[-]; and

178 (c) the division may provide advanced funding from the disaster recovery account to
179 recognized agents of the state when:

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

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

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

186 (iv) the disaster recovery account has a balance of funds available to be utilized while
187 maintaining a minimum balance of \$10,000,000.

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

190 [~~3~~] (4) The state treasurer shall invest money in the disaster recovery [~~fund~~] account
191 according to Title 51, Chapter 7, State Money Management Act.

192 [~~4~~] (5) (a) Except as provided in Subsections (1) and (2), the money in the disaster
193 recovery [~~fund~~] account may not be diverted, appropriated, expended, or committed to be
194 expended for a purpose that is not listed in this section.

195 (b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money
196 from the disaster recovery [~~fund~~] account to eliminate or otherwise reduce an operating deficit
197 if the money appropriated from the disaster recovery [~~fund~~] account is expended or committed

198 to be expended for a purpose other than one listed in this section.

199 (c) The Legislature may not amend the purposes for which money in the disaster
200 recovery [~~fund~~] account may be expended or committed to be expended except by the
201 affirmative vote of two-thirds of all the members elected to each house.

202 [~~5~~] (6) The division:

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

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

206 Section 3. Section **53-2a-604** is amended to read:

207 **53-2a-604. State costs for emergency disaster services.**

208 (1) Subject to this section and Section **53-2a-603**, the division may expend or commit
209 to expend money described in Subsection **53-2a-603**(2)(a)(i), (ii), or (iii) to fund costs to the
210 state of emergency disaster services if, at the discretion of the division, the expenditure is
211 necessary in response to the disaster.

212 (2) Money paid by the division under this section to government entities and private
213 persons providing emergency disaster services are subject to Title 63G, Chapter 6a, Utah
214 Procurement Code.

215 (3) If Utah requests and receives a federal disaster declaration, the applicant or
216 sub-applicant agencies approved to receive assistance through federal disaster programs are
217 responsible for any financial match requirements.