

**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

ENACTS:

**53-2a-1501**, Utah Code Annotated 1953

**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.